



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard Thursday, 20 May 2004

CHILD SAFETY LEGISLATION AMENDMENT BILL

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.31 a.m.): I move—

That the bill be now read a second time.

Reforming the child protection system is a key priority for the government. Today we take an important step that reinforces Queensland children's protection from neglect, abuse and exploitation. In January 2004, the Crime and Misconduct Commission released its report *Protecting children: an inquiry into abuse of children in foster care*. I immediately committed the government to implementing all 110 CMC recommendations. We moved quickly to establish the Child Protection Implementation Unit headed by Peter Forster who has a long and distinguished record of public administration and one of competence and fearless implementation. The unit consulted widely and advised the government of the best way to implement the CMC recommendations. Peter Forster delivered his blueprint on 22 March 2004. It recommended that legislative reform be introduced in three stages, with the first stage to be introduced by May.

The Child Safety Legislation Amendment Bill represents stage one of the legislative reform package as outlined in that blueprint. It is a significant step that implements 11 recommendations of the CMC report. The bill reorders the principles in the Child Protection Act 1999 to ensure that welfare and the best interests of the child are paramount. It also adds a new principle that children should be kept informed of matters affecting them. This is all about making the child safety system more child focused.

This bill will enable the Child Safety Department to respond to notifications made before a child is born, where the child may be in need of protection after he or she is born. This acts on recommendations of the Ombudsman's 'Baby Kate' report. The bill introduces significant new measures in relation to child deaths. The bill provides a legislative requirement for the Department of Child Safety to conduct a child death case review, in circumstances where a child may have come to the department's attention and has died within three years after that contact. These reviews have previously been undertaken administratively. Legislating for them will make the process more rigorous and transparent.

We need to be clear, the departmental review is not about the causes and circumstances of the death itself. It is about the appropriateness of departmental actions in relation to the child, and whether there was effective communication between the department and other agencies. It is about improving departmental responses, in an effort to inform best practice in the protection of vulnerable children in the future. If mistakes are made then we must learn from them—and do our best to ensure mistakes are not repeated.

The bill also establishes the new Child Death Case Review Committee. This independent committee will provide a critical, external accountability mechanism that will oversight the child death case reviews undertaken by the Department of Child Safety. It will be chaired by the Children's Commissioner and members of the committee will have appropriate broad-ranging expertise. The role of the committee will be to review the departmental case reviews. It will make recommendations to the Department of Child Safety about its policies and procedures relating to the delivery of services to children and families, and will monitor the department's response to these recommendations. Let me assure the House from my many

and lengthy discussions with the Minister for Child Safety I know that he will take personal responsibility and will implement those recommendations. He has worked hand in hand with me, along with our cabinet colleagues, in preparing this bill.

The committee will also be able to recommend whether any disciplinary action should be taken against officers of the Department of Child Safety. The bill also expands the jurisdiction of the coroner to investigate the deaths not only of children subject to orders but also those children in a placement with a parent or guardian's consent. Additionally, the bill provides for the creation of a register of child deaths and a child death research function. This allows the Children's Commissioner to review causes and patterns of all child deaths and to conduct broader research on issues related to child deaths. These functions are supported by amendments to the Coroners Act 2003 and the Births, Deaths and Marriages Registration Act 2003, which will facilitate the provision of information from the state coroner and Registrar of Births, Deaths and Marriages to the Children's Commissioner.

Importantly, this bill creates a watchdog with a lot more teeth, by giving the Commissioner for Children and Young People the new and additional role of Child Guardian. As members may recall, I informed the House last week that Dr Robin Sullivan will continue as Commissioner for Children and Young People for the next three years. She has considerable experience in this role since 1999 and has the expertise and respect of all members of this House. She is ideal to continue in that role. Because of her knowledge and experience she will be able to get the results that we want, together with a commitment to this from every minister in this government—in particular Mike Reynolds, the Minister for Child Safety.

The bill extends the statutory office of the Commissioner for Children and Young People to become the office of the Commissioner for Children and Young People and Child Guardian. We have put it in the title so it is clear and everyone understands exactly the role and responsibilities that the commissioner has. With the new role of Child Guardian, the Children's Commissioner will have new functions and stronger powers to monitor, audit and review a range of agencies which provide services to children in the child safety system.

The Children's Commissioner, who, as we all know, is within my departmental responsibility as Premier, will be empowered to require relevant agencies to provide such information as she may need to monitor, audit or review its child protection operations. The Children's Commissioner will also be empowered to require these agencies to provide regular and ongoing information about its systems, policies and practices, in order that the commissioner may maintain constant vigilance over the quality of services that agencies are providing to children in the child safety system.

In this first stage, the Children's Commissioner will focus her monitoring activity on those agencies that provide services to those children most at risk. They are: the Department of Child Safety; the Department of Communities in its statutory child protection role; and the licensed care services that provide placement and support services to children in out-of-home care. This will include children in foster care. We will consult further with the community sector to ensure we cover any other relevant non-government agencies.

Later this year we will legislatively extend the monitoring scheme to cover other government agencies which provide services to these children such as the departments of Health, Education, Housing and Police. In the meantime, I have a commitment from my ministers to the provision and exchange of information to assist, as far as is legislatively possible, the Children's Commission in its monitoring work. I should inform the House that, on the suggestion of the Minister for Child Safety, I convened a meeting of the relevant ministers and there was a clear understanding that this will happen. We have met, discussed it and it will happen. In addition, the Children's Commissioner's ability to investigate complaints about children in need of protection will be expanded to all children who come to the attention of the Department of Child Safety, not only those under formal order or subject to statutory intervention as is currently the case. That means that every child about whom a notification has been made to the department will now be covered.

