



Speech by

Hon. Mike Reynolds

MEMBER FOR TOWNSVILLE

Hansard Tuesday, 28 September 2004

CHILD SAFETY LEGISLATION AMENDMENT BILL (NO. 2)

Hon. M.F. REYNOLDS (Townsville—ALP) (Minister for Child Safety) (2.00 p.m.): I move—

That the bill be now read a second time.

This bill represents the second stage of the legislative reform program for implementing the recommendations of the Crime and Misconduct Commission's report *Protecting children: An inquiry into the abuse of children in foster care*. The government immediately committed to implementing all 110 CMC recommendations. The blueprint for implementing the recommendations was developed by Peter Forster and handed to the government on 22 March 2004. The blueprint recommended that the legislative reforms be introduced in three stages.

The first stage of the reforms, the Child Safety Legislation Amendment Act 2004, was introduced in May this year and passed by this parliament in June. This act established the functions and powers of the Child Guardian in the Commission for Children and Young People and Child Guardian Act 2000. It also established requirements for the review of the deaths of children known to the Department of Child Safety and enabled the department to respond to notifications made prior to the birth of a child about risk of harm to the child after birth.

I am pleased to state that all provisions of this act have commenced and been operationalised. Approximately 150 additional community visitors have been engaged by the Commission for Children and Young People and Child Guardian and have commenced visiting children and young people in care. The Child Death Case Review Committee is currently being established in the commission and the commission has commenced monitoring the Department of Child Safety and licensed care services. Another very pleasing matter is that child safety directors have also been appointed in all relevant departments.

This last six months have been extremely busy, challenging and also rewarding. The new child focused Department of Child Safety formally commenced operation just last week on 20 September 2004. A major recruitment drive for the additional 318 professional and para-professional positions within the department promised for 2004-05 is well advanced and foster carer allowances have been increased from 1 July as well.

Recently, I announced total funds of \$12.8 million allocated for 134 new and enhanced alternative care places for children and young people with complex needs. The \$12.8 million represents the major portion of the \$13.2 million advertised after the government responded to the Forster blueprint.

The trial of the new SCAN system model has commenced in Logan and Townsville with a statewide rollout planned for early next year. This second stage of the legislative reforms focuses on improving assessment and planning for children in need of protection.

The Child Safety Legislation Amendment Bill (No. 2) 2004 will insert a new part in the Child Protection Act 1999 relating to the Department of Child Safety's duty to undertake case planning. The Department of Child Safety will now be required to develop and review case plans for children who are in need of protection and who require the department's support.

The CMC made a number of recommendations about the need to provide and enable children and their families to participate in planning and decision making and highlighted the need for quality and consistency in case planning practice. The bill before us today responds to the CMC in a number of important ways. First, by requiring the Department of Child Safety to involve children, parents, members of a child's extended family and agencies, such as a recognised Aboriginal and Torres Strait Islander agency, in the development and review of case plans. When developing case plans, the bill provides for family group meetings to be a key vehicle for involving such people. The role of family group meetings is to consider a child's protection and care needs and to propose an agreed plan for responding to these needs. Provision for these meetings is consistent with contemporary best practice approaches in child protection and with models in other jurisdictions within Australia and in other countries, such as the United Kingdom, the United States and New Zealand.

Secondly, the bill provides that case planning for children involves the steps of both developing and reviewing case plans. Regular reviews of case plans are an important mechanism for ensuring that the Department of Child Safety is providing well-planned and progressive responses to children in need of protection. While the frequency and extent of reviews will be decided by reference to factors such as a child's age and circumstances and the nature of arrangements in place for a child, in every case, however, a review must occur at least once every six months.

Thirdly, the bill requires that priority be given in the case planning process to children's needs for long-term stable care and continuity of relationships. This is an important component of work with children and families and central to effective case planning. Its importance is emphasised in the bill by a provision requiring the chief executive of the Department of Child Safety to report in certain circumstances on the progress of planning for alternative arrangements for a child's long-term care, where there is a real risk that a child's long-term care needs may not be able to be met by the return of the child to a parent.

