Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

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CHILD SAFETY LEGISLATION AMENDMENT BILL (NO. 2)

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (2.41 p.m.): I rise to support the Child Safety Legislation Amendment Bill (No. 2), the second stage of the child safety legislative reforms. I put on the record my appreciation to the minister and his officers for the briefing. I think they would have to be the most proactive in terms of ensuring that we are across the new provisions of their legislation, and I appreciate that very much.

I also put on the record my appreciation to the family support officers and administrative staff at the Department of Child Safety in Gladstone. One of the most difficult jobs in government is to constantly see children and some adults at perhaps the lowest point in their lives and to have to intervene at times in family circumstances where there is a great deal of emotion, some negativity and the possibility of things becoming more physically violent. They do not have an easy job, and I place on the record my appreciation to them for the work that they do. Police in our electorates also play an important role in the child protection area, and I place on the record my appreciation to them.

Many speakers have talked about the importance of our children. I think every single one of us would echo those statements. Children are entrusted to us to raise, to train and to develop into independent, mature adults. It is not an easy job. It is probably the main job that parents have and the one that there is the least possible training for. Parenting is an investment of our time and our energies, love and affection. As these kids grow and mature into adults, they repay that commitment on the parents' part.

There is a growing number of children in our society whose faith and trust is betrayed not only by parents but perhaps by close relatives. We teach our kids stranger danger as soon as they are old enough to understand it. Unfortunately, we also have to start to teach them 'known person danger'. The majority of harm done to children is done to them by people they know. This is also applicable in terms of the personal safety of children in their home environment. It is usually by somebody entrusted with their care.

There are a number of elements of the bill, including case planning; the provision of information to carers and children; information sharing between agencies and service coordination; the legislative establishment of the SCAN system; mandatory reporting by registered nurses and doctors; and the extension of the Child Guardian monitoring powers to other agencies. I will touch on a couple of those matters.

The new requirement, after the CMC report, for case planning represents a very good direction to take. It means an enormous amount of work and a great deal of commitment on the part of not just the case managers within the Department of Child Safety but also every agency that has contact with that child. It is important, too, that in this legislation the child, the child's family and others who support the child are to be included in the case planning. It will be required that those plans be reviewed at least every six months. I think it has to be recognised that that will demand a huge commitment of resources in terms of both human time and the electronic storage and conveyance of that information. The minister has spoken on a number of occasions about the extra resources that are to be committed to this new structure. They will very much be needed and called on. While I think that six-monthly review will mean a very close eye is

kept on the way a child in care or a child at risk is being supported by the department and other relevant departments, it will require a significant investment of resources.

I have had concerned families approach me with an issue. It appears to relate to a particular age group of children who fall into a grey area. It does not seem to be problematic to get families of young children involved in case management or at least in discussing options, but I have had a lot of families express frustration—not just in terms of the Department of Child Safety but also in health care areas—about the process involving teenagers of 14, 15 or 16 years. They are still minors, but in a lot of decision-making areas government agencies see them as independent adults. Parents become very concerned that decisions are being made and conversations about their children are being held with them being excluded. I seek clarification from the minister as to whether case plans, with the participation of the child and the child's family, will include teenagers. As I said, it is almost a natural thing that a small child will have a carer present, but a problem arises in relation to teenagers, who are still the responsibility of parents. The parents who care want to be involved in the case management but at times have alleged that they have been excluded. I seek some clarification in relation to the 13 to 16 age range.

Mr Reynolds: Anyone under 18 years of age, whether a child or a young person, should be included in case planning.

Mrs LIZ CUNNINGHAM: That is reassuring. As I said, the families that have been to me expressing concern have been ones whose children are in those teenage years, where they are establishing themselves as individuals but in these instances obviously still need a deal of support.

The provision of information to carers and to children is an important element of this bill. It will require the provision of information to the carer. The information that is imparted will be necessary for the carer to make an informed decision about whether or not to accept the placement of a child. I am sure that all of us have had instances in which a parent has alleged that they were ‘tricked' into relinquishing the child. My view is that there is always another side to the story, that there is a departmental motivation that has to be identified and talked through. Certainly, where the department is faced with a parent who it is thought is an abuser then the department needs a discretion in terms of what information is imparted to the carer.

A number of years ago there was a situation where information was not well conveyed, and a foster-carer in my electorate was given a child to care for in the short term but was not advised that the child, who was a minor, had an abusive habit. The foster-carer had children of their own who were at risk. It is before the minister's time and it has been dealt with, but this legislation ensures that that sort of incident does not recur. A foster-carer would be advised of any incidents in that young person's background that might make them an inappropriate placement. I think that is a very strong element in this legislation.

