




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 20 March 2014

PUBLIC GUARDIAN BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.00 pm): I present a bill for an act to provide for a Public Guardian to promote and protect the rights and interests of adults with impaired capacity for a matter, relevant children and children staying at visitable sites, and to amend this Act, the Child Protection Act 1999, the Commission for Children and Young People and Child Guardian Act 2000, the Corrective Services Act 2006, the Disability Services Act 2006, the Domestic and Family Violence Protection Act 2012, the Forensic Disability Act 2011, the Guardianship and Administration Act 2000, the Health Ombudsman Act 2013, the Integrity Act 2009, the Mental Health Act 2000, the Ombudsman Act 2001, the Powers of Attorney Act 1998, the Public Service Act 2008, the Public Trustee Act 1978, the Residential Services (Accreditation) Act 2002, the Right to Information Act 2009 and the Youth Justice Act 1992 for particular purposes. I table the bill and the explanatory notes. I nominate the Health and Community Services Committee to consider the bill.

Tabled paper: Public Guardian Bill 2014 [\[4715\]](#).

Tabled paper: Public Guardian Bill 2014, explanatory notes [\[4716\]](#).

I am pleased to introduce the Public Guardian Bill 2014, which represents an integral part of a suite of three bills that comprise the initial stage of the government's reforms to build a new child and family support system in Queensland over the next 10 years. The other bills I am about to introduce are the Family and Child Commission Bill 2014 and the Child Protection Reform Amendment Bill 2014. Together, these bills are instrumental in laying the foundation to make Queensland the safest place to raise a child and to improve the lives and futures of our most vulnerable children.

The Newman government made an election commitment to make a full and independent inquiry into Queensland's child protection system due to widespread concern that the child protection system in Queensland was failing vulnerable children and their families. On 1 July 2012, the government delivered on this election commitment by establishing the Queensland Child Protection Commission of Inquiry led by the Hon. Tim Carmody QC. The commission undertook 12 months of extensive investigations and research. The commission received over 440 submissions, held 54 days of hearings, called more than 220 witnesses and convened more than 150 meetings across the state with individuals and organisations with knowledge of the system. The commission also took into account the findings of an advisory committee and focus groups and surveys held during the inquiry that invited the views of children in care, front-line government and non-government child protection workers and legal practitioners. The commission found that, despite the hard work and good intentions of many and the large amounts of money invested in it, the child protection system was not ensuring the safety, wellbeing and best interests of children, and was unsustainable.

Over the last decade, child protection intakes have tripled, the rate of Aboriginal and Torres Strait Islander children in out-of-home care has tripled, the number of children in out-of-home care has more than doubled, and children in care are staying in care for longer periods. The budget for

child protection services has more than tripled, going from \$182.3 million in 2003-04 to \$773 million in 2012-13. Information provided to the commission suggested that the two main factors contributing to the unsustainable demand on the Queensland statutory child protection system were the high number of intakes or reports to Child Safety and too many investigations consequently being conducted by Child Safety.

On 1 July 2013, the commission released its report—*Taking responsibility: a roadmap for Queensland child protection*—making 121 recommendations to build a sustainable and effective child protection system over the next decade. The roadmap has three tracks:

- reducing the number of children and young people in the child protection system;
- revitalising child protection front-line services and family support, breaking the intergenerational cycle of abuse and neglect; and
- refocusing oversight on learning, improving and taking responsibility.

The overarching tenet of the commission's recommendations is that parents and families should take primary responsibility for the protection of their children and that, where appropriate, parents should receive the support and guidance they need to keep their children safe. It is only as a last resort that the government should intervene in a statutory role to ensure the protection of children who are at significant risk of harm.

In December 2013, this government committed to implementing all of the commission's reforms, accepting 115 of the commission's recommendations and accepting a further six of the recommendations in principle. This government is determined to deliver a reformed child protection system in Queensland that supports parents and families to provide a safe and secure home for their children, that provides the right services at the right time for families and children in need, and that better provides for the safety, wellbeing and best interests of our most at-risk children when they cannot be properly cared for at home. The reforms place greater emphasis on supporting vulnerable families to take appropriate care of their children and reforming the system in Queensland to better provide for the safety, wellbeing and best interest of our most at-risk children. Implementing the reforms will require a fundamental shift in the way government agencies, child safety professionals and community organisations work with vulnerable families and with each other. Strong collaborative partnerships between the government and the non-government sector will be an essential component of the reforms.

