



Speech by
Curtis Pitt

MEMBER FOR MULGRAVE

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CHILD PROTECTION AND OTHER ACTS AMENDMENT BILL

Mr PITT (Mulgrave—ALP) (8.51 pm): I rise to make a brief contribution to the Child Protection and Other Acts Amendment Bill 2010. The bill before the House makes several amendments to Queensland's Child Protection Act 1999 that are designed to respond more effectively to the individual needs of children at risk and in care. The Bligh government is committed to ensuring that the needs of our most vulnerable children and young people are met.

When children and young people cannot safely live at home because they are harmed or at risk of harm and do not have a parent willing or able to provide adequate care of protection for them, it is the responsibility of Child Safety Services to provide them with a safe place to live. For some children, this is home based foster or kinship care. For other children who have more complex needs or who may be subject to longer term child protection orders, their needs may be best met in a residential facility or a small group home. Responses such as these give young people who have been abused or neglected the support they need, a safe place to stay and, we hope, a brighter future.

When Child Safety Services makes any decision relating to a child known to the department, including when and where to place a child who cannot safely live at home, the decision is made in the best interests of the child. The principle that specifies that decisions should be made in the best interests of the child, above all other considerations, is known as the paramount principle. Currently, the Child Protection Act 1999 states that the 'welfare and best interests of a child are paramount'. This is the guiding principle for the administration of the act. The bill amends the paramount principle to remove the reference to 'welfare' and to insert 'safety' and 'wellbeing' to ensure a more contemporary terminology. The change from 'welfare' to 'wellbeing' is consistent in amendments to other provisions that refer to welfare. This bill proposes that the paramount principle will now read 'that the safety, wellbeing and best interests of a child are paramount'.

One of the key amendments in the bill is the inclusion of a framework for applying the principle that the safety, wellbeing and best interests of a child are paramount. It aims to strike a balance between a child's right to be safe, their need for a stable living arrangement and the fundamental role families have in raising children. For the first time in the act, the framework puts in place a set of principles for determining the best interests of a child. All persons who are making decisions or exercising powers under the act must consider and balance the principles according to a child's particular circumstances.

The act also currently operates under the general principle that families have the primary responsibility for the upbringing, protection and development of their children. This bill will further strengthen this by inserting specific general principles that clearly articulate that consideration should be given to placing children, as a first option, with family. Importantly, the principles include recognition that it is in a child's best interest to have stable living arrangements.

This focus on stability is in line with recent research on the developmental needs of children which shows that unstable environments can lead to developmental delays, particularly in young children. It also points to the long-term consequences that may include substance abuse, future offending, suicidal thoughts, school refusal, self-harm and other mental health problems.

To emphasise the importance of stability in decision making about a child, the bill will also amend the Child Protection Act 1999 so that the Children's Court must have regard to the child's need for emotional security and stability before deciding whether to grant a further short-term order or an extension to an existing short-term order. In effect, the officer making the application will have to explain why a more stable option is not being sought and what action is being taken to address the child's need for stability. For example, is there a good chance to reunifying the child with their family or should the department be considering a long-term guardianship order for the child? It could be that Child Safety Services has reached a point in working with the family where reunification is imminent but further work needs to be done to ensure the child will be safe upon return to their parents. In a case like this, a further short-term order may be appropriate in the best interests of the child.

The protection of our children is an enormous responsibility and one that I take very seriously. I believe that members from both sides of this House want to put the best interests of our children first. I believe that. I believe it because, as members of parliament, we hear or read about some of the worst elements of our society and the impact that their activities and their choices have on children in our communities. It is not pleasant, but it is the reality. I refer to a statistic that is a couple of years old now, but I certainly remember it. As at 30 September 2008, more than 600 children and young people in Far North Queensland could not live safely at home because one or both of their parents abused or neglected them. I believe it is not possible to be presented with cases such as those I have seen and heard about and statistics like this and not be affected. They are among our most vulnerable members of society and it is important that they are provided with a safe environment and appropriate care.

It is important that our community can be confident that our child protection system has integrity and is operating effectively and with purpose. It is important that the legislative and statutory framework reflects the weight of issues being experienced by families, child safety workers and, of course, our children. I believe that the bill before the House will contribute to the achievement of these goals and, for this reason, I give it my full support.