



Speech by

**Dr Alex Douglas**

**MEMBER FOR GAVEN**

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## **CHILD PROTECTION AND OTHER ACTS AMENDMENT BILL**

**Dr DOUGLAS** (Gaven—LNP) (8.21 pm): Not a day goes by when we are not hearing about men primarily accessing child pornography. Project Argos is almost a household name. I fear that we as a society are almost becoming immune to the revulsion and anger that stems from such revelations. It gets worse. We have reported acts of extreme violence towards children, often by people known to them, often ending in death or severe disabling, permanent injury. These are just the physical acts; the emotional abuse is a massive multiplier of that. We have the extraordinary situation of a major Australian photographer currently defending his actions as art as opposed to abuse. There are plenty of other recent examples that are sub judice at present because of court cases.

What has gone wrong? What does the future hold for our children, for our children are our future? Rather than immediately joining in and protesting that this is a disproportionate claim, I need to state that the growth in reported child abuse in Australia is currently 6.9 per cent from 2007-08 and has continued through 2008-09 and I presume will continue on. I table that document.

*Tabled paper:* National Child Protection Clearinghouse: Resource sheet, June 2010 [[2861](#)].

We as a society have failed our children if how we treat our children is used as part of that quantum measure of quality of life. Rather than going through the usual list of scapegoats, I intend in this speech to focus not so much on who is to blame but moreover use the bill and its weaknesses to explain what not to do and what should be done on the basis of evidence.

The outcome of child abuse is another generation of child abusers and victims. For those children who witness domestic violence in the home, 50 per cent of the girls will become victims and 60 per cent of the boys will become abusers. Sons who witness abuse are 10 times as likely to abuse their partners. Eighty per cent of those in prison grew up in violent homes, 26 per cent of those in prison are Indigenous, 90 per cent of Indigenous offenders progress to adult crime and 4.6 times as many Indigenous people are victims of violent crimes than non-Indigenous people. We have 7,000 children in foster care to protect, overwhelmingly due to domestic violence.

It gets worse. In this day and age—2010—Aboriginal women living in rural and remote areas are 45 times as likely to be victims of domestic violence than the non-Aboriginal population. Honourable members, we have a state emergency situation here, yet this bill is focusing on amendments to improve decision making within Child Safety and to promote a Labor approach to early intervention as a kind of fop response to doing something about such a serious problem when we really cannot see Labor making the really hard decisions.

So what is going on out there in urban, semirural and rural communities? It is intergenerational violence, with the cycle of violence increasing. This generational cycle of violence is made worse when a child is living in a violent situation. So as a first step we need to remove the child from the violent environment. Anything less is a threat to a child's security and survival. The solution must be absolute, not proportionate. It may be permanent and it must be focused on the child, not the government's and/or the parents' views. I say this because the opening paragraph of the minister's second reading speech

contained a statement in response to child and adolescent vulnerability and the government's response that it had 'doubled the workforce and tripled the Child Safety budget'.

Critically, these are not all output expenditures. Other than a few good statements, there is nothing said in the minister's second reading speech about inputs. To be fair, there are issues raised about input expenditure, but they seem disproportionately directed at removing children from violent and abusive environments. That is to be supported, but the current approach is only in part sound. A closer inspection seems to suggest something else. Specifically, the bill reduces the requirements of the department to prepare transition-from-care plans until 28 days before the child is due to be returned as directed by a court. All children need transition plans.

The introduction of a temporary custody order will remove the obligation on the department to notify the parents of the action. This seems opposed to a family focused approach, which this bill purportedly wishes to embrace. In fact, the second key function of this bill was, according to the minister in his second reading speech, the provision of 'the legislative foundation for this government's Helping Out Families initiative'. We are either involving families or we are not. As I have demonstrated earlier, one cannot be halfway along the road. It is really all or nothing. Just as children need boundaries, children and parents need certainty when being dealt with. These issues were raised by the member for Woodridge and she talked about what used to happen, which are situations that I know quite well from the past.