The CMC argued for greater transparency and accountability in planning and decision making by the Department of Child Safety. In the case planning provisions of the bill, this is achieved by requirements for the chief executive of the Department of Child Safety to prepare and provide children and their families and relevant other persons with information about the case planning process and with copies of case plans and revised case plans. The bill also requires the Children's Court to be satisfied that a suitable case plan has been developed for a child before making a Child Protection Order for that child. This gives effect to a specific recommendation of the CMC and will significantly enhance the Department of Child Safety's accountability for case planning.

The bill includes provisions that enhance the capacity to listen to the opinions of children and young people in care in relation to aspects of certain decisions that affect them. During the development of the bill, the Create Foundation Queensland, which advocates for children and young people in care in Queensland, conducted a consultation with children and young people about how information about their lives should be shared with others and at what stage children and young people should have control over the sharing of information. During this consultation, children and young people were asked how they see their right for information to be kept private, balanced against the responsibility of the Department of Child Safety and carers to provide them with quality care.

The bill incorporates a number of the recommendations from this report, including that—

- where possible, children should have the opportunity to meet the proposed carer and members of the carer's household prior to placement;
- when deciding what information to give the carer, the chief executive must consider the length of time of the proposed placement and the child's right to privacy under the charter of rights for children in care, as well as the child's views; and
- children should be told about what information was given to the carer and why it was given.

Section 7(M) of the Child Protection Act 1999 provides that one of the chief executive's functions is to ensure access by children in licensed residential facilities to advocacy services and to cooperate with the service to help ensure that the children's concerns are dealt with. It is proposed to amend this provision so that it will extend to children who are in the custody or guardianship of the chief executive and to any child who, under an agreement entered into with a parent of the child, has been placed in the care of someone other than a parent of the child. This reflects the amendments made to the Commission for Children and Young People Act 2000 in stage 1, to extend the Community Visitor Program to other children in alternative care.

The bill will also establish a new chapter in the Child Protection Act 1999 to promote and protect the sharing of information relevant to children's protection and care and the coordination of service delivery to children and families by agencies.

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.

The provisions of this bill emphasise the importance of ensuring that those agencies with responsibility for protecting children have all the information they need to do so. Key government and non-government agencies, described in the bill as 'prescribed entities', will be required to provide information to the Department of Child Safety if requested. The bill also protects from liability those people who give information about a child's protection and care needs to the Department of Child Safety or other prescribed entities.

The bill requires the chief executive to establish ways for coordinating service delivery to children and their families and, in particular, to establish the suspected child abuse and neglect (or SCAN) system. The SCAN system has been operating in Queensland since the 1980s and is the main means by which key agencies coordinate the assessment of and responses to children's protective needs.

The CMC report identified a number of key issues in relation to the operation of SCAN teams in Queensland, including—

- the variability in the quality of operations and decision making by SCAN teams across the state;
- a lack of monitoring and performance measurement;
- the lack of coordination and administrative support; and
- tensions between the various agencies and disciplinary background of staff participating in the SCAN teams.

The blueprint proposed a more robust SCAN team framework, which was developed by an interdepartmental working group, including as core members representatives from the Department of Child Safety, Queensland Health, the Department of Education and the Arts and the Queensland Police Service.

With the additional resourcing provided by the government, the proposed new SCAN team model will result in an enhanced SCAN team system in terms of standardisation of operation, quality decision making and case management and improved accountability. The new model is currently being piloted in two locations. The evaluation of the pilot will inform the statewide implementation of the new SCAN system in the first half of 2005. The bill establishes the legislative framework for the operation of the SCAN system as recommended by the CMC.

Amendments to the Child Protection Act 1999 and the Coroners Act 2003 contained in this bill strengthen communication processes for coronial investigations into the death of a child in care. It will enable the Department of Child Safety to provide information about children who have died to the state coroner and police assisting the coroner in an investigation. This information will identify for the coroner whether the child or a sibling of a child was a child in care and how the department became aware of harm or risk of harm to the child or a sibling. This information is vital. The amendments will assist in avoiding tragic situations such as those that occurred with baby Kate.

