




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 20 March 2014

CHILD PROTECTION REFORM AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.17 pm): I present a bill for an act to amend the Child Protection Act 1999, the Childrens Court Act 1992, the Commission for Children and Young People and Child Guardian Act 2000, the Magistrates Act 1991, the Ombudsman Act 2001 and the Public Health Act 2005 for particular purposes and to make consequential amendments to the acts mentioned in schedule 1. I table a copy of the bill and explanatory notes. I nominate the Health and Community Services Committee to consider the bill.

Tabled paper: Child Protection Reform Amendment Bill 2014 [4719].

Tabled paper: Child Protection Reform Amendment Bill 2014, explanatory notes [4720].

I am pleased to introduce the Child Protection Reform Amendment Bill, one of the three bills comprising the initial stage of this government's reforms to build a new child and family support system in Queensland over the next 10 years. The bill includes amendments to the Child Protection Act 1999, the Commission for Children and Young People and Child Guardian Act 2000, the Ombudsman Act 2001, the Childrens Court Act 1992 and the Magistrates Act 1991 to:

- guide when reports about a child must be made to the Department of Communities, Child Safety and Disability Services—Child Safety;
- allow prescribed entities to share information with service providers when children are likely to become in need of protection if support is not provided to their family;
- make it clear that people who report concerns about a child to Child Safety are protected from liability when they honestly and reasonably provide information;
- establish a child death review panel process to review the deaths and serious injuries of children known to Child Safety and other cases if required;
- clarify leadership of the Childrens Court and improve court processes;
- allow the Queensland Ombudsman to delegate functions and powers to appropriately qualified officers, including the power to write reports and make recommendations which are not currently delegable, to ensure timely resolution of child protection complaints;
- transfer the responsibility for administering the blue card scheme to the Public Safety Business Agency in a new stand-alone piece of legislation;
- support the seamless transition of relevant functions of the Commission for Children and Young People and Child Guardian, CCYPCG, to other agencies and entities;
- streamline annual reporting by departments with child protection responsibilities by introducing more efficient and effective mechanisms to monitor the performance the system.

In terms of reporting concerns to Child Safety, the bill includes amendments to guide decision making about when a report about a child must be made to Child Safety and clarifies and consolidates the various policy and legislative reporting requirements into one place: the Child Protection Act 1999. Child Safety investigates concerns and takes necessary action when a child is considered to be a child in need of protection.

Child Safety's intervention in a family's care for their child is as a last resort, when a child has or is suffering, or is at an unacceptable risk of suffering 'significant' harm and does not have a parent who is able and willing to protect them from the harm.

The Child Protection Commission of Inquiry recommended that this should be emphasised by amending what is meant by 'a child in need of protection', so the first element about harm to a child should require 'significant' harm. Previously the definition and interpretation of 'harm' varied across agencies. The bill includes an amendment to implement this recommendation and make the definition consistent.

Any person can report concerns about a child to Child Safety in Queensland. To help people make a decision about whether to report concerns to Child Safety, the bill will insert a new section into the Child Protection Act to make it clear that reports may be made when a person reasonably suspects a child may be in need of protection.

This will bring Queensland into line with other jurisdictions in Australia such as New South Wales and Victoria. Currently Queensland's mandatory reporting provisions about children in need of protection are contained in a range of acts and policies of government departments. These arrangements set different obligations and different definitions for a range of professional groups. The Commission of Inquiry noted that this has meant that there is inconsistency across mandatory reporting requirements, and requirements do not line up with the requirements in the Child Protection Act that require Child Safety to take action.

The bill includes provisions to make it clear that doctors and nurses, teachers working in schools, police with child protection responsibilities and the staff of the new Public Guardian and Child Safety staff who visit residential case services have an obligation to report child protection concerns when they have a reasonable suspicion that a child is in need of protection that is caused by physical or sexual abuse.

The bill assists people by providing guidance about the things they may think about in forming a reasonable suspicion about whether a child has suffered, or is suffering, or is at unacceptable risk of suffering, significant harm. The bill also clarifies when concerns about a family can be referred to local family support services to avoid unnecessary reports to Child Safety. These provisions set the foundation for this government's commitment to increase the support to families who need help as recommended by the Commission of Inquiry.

The bill also authorises prescribed entities to share information about a child and their family with a service provider without their consent if this is required so that the service provider may assess what help the family needs and then offer them that help and support. Service providers will continue to engage with families with their consent.

The bill extends protection from liability for people who make reports to Child Safety to continue to encourage appropriate reporting and to protect those who do report. This protection from liability will apply when information is provided to Child Safety that is honest and reasonable to encourage people who report concerns to provide reasonable information to support their concerns.

When professionals or people in the community have concerns about a child's wellbeing, making a decision about what that person or professional can do to support the child and their family can be very difficult. These provisions together provide greater clarity about when a report to Child Safety is required and when a referral to a support service may be the most appropriate option.

