




Speech By  
**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

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Record of Proceedings, 20 May 2014

**PUBLIC GUARDIAN BILL; FAMILY AND CHILD COMMISSION BILL; CHILD PROTECTION REFORM AMENDMENT BILL**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.35 pm), in reply: At the outset I thank all honourable members for their contributions to the debate on the Public Guardian Bill 2014, the Family and Child Commission Bill 2014 and the Child Protection Reform Amendment Bill 2014. In particular I thank my colleagues on the government side of the House for their great presentations. These bills represent a pivotal step towards fulfilling the Queensland government's commitment to build a sustainable and effective child protection system over the next decade by implementing the recommendations of the Queensland Child Protection Commission of Inquiry. The bill delivers on the government's commitment to revitalise front-line services and deliver a strong plan for a brighter future for Queensland.

I have listened to the contributions from those opposite and what I have heard is that the opposition has no plan, no strong plan, and it is easy to do a compare and contrast.

**Mr Hart** interjected.

**Mr BLEIJIE:** I take the interjection from the member for Burleigh. The opposition do not have a plan, never had a plan. The only plan they carry on with at the moment is a plan of flip flopping. Queenslanders never know quite what the position is of the Labor Party depending on which day of the week it is. On some days it changes on the day. The opposition in terms of flip flopping know all about that. They have no strong plan for the future of Queensland and no strong plan for the protection of children in this state. They want to live in the past under the chaos of the same failed Labor team. Not only do they want to live in the past, they want to bring back the failed Labor team, the ones who sat at the cabinet table for 15 years and had a duty and responsibility to the children of Queensland to fix these issues and they were derelict in their duties. For 15 years those opposite sat around the cabinet table and did nothing to fix the issues of child protection in this state affecting the most vulnerable of our community, our young people. They sat around the cabinet table and remained silent.

The system was bursting at the seams under the same old failed Labor Party members. It was a system of duplication. Those opposite are not prepared to embrace change. They are not prepared to embrace a clear plan and a strategy. They are not prepared to embrace a road map for the future. Planning for the future is new to the Labor Party. It just deals with the here and now and does not worry about long-term plans for the future of Queensland. We have a strong plan for the future of Queensland. We need to take tough, disciplined decisions and a planned approach for the long-term. We set up the Queensland Child Protection Commission of Inquiry to listen to Queenslanders and to adopt a planned approach for their long-term future. The Newman government has a strong plan for a brighter future and it is displayed with the reforms that are in this legislation.

The bills reiterate our intention to deliver a reformed child protection system in Queensland 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 Public Guardian Bill establishes a strong new independent body to protect the rights and interests of adults and children with impaired capacity. The Public Guardian will provide a continuum of the advocacy services to children in the child protection system and visits to the children who need them most. The best interests of the child will be the paramount consideration as the Public Guardian works with other government and non-government providers to ensure the child is valued, respected and safe. The Public Guardian Bill provides the Public Guardian and staff of the Office of the Public Guardian with the powers needed to fulfil this most important role.

The Family and Child Commission Bill establishes a new statutory body to promote the safety, wellbeing and best interests of children and young people, to promote and advocate the responsibility of families and communities to protect and care for children and young people and to improve the child protection system. The Queensland Family and Child Commission will be responsible for oversight of the child protection system and evaluating performances in delivering child protection and family support services, including achievements against state and national goals. The commission will coordinate a multidisciplinary research program, provide leadership and expert advice about evidence based policy and programs and will develop cross-sectoral partnerships to increase the collaboration and build capacity of the government and non-government sectors.

The Child Protection Reform Amendment Bill 2014 will action other pressing commission of inquiry reforms. The reforms will clarify the leadership of the Children's Court when constituted by magistrates and District Court judges and the administration of the court. They will also provide a clear legislative framework in the Child Protection Act to guide decision making about when a report about a child should be made to Child Safety, including a consolidated and consistent requirement for those professionals currently required by policy or legislation to mandatorily report as a first step to reduce the current levels of unsustainable demand on the child protection system. The reforms in the bill will also establish streamlined processes for the review of deaths of children known to Child Safety and some serious child injuries, and transfer administration of the blue card scheme to the Public Safety Business Agency.

