Speech by

LINDA LAVARCH

STATE MEMBER FOR KURWONGBAH

Hansard 11 April 2000

CHILD PROTECTION AMENDMENT BILL

Mrs LAVARCH (Kurwongbah—ALP) (4.19 p.m.): I am pleased to rise in support of the Child Protection Amendment Bill. I am proud to be part of a Government which is so strongly committed to the protection of children. Our commitment to the protection of children was evidenced last year with the passing of the Child Protection Act 1999. I would like to note that the Act was proclaimed nearly three weeks ago, on 23 March 2000, and it has now come into force in Queensland. As members would know, this Act gives the legislative framework for strengthening the protection of children in Queensland.

The Bill before the House is an amendment to the child protection legislation, and it has three objectives. The first and main objective is to provide for a scheme for the transfer of child protection proceedings and orders between Queensland and those other Australian States and Territories and New Zealand that have enacted similar arrangements. The scheme established in this Bill intends to enable children to move between the States, Territories and New Zealand while retaining the protection of the relevant child welfare agencies. It also enables the transfer of confidential case information from the referral agency to the receiving agency. As well, it enables a consistent approach to the assessment of potential carers and better ensures that placements are appropriate for the child. This scheme will also enable the registration and administration of child protection orders in the court of the State or Territory in which the child resides.

As the Minister pointed out in her second-reading speech, the Queensland Child Protection Act 1999 as it stands will protect Queensland children while they are living in this State. However, its ability to protect them if they move interstate is limited to the administrative transfer of some guardianship orders. Once children in need of protection move interstate, often for reasons related to their best interests, they need the full protection of the child welfare law of that State or Territory. The reciprocal legislation agreed by all States and Territories is designed to allow a smooth transition from the protection of one State to the protection of another State for a child who moves.

The Minister also pointed out in her second-reading speech that the number of children from Queensland who are under a guardianship order from the State and who move interstate is quite small. Currently, the number is 98 children. Although that is a small number in comparison to the number of children who are under orders in this State, that is still a significant number of children who will be left unprotected if they were to move interstate as, under the current system, they will have no orders for their protection once they cross the border. As the Minister pointed out in her second-reading speech, this figure represents a considerable number of children and young people potentially protected by this Bill.

These children are interstate for a variety of reasons. They may have been placed interstate to live with a relative or they may be living interstate with foster carers who have moved temporarily for work-related reasons. All of those children are potentially at risk while outside the area of jurisdiction of the Queensland child protection order. Of course, whilst that applies to Queensland children, it applies similarly to children from other States who come to live in Queensland. As I understand it, there is no provision that our agencies be advised of children coming from interstate who are subject to protection orders in those States. If a child is in Queensland and is subject to a protection order from another State, as I understand it—and I will stand to be corrected—when that is brought to the attention of our agencies, it takes some time for details of those orders to come up. There are some very complex administrative arrangements and time can pass when potentially the child could be in danger.

Another way of dealing with the movement of children interstate is to actually stop it. If there was a protection order in place for a child and the aim was to keep them protected by that order, one could say, "Well, just stop them from moving interstate." But that is not a modern reality, and it has not been a reality probably since Queensland became a State. It has not been a reality to fetter people's movements. I think that it was first brought up by the Australian Law Reform Commission in its report, Seen and Heard: Priority for Children in the Legal Process, when it said that the lack of cooperation and the lack of portability of child protection orders actually works to the detriment of children in Australia.

I want to raise another couple of matters. This Bill highlights that our most vulnerable and our most precious—I hate to the use the word "assets" because it denotes a possession—people in Australia have been potentially hurt and put at risk because of our Federal system. There are strengths to our Federal system, but there are also weaknesses, and this legislation highlights that weakness, as does the previous situation in relation to domestic violence orders and their lack of portability. Of course, that issue has now been addressed.

The member for Indooroopilly made much of the fact that two previous Ministers, when they were in Government, were involved in the ministerial council meetings in relation to the introduction in each State jurisdiction of legislation that allows for the transfer of child protection orders. From the way the member was speaking, he was having a dig at us—that it was not our Government's idea and it was not us that promoted it and put it through; the coalition actually had a lot to do with it. I think the history of this issue goes back even further than the previous Government's involvement. Yes, the previous Government was involved in those ministerial councils but it did not bring the legislation before the House. The previous Government's attendance at those councils did not make this legislation a reality. It is this Minister and this Government that has made it a reality. I think that for the member to beat his chest about the coalition's involvement in it is very immature.

It must be pointed out that, in terms of the Federal system and the ministerial council arrangements that have been in operation for about 20 years or so now, there is a very slow pace of change and a very slow pace of bringing in uniform legislation across Australia. I am not anti uniform legislation whatsoever. I actually think that in many, many areas it is long overdue. However, we have to recognise that the legislation that comes from the ministerial councils and from an Executive level is what is called national scheme legislation. As a Parliament, we have to ensure that it is not beyond this Parliament to have some say in any amendments required to that legislation.

I am pleased to advise members that in the short time that I have had an interest in national scheme legislation and its varied combinations and permutations, I think that we have come to a stage at which we have second or third generation national scheme legislation. In the beginning, a sponsoring State brought in a model Bill. The Parliament of that State passed that legislation. All other Parliaments recognised and adopted like legislation. However, in the beginning legislators failed to see that when that Act was amended in the sponsoring State, it also meant that the legislation that had been passed in all of the other States would also be amended. For example, if a model Bill was introduced in Victoria and then subsequently passed and adopted as the Victorian model Bill, if an amendment was moved in Victoria, it would then affect the legislation on the books in Queensland. I am glad to say that those days have long passed. We have not had that kind of national scheme legislation for some time.

I commend the Minister because, obviously, in those ministerial councils she has had regard for the Queensland Parliament and has been able to be involved in those talks to ensure that we have legislation that is reflective of the Queensland environment and is applicable to Queensland. I note that the model Bill for discussion purposes at the ministerial council was prepared by the Victorian Minister. I also understand that Victoria has not yet introduced its Bill into its Parliament, which I think is ironic. I understand that Queensland is the first Parliament to have the Bill before it and, no doubt, will be the first jurisdiction in Australia to pass it—hopefully this afternoon. On that note, I would like to again commend and congratulate the Minister on being proactive in getting this Bill before the House.

This afternoon, a few speakers spoke about foster carers. I would also like to endorse their congratulations and commendations to our foster carers and the work that they do for our young people in Queensland. I know that it would not be an easy job, and I think that it takes very special people to do it.

Just before I conclude, I would like to draw to the attention of the Minister a situation in my electorate in relation to an organisation that is funded to provide support for adolescents in finding homes or accommodation for young men in particular, but that organisation has brought to my attention the fact that it is becoming more and more difficult to find people willing to take in teenage boys—adolescent boys. They propose a change in the arrangements under which accommodation is provided on, say, a support basis with a full-time carer for young boys who find themselves homeless. I have given my support to their application for a change in those funding arrangements and I would like to highlight to other members the difficulty in finding foster carers, especially for teenage or adolescent boys.