



Speech by

Mark McArdle

MEMBER FOR CALOUNDRA

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CHILD SAFETY LEGISLATION AMENDMENT BILL (NO. 2)

Mr McARDLE (Caloundra—Lib) (3.43 p.m.): I rise to advise that my party will be supporting this bill, as it supported the Child Safety Legislation Amendment Bill 2004. Both bills, and the third yet to be presented to parliament, follow the recommendations of the report of the Crime and Misconduct Commission, *Protecting children: an inquiry into abuse of children in foster care*.

As a legal practitioner and, in particular, having worked in the Family Court jurisdiction, on many occasions I dealt with cases involving children who had been sexually abused, physically abused and emotionally abused. When I would issue subpoenas to the various government departments, such as the departments of Families, Police and Education, and gather reports from psychologists, psychiatrists, social workers and the like, one of the matters that always struck me was the diverse range of information that was available. But it was only when it came to a legal decision that the threads of a child's life were drawn together. I cannot say what would have happened if the department had been able to liaise and exchange information in relation to children whom it believed were at risk or suffering from abuse. I would like to think that if even one child had been saved or protected, then that would have been worth all the effort. There is nothing sadder than seeing young children being dragged through a legal process and being used as footballs by parents when all they really want is a secure home environment and the love that they deserve as children plus the security of knowing that their parents will always be there for them.

In researching this bill, I went to the Kids Help Line web site, which had been updated to September this year and which showed that in the 2003-04 financial year Kids Help Line counsellors responded to 5,154 contacts Australia-wide from children and young people with concerns about child abuse. This figure is up 10 per cent from the figure the previous year of 4,698. It is important to understand that the Kids Help Line defines physical abuse as the following—

Caller identifies behaviour of family member or care giver that has caused harm. Includes a range of behaviours from slapping to actions that cause bruising or other injury.

The info sheet on the web site also adds these words of caution—

It is not possible to make complete assessments of abuse by telephone or online. However, Kids Help Line counsellors seek to identify situations of risk that require further assessment and referral to appropriate services.

It goes on to state that of all contacts made, 16 per cent were received via web and email counselling, which is an increase of 60 per cent over the prior 12 months. Of the 5,154 contacts received last year, five per cent of these children and young people reported experiencing multiple forms of abuse. This figure translates to 250 children Australia-wide being abused in multiple ways. We should also bear in mind that these figures are derived from contacts by children themselves, not from other reports of abuse by doctors, police, nurses and the public. Of those who made contact with the help line, a staggering 80 per cent were female and 20 per cent were male.

In a 12-month period, the help line received 1,677 contacts from young children and young people concerning sexual abuse and an additional 399 contacts where sexual abuse was a significant secondary problem. The help line defines sexual abuse as the following—

Exploitation of child by family member for sexual gratification or stimulation. Characterised by secrecy and distortion of adult/child relationship. Includes a range of behaviours from touching, voyeurism, penetration, et cetera.

Young people who had suffered sexual abuse were mainly contacting the Kids Help Line seeking ongoing support due to the effect of this abuse on their mental health, which included self-harm, nightmares, depression, anxiety, flashbacks of the abuse, suicidal thoughts or attempts, panic attacks, bulimia, anorexia, fatigue, loss of sleep and drug or alcohol abuse. The web site details a number of situations of young people and how they are suffering as a consequence of sexual abuse. One such situation is detailed as the following—

Female (16) has been sexually abused by her father for as long as she can remember. She has been kicked out of home by her mother after disclosing the abuse.

This problem of abuse continues and, sadly, it appears to be growing. Almost daily the newspapers and the TV reports contain incidents of abuse involving very young children who have endured the vilest of treatment and, in some cases, have died as a consequence of the abuse that they have suffered.

The second stage of reform within the Department of Child Safety focuses on improving assessment and planning for children in need of protection. Following the CMC's recommendation, this bill attempts to enable children and their families to join in planning and decision making for the development of the child and, equally importantly in my opinion, the family dynamics in which the child resides. Firstly, it requires the Department of Child Safety to involve children, parents, extended family and agencies in the development and review of case plans; secondly, case plans must be developed and reviewed at least on a six-monthly basis; and, thirdly, priority must be given in the case planning process to children's needs for long-term stable care and the continuity of relationships.

The minister stated the following in his second reading speech—

Numerous reports both in Australia and overseas have identified the failure of agencies working with children and families to share relevant information with other agencies in a timely way and the lack of coordinated and integrated service delivery as a major contributing factor to the death of children who have been abused or neglected.

We have realised this for a long time, as has the public. One of the major reports on this issue was in 1999 by former Governor Leneen Forde, who lifted the lid on child abuse in Queensland. The Forde report stated—

The inquiry found little evidence that the Department of Families, Youth and Community Care actively works in a systematic way to reduce the risk of abuse of children in care in residential facilities.

Five years and a CMC report later, the Beattie government is finally admitting that coordination between agencies has been sadly lacking and that it is an essential ingredient if we are to correct the mistakes of the past. One worrying concern is the length of time that this amount of consultation and discussion and the complex process involved in bringing a child under the protection of the department may take. Clause 18 inserts a new section 83A into the Child Protection Act 1999, which states that information must be given to carers about the child so that they can make an informed decision on whether they will accept this position of responsibility of the child and also, where possible, give the child the chance to meet their carer. In practical terms, this situation would be of overall benefit to the child. However, it poses the potential problem of slowing down the process of removing the child from a harmful situation and finding them suitable placement. I assume that the department will retain its right to act, in urgent cases, to move straight to legal proceedings.