As a package, the bills comprise the initial stage of the government's reforms to revitalise and refocus the child protection system. As I outlined in my second reading speech, I will be moving technical amendments to these bills during consideration in detail that either correct minor drafting errors and unintentional omissions or provide clarification on sections of the bills.

I will now address some of the issues raised by honourable members. Although CCYPCG oversight will be removed, the Family and Child Commission will provide systemic oversight, the Public Guardian will provide individual oversight and the Ombudsman will deal with complaints and investigate matters as required. The Ombudsman has the jurisdiction to undertake systemic oversight where it considers necessary. The Ombudsman has always had this jurisdiction; it just chose not to take action in most cases. The Ombudsman would examine CCYPCG actions.

An issue was raised about staff levels, experience and knowledge within the Public Guardian. In recommendation 12.7 of its report, the commission recommended combining the Child Guardian and Adult Guardian functions within the Office of the Public Guardian. One statutory office leading the Office of the Public Guardian ensures that there are clear lines of accountability for decisions made. The bill differentiates the role of the Public Guardian in relation to adults with impaired capacity and the role in relation to children, maintaining the specialist focus of programs to support children and adults respectively. The bill provides the Public Guardian with specific adult guardian functions related to adults with impaired capacity for a matter and also provides the Public Guardian with specific child advocate functions related to relevant children and children residing in visitable sites, which include residential care facilities, detention centres, boot camps, corrective services facilities and mental health facilities. The different guiding principles to be applied by the Public Guardian and other persons performing the adult and child functions also reflect the different nature of the two programs.

The current principles in the Guardianship and Administration Act 2000 and the acknowledgements in the Guardianship and Administration Act 2000 will continue to be applied by the Public Guardian and other persons performing adult guardian functions. The bill provides the principles that are to be applied by the Public Guardian and other persons performing functions in relation to children. The main principle to be applied is that the best interests of the child are paramount. Other general principles include requirements that children are valued, respected and protected and that the importance of the child's relationship with family and community are considered.

The Office of the Adult Guardian as currently established comprises staff suitably qualified for managing the needs of vulnerable adults. The Office of the Public Guardian will be building upon and utilising the skills and experience already available from the Commission for Children and Young

People and Child Guardian, as well as that available from the Office of the Adult Guardian, in establishing its new role. Dedicated programs will address specific needs. The bill provides the Public Guardian with the flexibility needed to ensure that suitably qualified people are employed to work with children. From 1 July 2014, the guardianship, child advocacy and community visiting functions, both adult and child, will be performed under an appropriate organisational structure. Potential administrative efficiencies that may result from combining the existing roles of the Child Guardian and Adult Guardian within the Public Guardian, including through streamlining and reform of business processes and the use of established and effective infrastructure such as the IT system, will be considered as part of program design.

In relation to visits to children, the Public Guardian Bill provides for a three-tiered visiting program. The Public Guardian will be required, through its community visitors, to regularly visit all children who are in residential facilities and youth detention, corrective services and mental health facilities. In addition to visiting children in facilities, the Public Guardian must visit all children in facilities or out-of-home care who request a visit. It is anticipated that the Public Guardian will develop strategies to raise awareness among relevant children as to their rights and their ability to request a visit, including by working with other agencies and local stakeholders.

The Public Guardian may also visit other children residing in out-of-home care who require visits, and may determine the regularity and frequency of those visits. The Public Guardian Bill outlines a list of non-exhaustive factors that the Public Guardian may take into account when determining other children who should be visited. These factors, which have been guided by the commission report, include the age of the child, the number of children at the visitable home, the appropriateness of the accommodation, any recent information or report given to the Chief Executive of Child Safety, the number of visitable locations a child has resided at, whether the child has moved out of a visitable location without authority, any contact the child has had with the youth justice system, the child's cultural or linguistic background and any other matter the Public Guardian thinks is relevant. These provisions mean that the Public Guardian will only visit children in out-of-home care, including children under guardianship orders to a relative or other third party, children placed with a kinship carer and children who are placed with parents' consent under a care agreement if they request a visit or if the Public Guardian determines that the child requires a visit. This approach targets resources to focus on children who need visits the most or who ask for a visit.

