



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Wednesday, 16 June 2004

CHILD SAFETY LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (12.43 p.m.): In rising to support the Child Safety Legislation Amendment Bill, I welcome the provisions within the bill and acknowledge this is a bill which has bipartisan support in the parliament. How the vulnerable and the marginalised are treated is the litmus test of a society's true morality. Society and government as well as individuals are responsible for striving to break the intergenerational cycle of child abuse.

The role of government should involve preventative as well as interventionary strategies where child abuse has already been identified. However, it is the state government's legislative response to protect children which has been under the spotlight as this most fundamental of safety nets has failed. I remember about two years ago the opposition asked questions of the government as to why about 5,000 children whose cases were notified to the department were on waiting lists to be assessed. The Beattie government's response was not to fix the problem but to remove the performance indicator so that delays of this sort could not be measured.

It was after persistent lobbying, particularly from child welfare groups, that the issue refused to go away and demanded a response. Tragically, the people who spoke so publicly had witnessed and experienced themselves or knew from the pain of their own families what child abuse had meant and the damage and destruction that goes on throughout the life of that person unless they are able to find a pathway through that pain. The issue refused to go away and what we saw finally was an acknowledgment after a CMC report from the government that changes had to occur. This is what is embodied within this legislation.

The elements of this bill are providing for some fairly important changes to the Child Protection Act. The objectives of the bill, as I have outlined, are to address what have been some of the fundamental failures. The then families department and now Department of Child Safety is trying to address the fact that children are experiencing child abuse. Proper intervention and monitoring needs to be employed, but unfortunately this was where the most fundamental failures of administration was resulting in children who had been notified not getting appropriate follow-up; children who needed ongoing care or assessment who were not finding that ongoing care and assessment. I acknowledge that there is no perfect system of administration or legislation, but I think it is widely accepted that far more could have been done than had been done and that the system had to change.

This legislation will expand the existing monitoring functions of the children's commissioner. The children's commissioner will be known as the Commissioner for Children and Young People and Child Guardian. This is envisaged because one of the criticisms had been that there were ambiguities as to the power of the commission. Others said the powers were there to act in a more direct way, but this legislation is to clearly stamp a need for this commission to act and to outline in a more prescriptive way what their powers will be. That is certainly something that will be supported.

There will also be an extension to the community visitor program—a recognition that part of the implementation of legislation has to have some accountability with people who are external to some of the institutions or settings where children are in some form of care. Community visitors currently visit children

and residential facilities, detention centres and authorised mental health services. This bill extends the program to also include children in the custody or guardianship of the chief executive under the Child Protection Act 1999 who are placed in the care of an approved foster-carer or other appropriate person. It will also extend the visitors program to children who are not subject to an order under the Child Protection Act 1999 but who are placed with a carer under an agreement between the chief executive and the child's parent guardian.

This legislation will also expand the commissioner's powers to seek the Children Services Tribunal's review of decisions. Another important amendment to our legislation is the ability for a review of child deaths. There has been a public call for this for some time and it exists in a number of other states. This legislation will finally provide a framework for reviews by the Department of Child Safety of cases where children have died within three years of coming to the attention of the department. It also establishes an independent child death case review committee to monitor the reviews undertaken by the Department of Child Safety.

Alongside this is the establishment of the Child Death Register and child death research function. This is extremely important. It is only recently that we have also had the State Coroner role come into existence. I remember there was some discussion around the issue of inquests and the need for greater consistency and a higher level of scientific scrutiny of some of the inquests because there was concern that some of the coroners' cases, particularly in more remote parts of the state, did not have consistency with regard to recognition of possible child abuse. I think that with the advent of the State Coroner's position and now with some of these additional measures this is very important. Obviously, this is after some traumatic events have already taken place, but it is recognition that there are areas that have not had the scrutiny and the understanding from a higher level of scientific input to look at where there may have been child abuse which has been missed in the first instance, to look at where there has to be action taken in respect of those tragic deaths.

This legislation also provides for revision and re-ordering of the principles of the Child Protection Act. These are well outlined. One new power is to respond to notification made before birth about suspected risk to a child after birth. I know there have been examples where there has been a known and very real risk with some individuals. The provision to have that notification prior to a child being born unfortunately is one of the elements that is all too necessary, perhaps only in a limited number of cases but still this is closing one of those loopholes and seeking to provide earlier steps of intervention.

As I said at the outset, it is the government and the whole of society which has a responsibility as to how we care for children, children particularly being the most vulnerable in a community. I think perhaps the full impact of what child abuse has done to people in this generation and in the past has not really been fully understood. For those who have never experienced it, it is such an eye opener when you listen to those who have been through the tragedy and the brokenness. Those who have walked through that and through their pain have been able to bring others through with a victory of purpose to see these terrible abuses cut short, to see the intergenerational abuse stopped. They have been able to find purpose in helping stand up and stand against what has been many times a silent scourge in our community.

The implementation of this bill will be its proof. The principles are definitely supported. However, there was legislation on the books before which was not being administered, was not being enacted, in a way that was providing what should have been a basic level of care and protection for children. It is only right that there be strong scrutiny. There is bipartisan support of the principles, but there must be the ability to continue to scrutinise this and, if necessary, criticise the administration if it is failing children.

The bigger issue of how we respond as a society to protecting children, ensuring that their childhood is one of memories that they cherish and is a nurturing environment which gives them hope for the future, is a significant one. Children are not commodities. They are people of value, whatever their age, whatever their circumstance or personal ability.

There is an issue here of how we build a society which is more protective of a child's basic needs and understanding. A roof and food is basic to the needs of a child, but so is love and care. We must never delegate our responsibility as a society to the love and care of children to those who are only paid institutional workers. I recognise there are some wonderful people who are standing in the breach and doing those jobs, but I am mindful that if we are really to address this issue it is not only through legislation. It is by looking at our values as a society and saying, 'How do we take this responsibility together', by scrutinising the actions of government and also by taking a more involved role in providing a protective society which values children. The real values of a society are demonstrated not by what we say but what we do, and that ultimately is going to be the test of what we see come forth in the next few years and subsequent generations.