



Speech by

Hon. Mike Reynolds

MEMBER FOR TOWNSVILLE

Hansard Wednesday, 20 October 2004

CHILD SAFETY LEGISLATION AMENDMENT BILL (NO. 2)

Hon. M.F. REYNOLDS (Townsville—ALP) (Minister for Child Safety) (5.05 p.m.), in reply: This bill implements key recommendations of the CMC report on its inquiry into the abuse of children in foster care. I think it unfortunate that what has been a very bipartisan debate today has been marred by what the Deputy Leader of the Opposition has said. His is a very potted recollection of the history of this particular matter. I have said in this House before that governments of all political colours over the last 20 to 30 years should collectively hang their heads in shame, because all of those governments, irrespective of whether it was the Bjelke-Petersen government or any other government up to the Beattie government, did not do the right thing in the child protection area. Trying to confine this to a period in history is not in any way, shape or form recollecting what the CMC said in its report.

When the *Courier-Mail* and television stations in and around Queensland started to investigate, in an extraordinarily rigorous way, child protection matters that were before the public at that point in time, the Premier, Peter Beattie, acted by placing all of those matters before the Crime and Misconduct Commission. Let us be very clear on this. The Premier acted proactively in putting that before the Crime and Misconduct Commission.

Let us go back to a myth that was actually created today by another couple of members of the opposition. Let us go back to what was said about the 'fabulous' minister for families Kevin Lingard. We can all remember that time when Kevin and his loyal DG, the Reverend Alan Male, administered the Department of Families. What a time that was! He was minister for eight months, yet I am still hearing from clients and staff about the ridiculous administration of the department at that particular time, especially by the director-general, who was hand-picked by the then families minister.

There has been a shortage of memory here today. Let us remember the Children's Commissioner Norm Alford. Let us remember the history of this particular time and the 'best practice' that has been talked about by the opposition today. Let us get our memory straight in this regard.

What happened to Kevin Lingard as minister for families? He was sacked within that period of government. No other minister in my time in the Beattie government has been sacked as minister for families, and I give due credit to my predecessors Anna Bligh and Judy Spence with regard to the work they did.

Kevin Lingard was fumbling along as families minister until he took Charlie Doyle out for dinner. Charlie Doyle went out for dinner with Kevin and the ministerial expense could not be accounted for later. This is the best practice that is being put up.

Ms Nelson-Carr interjected.

Mr REYNOLDS: Last time I heard about Charlie Doyle he was having dinner at a cafe in Monto. You might have found Charlie Doyle in Monto, but I have not found him at all. Let us be aware that after that Naomi Wilson was appointed as minister for families. What about some great acclaim for their other minister, Naomi Wilson? She is no longer in this House.

Mr Seeney: How long have you been in parliament?

Mr REYNOLDS: As long as you have been. Twenty to 30 years of government in this state neglected this child safety area. Today at last we have bipartisan support. I respectfully suggest to the Deputy Leader of the Opposition that we keep it that way and get on positively with doing what we need to do.

I table for the information of the House supplementary explanatory notes for an amendment to the bill that I will move during consideration in detail. This bill represents the second stage of the government's legislative reform agenda as set out in the blueprint delivered by Peter Forster on 22 March this year. This second stage of child safety legislation incorporates some significant legislative milestones, notably the removal of impediments to constructive information sharing between and amongst government agencies and service providers and the establishment of a legislative mandate for coordinated child protection related service provision to children and families.

Let me talk about just a few of those. I will be answering some of the questions that have been asked but I will be answering further specific questions later as well. First of all, coordinated service delivery to children, families and carers will be achieved not only through the SCAN system but also through the provisions in the bill allowing a wide range of agencies to share child protection related information and requiring them to provide information to the Department of Child Safety when requested. The bill provides that my department can request services for its clients from certain entities such as Queensland Health and, for example, the Department of Communities. This is pivotal to my department being able to lead a coordinated response to children's protection and care needs. It will also provide a way of ensuring that children and families in the child safety system can access services that now fall within the domain of the Department of Communities—for example, domestic violence services, youth services and family support services—which should assist in addressing children's protection needs.