Implementing these provisions will require changing culture and practices within schools, hospitals and police. Information, training and tools to help decision making will be required to support this change. This is why we propose that these provisions will commence from 1 January 2015.

The bill amends the Child Protection Act 1999 to streamline child death case reviews undertaken by Child Safety and refocus them on learning. The death of every of a child is a tragedy. The Commission of Inquiry noted that there is high public interest in the death of a child and in demonstrating that any faulty policy, practice or service delivery issue has been addressed to reduce the likelihood of a similar tragedy occurring in the future. However, the commission argued that there is scant public benefit in subjecting matters to review if there is little or no scope for anything to be learned.

Given the time, effort and expense invested in such reviews, there is an imperative that the issues that are identified are of current value and used positively to inform policy, practice and

professional development. Reviews are now undertaken only when a child dies and extends to them having been known to Child Safety within three years of their death. The bill will refocus this so that the department will be required to undertake a review in all cases where a child dies or is seriously injured and they were known to the Child Safety within 12 months of their death or injury.

The Minister will be able to ask Child Safety to review any death or serious injury of a child that falls outside of the one-year time frame if the minister considers the circumstances may be relevant to the chief executive's functions. All reviews conducted by Child Safety will be provided to an independent panel for review.

The bill disbands the current Child Death Case Review Committee chaired by the Commissioner for Children and Young People and Child Guardian and gives the Minister for Communities, Child Safety and Disability Services the ability to select appropriately qualified experts to form part of a pool of people from which a panel will be called upon to independently review the department's review of their involvement with a child when the child dies or is seriously injured.

The panel will be independent and multidisciplinary and must include a minimum of three external child protection specialists, at least one and not more than three departmental officers, at least one Aboriginal or Torres Strait Islander person, and at least one public servant from another department. To further ensure independence, the chief executive will report annually to the minister about the performance of the panel's functions.

The bill repeals section 248 of the Child Protection Act which requires agencies across government to give information each year about their operations to the Department of Communities, Child Safety and Disability Services to be collated into an annual report. The bulk of the information included in the annual report as it exists now is already published elsewhere. The implementation of the government's response to the Commission of Inquiry's report provides the opportunity to re-evaluate reporting requirements to make sure we are reporting on the most salient information about how the system is performing.

To improve processes for handling complaints in relation to the child protection system, the bill streamlines complaint functions by removing the duplicated oversight role performed by the Commission for Children and Young People and Child Guardian in favour of the oversight currently provided by the Ombudsman. This is in line with the recommendations of the commission that improved and refined oversight of the child protection system would be achieved by placing appropriate responsibility on each department with child protection responsibilities, avoiding duplication and uses resources efficiently.

To ensure the timely and efficient handling of complaints, the bill amends the Ombudsman Act 2001 to allow the Queensland Ombudsman to delegate work to appropriately qualified officers.

Amendments are also made to clarify the leadership of the Childrens Court when constituted by magistrates. Under the amendments, the Chief Magistrate will be responsible for the administration of the Childrens Court when constituted by magistrates. This will allow the Chief Magistrate to ensure that Childrens Court matters, including child protection, youth justice and adoption matters are dealt with in an efficient manner.

Amendments are also made to allow Childrens Court magistrate appointments, including current appointments, to continue for the length of the magistrate's appointment rather than being limited to five years to increase the number of Childrens Court magistrates over time and assist with implementing the Commission of Inquiry's recommendation that more existing magistrates be appointed as Childrens Court magistrates.

Finally, the bill transfers administration of the blue card scheme to the Public Safety Business Agency, the new government entity providing corporate service capabilities for the Queensland Police Service and the Queensland Fire and Rescue Service under a stand-alone act, Working with Children (Risk Management and Screening) Act 2000.

A comprehensive, independent policy and business process review, including a review of workforce requirements and a consideration of whether the scheme should be simplified, will be undertaken after 1 July 2014.

This government is committed to implementing the next stages of reform, which will include legislative and non-legislative reforms, to comprehensively change the way Queensland protects, cares for and supports its most vulnerable children. These changes will provide the legislative foundation to support and enable the extensive non-legislative reform agenda to implement the road map. For example, this will include joint training and capacity building tools and guidelines, strengthening the child and family support services sector to provide families with the support they need earlier and minimising the need for Child Safety intervention. It will also include building the

capacity of the sector by establishing initiatives such as community based intake pathways, a new practice framework for Child Safety and non-government staff and expanding intensive family support services.

This bill, as well as the Public Guardian Bill and the Family and Child Commission Bill, underpin 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) (4.29 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) (4.30 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 Child Protection Reform Amendment Bill by 13 May 2014.

Question put—That the motion be agreed to.

Motion agreed to.