The minister in his second reading speech went on to highlight the Family Support Allowance and pilot site networks at Logan, Beenleigh, Eagleby and Woodridge and the Gold Coast by 30 January 2011. The minister is allocating \$8.5 million for state-wide Indigenous family support organisations. Pilot programs and family support seem to me to be superfluous with regard to families. They are not being considered high on the priority list, for the department feels that they may not, by the looks of things, have a significant role in the resolution of this abuse problem. I say: pilot to what? Does the minister understand that in three years that money could run out and the family support could be gone forever? This has happened in many other projects before.

If one goes a little further, one sees that the amendments to the assessment care arrangement will remove the rights of one parent to have a say in the child's removal and care. Often it will be the father who may be willing to provide care for the child but who does not currently live with the child. Yet is it not a fundamental part of the bill that parents are to be included? Would that then not mean that the amendments in this case are incorrect on basic principle, particularly in view of the minister's known approach as detailed in his second reading speech?

This is always the problem with anything Labor in government does in the implementation stage. Words do not match the action. Before honourable members start complaining, I point out that this is an area where I have considerable knowledge after 22 years in general practice, 20 years in corrective services running all sorts of programs as a visiting medical officer and many years involved in adoption. Parents are not always one holistic group. Abuse is not always plural within a family. Many families now are single-parent families and there are plenty of variations in between. Additionally, I have highlighted in a much earlier debate on a juvenile justice bill that some children are problematic, but they are very much a product of both family and society at large.

As adults we are youth obsessed, but increasingly we see children both as a prize or as a burden. All three of these issues are what leads to the bulk of offending behaviour in children subsequently. Parents often have dreadful personal examples in their own lives that are compounded when they have children who are dependent upon them. If the department continues to do nothing at the input end in a substantive way then it will never manage the problem or contain the costs that flow from it. Before those who are poorly informed rush to tell me that nothing can be done, may I say that they are wrong and that there is plenty of evidence to support it. My concern is that Labor has become immersed in the politics of the New Age at the expense of children. I am firmly convinced these New-Age virtues are contrary to core Labor values. I remain confused by the politics that pay lip-service to the issue of families rather than moralise and provoke the kind of sensitivities raised in the surrogacy debate when too many outspoken Labor members chose not to speak on the bill.

Children need parents—plural. They need stability. They need roots, including a home, maybe a pet, their own bed, a stable school, friends and, above all, they need love. Just as adults find out to their own peril, a life without love is no life at all. Parents need support and it must be in equal measure to any expenditure and effort at the output end. For a child to end up as a foster-child caught in a kind of legal limbo as a chattel of the department of child safety is, for some, too transient, too disconnected, too isolated, too bereft of love to make life worthwhile. It is a miserable outcome and it is all too common. With a doubling of those in foster care in 12 years under Labor, it is a damning indictment on poor policy by the Beattie and now Bligh Labor governments. After 12 years of mismanagement, Labor has not done enough to change these circumstances.

I fully endorse the comments made by both the shadow minister and the member for Currumbin in a previous speech. Labor's proposal in this bill leaves many children in care unchecked by child safety

officers for 12 months. We must note that in contrast to the government's talk about numbers, these are children we are talking about. They are individuals and they must be considered as such. It is not appropriate to group them as one homogeneous group. They are not. To successfully manage children to achieve a safe result in their own lives we must treat them as a person with a name and a home.

The minister in his second reading speech placed a heavy emphasis on the output end of the equation. In all fairness, he detailed an elegant series of principles based around safety, wellbeing and doing everything in the interests of the child. These are to be commended. There is a new three-business-day temporary custody order. These concepts are fine. I remain concerned that there appear to be corrections for mistakes made previously by the communities minister. Whilst not a good start, it may be better than nothing at all. When added to the amendments for the changes to court discretionary powers when it declines a further order, that future end date being no more than 28 days after the day of the court's decision might be a good thing. The minister has explained his and the department's reasons for doing this. This all leads me to suspect that the department is groaning under the existing time frames, despite the government claiming record spending. Something is wrong. There is a disconnect here between the needs of children, their families and the service delivery of the department.