Case planning: for the first time the important role, the historic role, of case planning for children will be recognised and supported by legislation. Case planning, again, is pivotal to an effective child protection response. It is crucial in case planning that agencies and professionals work in partnership with families to achieve the best possible plans for and responses to children's protection and care needs. The bill provides this type of partnership response by requiring the Department of Child Safety to engage with children, parents, family members such as grandparents, aunts and uncles and others within the system of child support such as a foster-carer in the development and review of case plans.

The bill's provision for a family group meeting to be held will be the means by which this participation is achieved and case plans developed. The partnership between the Department of Child Safety and family groups that is envisaged and that will be put in place by the bill will change the face of child protection work as we know it and as reported on by the CMC. Whereas the CMC highlighted that family groups and children were often left out of planning and decision-making processes and were not kept informed, this bill's planning provisions support the empowerment of children and their families and provide a case planning process that taps into and builds on the resources and strengths within family systems to address children's protection and care needs.

Research and evaluations in other jurisdictions that similarly centre children, their families and others with whom a child may be connected in the child planning process show real, positive outcomes for children and families. These outcomes include: increased child safety; lower reabuse rates; more kin care placement options; high-quality and more enduring case plans; more permanency and stability for children; increased connectedness for children with their family members when children are placed in out-of-home care; improved relationships between families and statutory agencies; a reduction in contested child protection matters in the court; and the diversion of increased numbers of children for more formal and intensive interventions in the child protection system.

Let us move to transparency and accountability case planning. The CMC recommended that child safety processes in decision making be more transparent and more accountable. This bill in its case planning provisions makes the department accountable to those to whom it should be most accountable—the children, families and others who are involved in the care of children and with whom the department works so closely. The bill sets in place a process that ensures that these people are kept informed and engaged through the planning process. For example, the department has obligations to prepare them for family group meetings and provide children, parents and others who will be affected by a case plan with a copy of any plan including the revised plan as well.

The bill also provides for external scrutiny of the department's case planning obligations by requiring 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. The Commission for Children and Young People and Child Guardian will also play an important role in monitoring the department's performance of its case planning obligations.

I want to talk about improving long-term planning for children. The phenomenon of children drifting in care is one that the Beattie government has been concerned about for some time. Children drift in care and often remain in care for prolonged periods because of insufficient or inadequate planning. The bill's case planning provisions will make positive differences in this respect—firstly, because the planning

process is one of ensuring that things are moving for a child and the responses to children's protective and care needs are relevant and based on full and up-to-date information; and, secondly, because the bill requires that priority is given in the case planning process to safeguarding and promoting continuity of relationships for children. It will mean that children are more actively involved in placement decision making and that a carer is able to make a decision knowing about the child's particular needs. In the end, for children who have to be in out-of-home care it should mean more stability and therefore less exposure to the adverse effects of changing placements.

In terms of monitoring other agencies, we know that in stage 1 we went the first way with increasing the external accountability of the Department of Child Safety. The bill now makes other service providers accountable by extending the Child Guardian monitoring scheme within the commission to other government agencies. Child protection is of course a whole-of-government concern and a range of agencies across areas such as Housing, Communities, Education, et cetera will be involved in this child safety system.

It is right and timely, therefore, that this bill will provide for these agencies to be monitored by the Commissioner for Children and Young People and Child Guardian and for the ultimate purpose of improving cross-government responses to children in need of protection. I have every confidence in the ability of the Commission for Children and Young People and Child Guardian to use these new monitoring powers to contribute to the improved protection of children in the state.

In terms of mandatory reporting, the CMC recommended that legislation provide for the mandatory reporting of suspected child harm by doctors and nurses. The bill provides for this and will address gaps that can otherwise arise because professionals think they cannot report harm because of ethical obligations or in the belief that it is another agency's responsibility. Of course, people do not need to have the legislation spell out that they should report harm in order to make such a report to the Department of Child Safety. In reality, many people report suspected harm to a child when there is no legislative obligation to do so, and I would hope that would remain the case right the way across the community and the professions as well.