As members will appreciate, this will be a significant new workload for the Children's Commission. Therefore, a new statutory office of Assistant Commissioner will be created to be responsible to the Children's Commissioner for the performance of these monitoring functions and new resources have been provided to the commission to carry out this work. Not only are we giving the commissioner the jurisdictional power or legislative power to carry out this work; we are resourcing it appropriately as well. The bill significantly expands the community visitor program administered by the Children's Commissioner to cover children in the alternative care system, including foster care. Community visitors currently visit children in residential facilities, detention centres and mental health services. Their role is to build a trusting relationship with vulnerable children and keep an eye on how they are treated and advocate for their needs. If the child discloses a problem, the community visitor can provide immediate assistance and can report back to the Children's Commissioner, who may decide further investigation and action are needed.

The bill extends the community visitor program to enable visits to children in the care of an approved foster carer, or other carer, whether the child is in the custody or guardianship of the Department of Child Safety or placed in out-of-home care under a voluntary agreement. The expansion of this important program means that this group of children can be reached and provides the Children's Commissioner with invaluable on-the-ground workers who can give first-hand information about the state of service delivery to children in the child safety system.

This bill also significantly expands the jurisdiction of the Children Services Tribunal to enable the tribunal to review a range of decisions made by the Department of Child Safety. Currently, the Children's Commissioner can only apply to the tribunal where the application is made on behalf of a child and with the approval of the president of the Children Services Tribunal. The bill empowers the Children's Commissioner, in her role as child guardian, to seek a review of a range of decisions by the Department of Child Safety, including—

- a decision by the department to take action or not take action after forming a reasonable suspicion that a child is in need of protection;
- a decision about the placement of a child who is in the custody or guardianship of the department; or
- a decision to remove a child from a carer's care.

This provides a crucial check and balance process to ensure that, if the Children's Commissioner is dissatisfied with a decision made by the Department of Child Safety about a child that she is unable to resolve with the department, she can apply to the tribunal for a review of that decision. That is fundamentally important to making everybody accountable in delivering the best possible child care system we can have. This is not a closed system. It is open. It is transparent, and there are reviewable mechanisms which will guarantee that the child is put first.

Finally, I want departments to focus and report on the services that they provide to these vulnerable children. Therefore, new positions of child safety directors will be created administratively within relevant government agencies to coordinate and report on their child protection activities. These child safety directors will have responsibility for ensuring annual reporting—annual reporting, for the first time—by all government departments which deliver services relevant to child protection. The reports will be provided to the Minister for Child Safety, who will amalgamate them and table them in parliament. We obviously need a minister to carry out that work, and Mike Reynolds, the Minister for Child Safety, will have that responsibility.

This is about whole-of-government responsibility and accountability for an improved child safety system. I want to emphasise that this is only the first stage of the legislative reform process. The hard work has begun, and we will follow through with stages 2 and 3. Stages 2 and 3 of the legislative reform process will include legislation to improve the case planning practices of the Department of Child Safety, regulating for a wider range of out-of-home placements for children, providing for effective exchange of information between agencies, and strengthening the important role of Suspected Child Abuse and Neglect teams.

This area has been, as we all know in this House, a very contentious one in recent times. My government is the first government that has tackled this problem head-on. We have allocated additional resources, the most significant ever allocated in the history of Queensland, to this very important area. We have brought in new laws and new practices to put children first, and our responsibility will be to put children and their welfare first. I want to make it clearly understood that the government has not run away from the criticism. There has been appropriate criticism of government—my government—and previous governments in this area of child protection. But rather than simply shy away from that criticism, we have responded to the appropriate and sensible criticisms and we have come forward with positive solutions to deal with them.

There is one final thing that I want to say in relation to this bill, and I think it is important that it be said. These mechanisms guarantee that government will play the most positive and constructive role it can to protect our children. But there is another area that needs to be addressed, and we need to say it very frankly: all members of the community have a moral and social responsibility to protect our children. Government cannot do it alone. The cases of child abuse—and some of the most distressing cases that we have seen in recent times—will alarm every member of this parliament on all sides of politics, and I discussed one of these cases in general terms. It has been well reported in the media recently by the minister. Any parent who has raised children or any person—whether they have children or not—would be distressed by these cases of senseless abuse.

We have to accept or get to a stage of acceptance in the community that not only is domestic violence unacceptable in any circumstances but the abuse of children is simply not acceptable at any time, any place, anywhere. I just say to the whole community: if you have people in your family who are involved in child abuse, you have a moral obligation to report that to the police. I know that one of the very good things that has come out of the recent debate is that we have had an unprecedented number of members of the community who have come forward to the department. I have to say that an alarming number of

people have come forward. They have come forward because, for the first time, they feel comfortable enough to come forward and they know that the government is serious about doing something.

Yesterday Mike Reynolds and I had a relatively short but very productive meeting with Hetty Johnston. Hetty Johnston made this point to the minister and I yesterday where she said that part of the difficulty in all of this is that there is a natural suspicion of government and government agencies going back a long period of time. I think she is spot on. I think she is right. I think, in a general sense, I have faithfully represented what she said. Therefore, what we have to do is to continue to lift this lid so that where children are being abused or family members know of abuse they feel they have not only an obligation to come forward but they know with good faith that when they do come forward something will be done about it. I commend the bill to the House.