I do not doubt the mission statement, nor the commitment of the department, but its capacity has been tested and found to be exhausted far too quickly. The demand side of the equation constantly seems to be blamed. With domestic violence at record levels it is no surprise. What seems to be agreed to is that we will just manage as we have been doing for 12 years. This is not good enough for children and it is just too hard for the staff of the department. I remain very concerned that there is not enough concern about staff morale and staff retention, especially those highly skilled, long-serving staff. This bill offers them nothing beyond building a framework to justify rationing. I share many of their views and, just as in health, I will never support rationing.

This bill also seems to have a money-earning model as part of it—that being attached to the blue card system. I support the blue card. It is a very good idea. The revenue stream increase from \$4.7 million to \$7.8 million in 12 months just seems a bit rich. The intention of the scheme, as I understood it, was to ensure the safety of children. I never believed, nor can I accept, that there was any idea of going beyond a revenue neutral situation. I believe that should be justified by the minister.

Rather than go through each of the shadow member's nine amendments I might just say I support them and the intention of the considered amendments. They will not cost the department any more. They have been discussed with key stakeholders and they have agreed with them. They conform to fundamental legislative principles. As one might expect, this bill is drafted in quite complex terms that reflect much of the difficulty that we as a community have, families share and highly skilled child protection officers have in managing at-risk children and adolescents. I genuinely believe that all have the same desired outcomes for children. Many of these individuals will not have exactly the same beliefs on how best to achieve a predictable, happy and nurturing world for a child and certainly how to avoid the dreadful pitfalls in life that may confront them, but they certainly want to get to the same place for those children when they grow up.

For those who need a gentle little reminder, the sorts of things that face children in very difficult circumstances that they may not overcome are problems with attachment, physical and mental problems that grossly exceed that of the rest of society, often they have experienced a lot of trauma, they have learning and developmental problems, behavioural problems including eating disorders, they have a much higher incidence of youth suicide—it is five times—teenage pregnancies are considerably higher, there is a strong issue of homelessness and, unfortunately, they have issues of aggression, violence and criminal activity. It is everything we do not wish for a child, especially those whose start in life is far harder than it is for everybody else.

At this stage I would also like to thank the generous constituents of my seat of Gaven who recently donated to the Pyjama Drive I ran at my electorate office. I know that a number of members participated in the Pyjama Drive and I think everyone collectively would like to thank those who donated. I could not believe the result. The Pyjama Foundation's national challenge was to provide more than 30,000 children in care with new pyjamas. Our office was inundated with baby suits, toothbrushes, teddy bears, night robes, baby caps, children's books, hand-knitted jumpers and 100 pairs of pyjamas. We had to stop receiving any more. I was completely overwhelmed by the community's support for such a worthy cause. I think we would like to thank the Pyjama Foundation and everyone else who was involved in what was a tremendously successful campaign and I think we should do it again. I would like to thank everyone in my electorate and other electorates who opened their hearts to give these children who are in desperate need of love and care the sort of care that they deserve.

We do need to have a child protection bill that embraces more at the input end and less of a rationing approach at the output end. I do not think this bill delivers on this. There seems to be too much of 'near enough is good enough'. When dealing with children, if this is the best that the department can come up with when almost 50 per cent of the staff currently have no patient contact, with respect, I would ask them to go back and try a little harder. As a doctor, I do have a higher standard than some, and certainly

some might consider that the standards of medical staff are a bit higher than the standards of others. But, unfortunately, when you stoop a little bit below the level that should be expected, you will not get the support that you need to make the bill worthwhile.