The bill extends the scope of the Commissioner for Children and Young People and Child Guardian monitoring functions and powers. During the stage 1 process it was agreed that in stage 2 the monitoring powers of the Child Guardian would be extended to other relevant government agencies that deliver services to children in the child safety system.

The bill amends part 2A of the Commission for Children and Young People and Child Guardian Act 2000 to include the following government agencies within the scope of the Child Guardian monitoring powers—

- the Queensland Police Service;
- Queensland Health; and
- the departments of Education and the Arts, Communities, Disability Services, Housing, Aboriginal and Torres Strait Islander Policy, Corrective Services and Justice and Attorney-General, including the Director of Public Prosecutions, Legal Aid Queensland and the Office of the Public Trustee.

Due to the extension of the monitoring powers to these other agencies, the commissioner's monitoring functions have been categorised into three areas—

- to monitor, audit and review the systems, policies and practices that affect children in the child safety system of all the relevant service providers;
- to monitor, audit and review the handling of cases of children in the child safety system by the Department of Child Safety and licensed care services; and
- to monitor compliance with the Chief Executive Officer (Child Safety) with section 83 of the Child Protection Act 1999 (provisions for placing Aboriginal and Torres Strait Islander children in care).

The commissioner will have the following powers to monitor the extended range of relevant government agencies—

- agencies will be required to regularly report to the commissioner on their systems, policies and practices affecting children in the child safety system, in accordance with a regulation (to be developed);
- agencies will be required, at the request of the commissioner, to conduct a review of systems, policies and practices, relating to children in the child safety system, including those relating to the handling of cases, and to report to the commissioner. The commissioner will have the power to take over this review;
- the commissioner will be able to serve a notice on the Department of Child Safety, licensed care services and the other government agencies to require the provision of information to assist in the systemic monitoring function;
- the commissioner will be able to make recommendations to the agency; and
- the commissioner will be able to give a report to the relevant government minister or ministers on any failure by the agency to comply with a requirement of the commissioner, or to implement a recommendation.

The bill amends the Health Act 1937 to mandate both doctors and registered nurses to report suspected harm or risk of harm to a child to the Department of Child Safety. While doctors are currently mandated to report under the Health Act 1937, the CMC proposed that the way in which doctors report should be changed. The proposed amendments will stipulate that notifications must be made to the Department of Child Safety, when these notifications must be made and the information to be included in each notification.

The proposed amendments also include provision for further information to be provided by a doctor or registered nurse, if requested to do so by the chief executive of the Department of Child Safety or delegate, for the proper assessment of suspected harm or risk of harm to a child.

There are approximately 22,000 registered nurses in Queensland who will be affected by the new mandatory reporting provisions. A budget of \$1.5 million has been allocated for education and training of doctors and nurses about the new mandatory requirements.

The bill will also make minor amendments to the Births, Deaths and Marriages Registration Act 2003, the Child Care Act 2002, the Family Services Act 1987 and the Juvenile Justice Act 1992.

The amendment to the Births, Deaths and Marriages Registration Act 2003 will ensure that the Department of Child Safety obtains the date of birth of a child whose death has been registered with the Registry of Births, Deaths and Marriages. This information will assist the department to identify whether the child who has died had been known to the department in the previous three years and whether the department should conduct a child death case review under the provisions enacted in the stage 1 legislation.

The Child Care Act 2002 amendments rectify current problems with the timing of the issuing of blue cards to child care licensees and adult members of home based carers' households. The amendment to the Family Services Act 1987 will enable the ministers administering this act to delegate the ministers' powers to approve grants to non-government agencies. The amendments to the Juvenile Justice Act 1992 clarify that references to the chief executive are references to the chief executive of the Department of Child Safety where this is the case. These amendments are required as a consequence of the changes to administrative arrangements, as the Juvenile Justice Act and the Child Protection Act are no longer administered by the same chief executive.

This bill is the second phase of the government's legislative reform agenda for child protection. The stage 3 amendments require significant consultation with the child protection sector, as they will deal with the regulation of alternative care for children in need of protection and with the way in which the Department of Child Safety works with Aboriginal and Torres Strait Islander agencies and communities. In accordance with the blueprint, it is planned that the stage 3 amendments will be introduced into this House in May 2005. I commend the bill to the House.