This government accepted the commission's recommendations to improve advocacy services and the community visiting program for children in the child protection system. These recommendations form the basis for the Public Guardian Bill 2014. The Public Guardian Bill 2014 establishes the Public Guardian and the Office of the Public Guardian, a new independent statutory body that reports to me as the Attorney-General and Minister for Justice in accordance with recommendations 12.7 and 12.8 of the commission's report. The Public Guardian will provide individual advocacy for children in the child protection system and administer a child visiting program for the most vulnerable children. In doing so, the bill reflects the commission's findings that children in the child protection system are particularly vulnerable and need to have their voices heard, and that assisting children and young people to understand the system and allowing them to be involved in decision making processes sets them on the right path for the future. By focusing on advocacy services to individual children in the child protection system and visits to the most vulnerable children, the bill refines the scope of the services—which are currently provided by the Child Guardian and community visitor program within the Commission for Children and Young People and Child Guardian—as suggested by the commission to ensure that they are targeted at the children who need them most.

The Public Guardian Bill 2014 prescribes guiding principles to be considered by the Public Guardian and staff when exercising functions and powers in relation to children. The best interests of a child will be a paramount consideration. By requiring that children are valued, respected and protected and that the importance of the child's relationship with family and community are considered, the wellbeing of individual children will be the focus of programs rather than lost in bureaucracy.

The Public Guardian Bill 2014 provides for child advocacy officers who will provide a continuum of child advocacy services to children and young people. Services include general information provision and support, assistance with making complaints, case planning, advocacy, mediation and, where requested or necessary for performance of child advocacy functions, visits to children. The service delivery model for the child advocacy program of the Public Guardian will enable services to be responsive to local needs and conditions and allow some services to be outsourced where cost-efficient and appropriate. The Public Guardian will also have the right to appear in child protection

legal proceedings to explain proceedings to a child and make submissions to the court to ensure the child's voice is heard.

The bill transfers the functions and powers of the current Adult Guardian and the community visiting program for adults with impaired capacity under the Guardianship and Administration Act 2000 to the Public Guardian. This means the position of Adult Guardian is not necessary, so the bill abolishes the position of the Adult Guardian but of course focuses it into the Public Guardian.

The Public Guardian will be responsible for the community visiting programs to children in the child protection system, children in detention, corrective service facilities and mental health facilities as well as adults with impaired capacity. This reform will promote a cohesive culture to maximise efficiencies in the visiting programs. The bill repeals provisions of the Commission for Children and Young People and Child Guardian Act 2000 and the Guardianship and Administration Act 2000 related to functions and powers that have been transferred to the Public Guardian under the bill, such as functions and powers related to the current community visitor programs. This clarifies that responsibility for these functions rests with the Public Guardian and is necessary to avoid duplication and to use resources efficiently so that they can be diverted to front-line services as recommended by the commission. The initial appointee to the Public Guardian position will play a pivotal role in establishing the new Office of the Public Guardian, setting its direction and authority in the child protection system.

To provide certainty in relation to this leading role, I am pleased to advise that the Public Guardian Bill contains provisions to allow the appointment of the current Adult Guardian, Mr Kevin Martin, as Public Guardian until 12 August 2015, the end of his current term as Adult Guardian, if he agrees to this. As the Adult Guardian, Mr Martin has been closely involved with the implementation of the commission reforms and he has previously served as Public Trustee of Queensland and as the Director-General of the Department of Justice and Attorney-General. Mr Martin's demonstrated leadership in organisations that protect and assist vulnerable people will ensure that the Office of the Public Guardian is effectively managed through its first year of operation.

The reforms in the Public Guardian Bill represent an important first step in overhauling the child protection system in Queensland. This government is committed to implementing the next stages of reform over future years, which will include legislative and non-legislative reforms, to comprehensively change the way Queensland protects, cares for and supports its most vulnerable children. The Public Guardian Bill underpins this government's objectives to build a sustainable and effective child protection system for the future. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.11 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Health and Community Services Committee

Mr DEPUTY SPEAKER (Mr Watts): Order! In accordance with standing order 131, the bill is now referred to the Health and Community Services Committee.

Portfolio Committee, Reporting Date

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.11 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Health and Community Services Committee report to the House on the Public Guardian Bill by 13 May 2014.

Question put—That the motion be agreed to.

Motion agreed to.