In the minister's briefing he talked about departments acting as silos—acting in isolation from each other—although the combined effects of the efforts of those departments aggregate in a result for the child. This legislation brings in some obligations for departmental cooperation. Again, I believe that will have to be a learnt culture. Everybody is busy. People in the Health Department are busy. People in the Department of Child Safety are busy, and it will be easy to continue to work in that isolation. I am encouraged by the minister's outline during the briefing that the structures will be put in place where that coordinated meeting will occur as a matter of course.

The departments that have been suggested are Health, Education, Communities, Disability Services, Housing, adult corrective services, the Queensland Police Service—and that would include the JAB particularly—licensed care services, non-government schools and student hostels. So there would be an ability for the Department of Child Safety to elicit information from those various areas—quite diverse in some instances in terms of their interest in the child, in the child's activities and the child's development. However, the information if put together can significantly identify patterns in a child's behaviour or patterns in a child's vulnerability. I believe that in great measure will strengthen the position of the Department of Child Safety in making informed and appropriate decisions.

The legislation also requires the mandatory reporting by registered nurses and doctors. I believe a lot of folk in the community think that obligation currently exists. I am not convinced that many in our community do not realise that for many agencies there is not a mandatory reporting process. I ask the minister what obligations he could see being developed in the future for other areas which have regular contact with children—for example, child care staff or non-medical staff who regularly see children. I would hope most adults, if they were concerned or had suspicions that a child was being abused, be that physically, psychologically or sexually, would inform somebody who could elicit an examination of the information. That does not always happen, and unfortunately mandatory reporting requirements are a big stick to ensure that information that could be used to intervene in a child's mistreatment or identify a child at risk have to be put in place.

The extension of the Child Guardian's monitoring powers to some of the extended departments is also welcome. The bill gives the Commission for Children and Young People monitoring powers over government departments mainly responsible for Aboriginal and Torres Strait Islander policy, administration

of justice, adult corrective services, community services, disability services, education, housing services, public health, the Director of Public Prosecutions, Legal Aid Queensland, the Public Trust Office and the Police Service. That is extensive. Again, whilst it is a huge commitment of resources, it can result only in a better outcome for children who are either being abused or who are at risk of abuse.

There are, however, a number of exemptions and there is one on which I wish to seek clarification from the minister. The obligation to provide information is placed, as I said, on a diverse group of people. However, the obligation will be waived if the information provided could reasonably expect to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law. There are a few other situations where the information does not have to be provided. My question is this: does that particular exemption mean that a child suspected of being at harm could be left in that situation if the investigators—and I will use the police as an example—believe the Department of Child Safety's intervention could interrupt the police case? That is the best example I can give. It reads as if that is the case. For example, if there were an investigation on foot by the police, by JAB or by some other entity, and the Department of Child Safety goes to that entity and asks for information about the child, can it withhold that information? My concern is that would leave the child in a situation of either abuse or risk. So I seek a clarification from the minister on that issue.

A comment was made by the member for Burdekin in regard to our interaction as elected members with the Department of Families in terms of either advocating for constituents or our endeavours to get balancing information when allegations have been made by constituents. I think in many instances it depends on the level of trust that has developed between the department and the member's office. I think in many cases there is a good working relationship, but I would seek clarification from the minister if he can give it in relation to that working relationship and how it would be developed.

Most members do not want to and do not need to know the details of an individual's case, but we all know how diverse the situations are which we find ourselves in in our electorate offices. I would say that overwhelmingly—100 per cent—members are in this work because we want to help people; we want to get the best result for people. Again—100 per cent—none of us would support any situation where a child was at risk or being harmed. It is not our role to advocate for people who are doing the harm, but we need that working relationship with the Department of Child Safety rather than a constant call ‘privacy provisions do not allow us to discuss the concerns of the elected member.’

I commend the minister for the amendments to section 172 to enable a magistrate to issue a warrant for the apprehension of a child where a child has been lawfully removed but has been kept by a person longer than the time allowed for the removal. This happens a lot when there is an estrangement in a marriage or there has been a divorce and the Family Court, in particular, has made a direction or when there has been a mutual agreement reached where a child will be visiting the non-custodial parent, and the non-custodial parent can at times take it upon themselves not to return the child on time. Again, it is the child who is the victim in the situation. It is usually done to highlight the level of angst between the two adults. I believe that power will answer the concerns of a number of custodial parents who feel helpless at the time that the child is not returned because the process for that child's return is lengthy and convoluted at the moment. These amendments will change that and they will give a great deal of peace of mind to those parents who have undertaken the full-time care of a child when a marriage has broken down.

I commend the minister again for the work that has been done, and I commend all of his departmental staff who have been involved in our briefings and, more importantly, those who have been involved in considerable consultation and the drawing up of this legislation. The children of Queensland can only benefit from added protection and the measures that this legislation provides. I will be supporting the legislation.