These people are protected from liability and, as this bill clearly provides, will not be liable civilly, criminally or under an administrative process for reporting suspicions of harm. This bill builds on and reflects consultation that was undertaken as part of the CMC and blueprint processes. Most importantly, it reflects the views of young people in care concerning their privacy and how they want their personal information treated. These views were gathered by the Create Foundation in a consultation strategy for the stage 2 reforms.

Tonight, as Minister for Child Safety, I would first like to take this opportunity to thank government and non-government members for their ongoing support of the work that I am doing as Child Safety Minister. I sincerely say tonight that that support is much appreciated. I would now like to take the opportunity to respond to some issues raised by the opposition and other non-government members. At the outset, I would like to thank the Opposition Leader for his continued commitment to the CMC recommendations and the blueprint, and for his support for a bipartisan approach to ensuring that this state's most vulnerable children are protected.

The Opposition Leader raised a number of issues such as common clients of both the Department of Child Safety and the juvenile justice system. I can assure the Opposition Leader that all agencies involved in child protection are working and will be working in a cohesive and coordinated manner. The Department of Corrective Services has become the latest of 10 agencies to receive funding for a child safety director and to make an appointment. Nine other child safety directors have been appointed across a range of departments to create a cross-agency network responsible for managing and implementing child safety services in Queensland.

Those child safety directors have met a number of times during the formation of the network in recent months and had their first meeting with all directors present on Tuesday, 5 October. I thank the member for Gregory for his comments, which I agree with, that child protection is a whole-of-community responsibility that we all must play a role in. The member spoke passionately about children being our most precious natural resource. That is why the Beattie government has dedicated an entire new department to deal with child protection.

I would also like to acknowledge the member for Gregory's support of the staff of the Department of Child Safety. I also want to acknowledge all the other members tonight, including the member for Mirani, who supported the staff because we have not supported the staff enough in the past. That goes back over decades, too. I want to be a Minister for Child Safety who can proudly stand up in parliament and say that I believe our staff are doing a magnificent job. Let us support them through supervision, through peer support, through counselling and the very work that they require in that regard.

The member for Burdekin, my shadow minister, asked how the Department of Child Safety will be held accountable for conducting reviews at least once every six months. The department will be accountable by way of a number of mechanisms. This will be an area that falls within the ambit of the

monitoring functions of the Commission for Children and Young People and Child Guardian. Another accountability mechanism is that the legislation provides for a court to not make a final child protection order unless it is satisfied that a case plan has been prepared for a child. Where, and if, a case plan has been developed within six months and the department makes an application to the Children's Court for a child protection order or for a variation or extension of an existing order, the department will be required to provide that court with a copy of a revised case plan that has been developed in the most recent six-monthly review along with a report on the review.

The member for Burdekin also asked about the accountability of the Commission for Children and Young People and Child Guardian. The commissioner is required to provide an annual report regarding the performance of the Child Guardian functions, including the monitoring functions. That report by the Commissioner for Children and Young People and Child Guardian must be tabled in parliament by the Premier within 14 days of receiving that report from the commissioner. Additionally, the commissioner may report to the Premier about specific matters of concern arising from the performance of the monitoring functions and require that this report be tabled in parliament. I share the confidence of the Leader of the Opposition that with the glare of attention which has been brought to these processes the commissioner will exercise the reporting powers appropriately.

The member for Burdekin also raised the issue of agency monitoring plans being tabled in parliament which would be additional to the current situation where cabinet reviews the plans. In the ongoing work that we are doing in that regard, the plans will first of all be considered by cabinet in detail and then implemented appropriately. Members have highlighted the need for legislation to be properly implemented. I assure the House that this is occurring, and a plan for implementing the legislation involving areas such as recruitment and training of qualified staff and policy and process changes is in progress and is being rolled out. The department continues to work toward the benchmarks set out in the blueprint. I am determined that my department will implement them as soon as humanly possible.

A number of members have raised the overrepresentation of indigenous children and young people in the child protection system. This is a major focus of our reforms, and I know that it is an area of interest for the entire House. The case planning provisions in this bill, in particular the requirement for family group meetings to be held, will significantly increase the participation of indigenous families and children in a way that will be culturally respectful.