The Public Guardian will be allowed to request information from prescribed entities, including government departments, private schools, health service chief executives and entities prescribed under a regulation to help the Public Guardian perform its child advocacy functions. Information may be requested by the Public Guardian for the purpose of assessing whether a child should be visited as part of the community visitor program. In addition, Child Safety will be required to advise the Public Guardian of all reviewable decisions made and all children subject to an order, intervention or agreement under the Child Protection Act 1999.

The Public Guardian will also be advised of the commencement of certain child protection legal proceedings in the Children's Court and at the Queensland Civil and Administrative Tribunal, and of key decisions of the Chief Executive of Child Safety in relation to a child. The Public Guardian's decision as to whether a child in out-of-home care requires a visit will also be informed by this information. Community visitors may also discharge a function by contacting a child or someone else by using relevant technology such as email, videoconferencing and text messaging. Further, with respect to the frequency of contact with children, the Public Guardian Bill does not prevent having minimal contact with a child as part of the visiting framework.

The functions of the Public Guardian in relation to relevant children include working with government and non-government providers of services to children. Close working relationships with these providers at a local level, as well as the arrangements under the bill that allow the Public Guardian to obtain information in relation to a child, will assist Public Guardian staff to identify those children who require help and to initiate contact with that child.

Issues were raised in relation to conflict when the Public Guardian is helping an adult and a child in the same family and also in relation to conflicts with youth justice dealings. The Public Guardian is an independent statutory officer who controls the Office of the Public Guardian. Community visitors and child advocates have a direct reporting line to the Public Guardian. The independence of the role of the Public Guardian, like that previously of the Adult Guardian and the Children's Commissioner, will ensure that matters of concern will be able to be appropriately identified and dealt with. Child advocates will exercise their role of providing an independent voice for each child when required.

An issue was raised about Aboriginal and Torres Strait Islander representation. With respect to issues raised regarding why there is not special provision for the appointment of ATSI staff to community visitor and advocate roles, such special provision is not needed. The Public Guardian has the capacity to appoint ATSI staff to community visitor and child advocacy roles and also to ensure that all staff engaged by the Public Guardian have the ability to engage effectively with ATSI children and ATSI stakeholders. This legislative framework provides the Public Guardian with the flexibility needed to ensure the most suitably qualified people are employed.

I turn to issues raised by the member for Redcliffe and shadow minister who took the opposition's position to the parliament today, which is to oppose the bills. I wanted to take the member for Redcliffe up on the issue of consultation. Believe it or not, the member for Redcliffe stood in this place and said that there was inadequate consultation. There was a royal commission. I repeat: there was a royal commission that developed a road map for the future of the most vulnerable in our community.

**Ms D'Ath:** What about on the bill?

**Mr BLEIJIE:** I will get to the bill and we will teach the member a thing or two. There was a royal commission into child protection in this state. As I recall, the royal commission went for a period of 12 months. In fact, it was given an extension. It went for a period of 12 months. Every Queenslander, every Australian, every global network had the opportunity to submit to the royal commission. Commissioner Carmody was not only tasked with looking at the issue that we have now and the fact that the Labor Party failed to deal with this very important issue over the last 15 years but also tasked with finding a road map for the future—not just investing more money into it but finding out what the problem is—

**Ms Davis:** The root cause.

**Mr BLEIJIE:** What the root cause is. I take the interjection from the Minister for Communities, Child Safety and Disability Services. It came back to early intervention. It all revolved around what happens before the issues occur. The commissioner made the commentary during the inquiry that the best thing for a family is to sort the family relationship out, to sort the breakdown of the family relationship out and to have children reside with their family if we can resolve the issues surrounding the relationship breakdown at the time.