We have established an indigenous support unit in Cairns. I am happy to say that we have recently appointed an acting executive director to lead this facility. In August, \$380,000 was provided by my department to the Queensland Aboriginal and Islander Health Forum—QAIHF—to establish and support the ongoing operation of the Queensland Aboriginal and Torres Strait Islander child protection partnership over the next 12 months. I believe that QAIHF has the runs on the board to do that very, very important planning and strategy work, which it had already been doing with the existing AICCA's and the AICCA's that will come on board as well. That has been very central in our planning. This will enable indigenous organisations across the state to work collaboratively with the Department of Child Safety to implement the recommendations from the Crime and Misconduct Commission of inquiry.

Given the Commonwealth government's major funding role and service delivery role with AICCA's, I will shortly be meeting with the Commonwealth government to progress plans for AICCA's at an intergovernment level as well. I hope that the strategic planning that is required by ministers at different levels will be part of this meeting as well.

I go on to recruitment which has also been asked about. Earlier this year the department initiated the first stage of a major recruitment campaign to employ an additional 318 new staff. We are currently going through the process of finalising and placing these employees. More than 10,000 inquiries and 1,600 applications were received. As a result, more than 200 new staff have begun, or are about to begin, with the department.

A compulsory eight-week professional development and induction course for all new child safety officers is a mandatory requirement for these new staff. Training is an essential part of the reforms to the child protection system. We realise that there is a need for ongoing professional development, peer support and supervision for staff. That is why we have determined that every one of the 46 child safety service centres will have a senior practitioner.

One of the most important enhancements to the former system will be a much greater level of supervision provided to new staff. Caseworkers use their professional judgment to make very critical decisions about a child's safety, and they need the support and experience of senior practitioners to mentor and assist them.

Very early in my time as minister I was critical of the universities in terms of the degrees that are on offer, and I am still critical of them. To enhance a caseworker's ability to make a professional judgment we are investing \$500,000 on a structured decision-making tool. A number of universities have also responded to the challenge. Both the University of Queensland and JCU will be offering a graduate diploma in child protection. The staff at the Department of Child Safety will be accessing those courses. In

other words, we are doing all we can to assist the caseworker to make a decision with the interests of the child being absolutely paramount.

Let me take up the issues which have been raised about case loads. I want to take up the point raised by the opposition shadow spokesperson regarding case loads. At the outset, I want to assure the member that we are working around the clock to drive down case loads and have strategies in place at each zonal and child safety centre office to manage the individual case loads of staff. These strategies include the rapid deployment of the record increases in new staff that are coming on line this year, as well as specialised dedicated teams working with officers to address areas of concern.

I can also inform the member that data about workloads is currently being collected in the child safety service centres. The workload analyser developed for the blueprint process will analyse the data. This process will be finalised by the end of this year, giving us a very clear indication of the current case loads. This tool will then be run every six months and will allow us to target resources effectively to each child safety service centre. I also want to caution members about the danger of relying on numbers of cases alone. I know from my detailed discussions with our front-line staff that some staff can easily carry a case load above 15 when they are dealing with less complex cases while other staff, when dealing with extremely complex cases, need to carry a case load lower than 15. It is unfair to both the kids and our workers to simply look at them as statistics. However, it is essential that we get the correct workload balance.

It is through our new structured decision-making support tools, increased and enhanced professional training, and better oversight and support that our workers will be able to make the best quality decisions that will deliver real outcomes for Queensland children. This is rightly my and my department's clear focus. We will continue to work with our staff to implement every single CMC recommendation, including those relating to workloads. I would be pleased to continue to brief the shadow spokesperson regularly on our progress in implementing the CMC recommendations.

The member for Burdekin raised concerns about preventing an agency from setting up an internal review to avoid oversight by the Commission for Children and Young People and Child Guardian. On page 41 of the explanatory notes, the member will note the reports by the commissioner about non-compliance will be reported to the Minister for Child Safety and those responsible for the agency concerned. The member also quoted the commission's web site. I remind the member that the commission has not only high level, systemic monitoring powers but also powers to investigate complaints and broader advocacy powers. Parents can appeal decisions about placement and contact to the Children's Services Tribunal.