We had the opposition saying that there was no consultation. Well, I reject that. There was a royal commission. Then the member for Redcliffe said that the bills were not consulted on enough. The bills went off to the committee for nine to 10 weeks. They are probably the most considered bills—the committee had 10 weeks. If the opposition—being the most overresourced opposition in Australia at the moment—with their 24 staff cannot look at these bills over a 10-week period following a 12-month royal commission then I do not know how long they need. In fact, it is probably why it took the Labor Party 15 years to not get to this issue. If that is the time line the Labor Party operates on—if it takes them 15 years to do nothing—God forbid what another five years or another term of government would have presented for the Labor Party.

**Mr Hart:** There is only three staff for every one of them. They are a bit underresourced!

**Mr BLEIJIE:** I take the interjection from the member for Burleigh. They have the most staff of any opposition in the country—in any jurisdiction. They had 10 weeks to read the bills, 10 weeks to get debate and discussion happening around the bills, but they could not do it. I do not know whether they have even read the bills. I put it to the House that I do not know whether they have read the bills. I do not know whether they have read the report of the royal commission. I am not sure whether they put a submission into the royal commission.

I am not sure whether the member for Redcliffe, when she was the federal member for that area, had an iota of interest in young people in this state. But now the member has found her voice here and in Redcliffe. She comes in here and her first contribution to the debate on these major reforms is, 'Ten weeks was not enough time. You did not consult with the community. You only did a royal commission.' We do not do a royal commission very often. We have done a few in Queensland. We have had the racing inquiry, the health inquiry and, of course, the child protection inquiry.

We cannot get more open, transparent and consultative with the Queensland community than a commission of inquiry. That is exactly what we did. Do you know why we did that, honourable members? Honourable members on the government side will understand why we did it. We went to the 2012 election and said, 'This is an issue that the Labor Party has not addressed. This is an issue concerning our vulnerable young people that we will tackle head on.' The first thing we said we were going to do was establish a royal commission into child protection in this state. Do you know what,

honourable members? After that strong commitment and strong plan we won the 2012 election and—oh, boy—we set up a royal commission.

When we say we are going to do something we do it. That is the compare and contrast when it comes to us and the Labor Party. This LNP government said things to the electorate, we were elected on that platform and we are achieving strong results. This will lead to a brighter future for young people—a brighter future than the bleak future they had under the Labor Party.

I reject entirely this nonsense from the member for Redcliffe.

**Ms D'Ath** interjected.

**Mr BLEIJIE:** She has said more in interjections than she said in contributing to the debate.

**Ms D'Ath** interjected.

**Mr BLEIJIE:** I am happy to take the interjections. I know she did not go for her full time in her contribution. She is making a better contribution in her interjections than she did in her presentation. I take all the interjections.

I reject entirely the submission from the member for Redcliffe that the time to consider the bills was not long enough. There were 10 weeks to look at these bills. There was a royal commission. There was enough time to have a look at these issues. We want to get on with the job because we owe it to young people right around Queensland to make sure we get on with the job.

I cannot believe, I cannot fathom that the opposition, which sat on its hands for 15 years when it comes to this issue, is opposing the legislation today. This is following a royal commission and following recommendations. This is the start of the rolling out of the recommendations from a royal commission.

**Ms Davis:** Politics ahead of children.

**Mr BLEIJIE:** I take the interjection from the Minister for Communities. They are putting politics ahead of children in this state. There is no clearer explanation than that they are putting politics ahead of children in this state.

Again, I reject entirely the submission made by the member for Redcliffe in relation to timing. If they need three years to look at one piece of legislation, I think Queenslanders can see that that is why they never got anything done. They had their priorities so wrong. We get on with our priorities. We said in 2012 that we would have a royal commission and chart a road map for the future of young people who need protection in this state. That is exactly what we are doing.

I thank all honourable members for their contributions to the debate. I hope I have answered the questions that honourable members had. I commend the bills to the House.