




Speech By
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MEMBER FOR THURINGOWA

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CHILD PROTECTION REFORM AMENDMENT BILL; DIRECTOR OF CHILD PROTECTION LITIGATION BILL

 **Mr HARPER** (Thuringowa—ALP) (5.09 pm): I rise today to speak in support of both bills—the Child Protection Reform Amendment Bill 2016 and the Director of Child Protection Litigation Bill 2016. From the outset can I say that it is a great day as parliamentarians to find bipartisan support on such an important issue.

As we know, the aim of these bills is to amend the now outdated Child Protection Act 1999 in child protection proceedings. The 121 recommendations came about as a result of the Queensland Child Protection Commission of Inquiry. The bill aims to reform the way that the child protection proceedings are conducted in the Childrens Court, but it does so much more. It ensures those children who sometimes, through no fault of their own, find themselves in that situation are looked after by our Queensland government and departments like Child Safety.

The commission of inquiry noted there is no legislative duty of disclosure on parties to child protection proceedings. This means that child protection proceedings are conducted largely on the basis of affidavit evidence that relies heavily on hearsay. The amendments will facilitate more equitable processes by enabling parties to be aware of such evidence which will be relied upon during court proceedings. We know that these important court reforms will ensure that the voices of those most affected—and, of course, I speak of the children and their families—are listened to. These changes and amendments will also ensure they will be heard on any decisions that may affect them. They will also improve the timing, quality of evidence and information that may go before the Childrens Court.

The bill aims to provide families and children with greater support during the child protection court proceedings and generally improve the functioning of the Childrens Court and the quality of applications for a child protection order. The bill also supports the establishment of the Director of Child Protection Litigation and the Office of the Child and Family Official Solicitor. We know that decisions made by the courts in child protection proceedings have far-reaching consequences for a child and their family. The amendments and the resulting new court work model are designed to ensure more timely and informed court processes for child protection matters that will ultimately result in better and more just outcomes for vulnerable children and their families.

As we know, the bill is based on a number of recommendations from that commission of inquiry which consulted extensively over 12 months, informing its 10-year road map for Queensland child protection. To develop the bill, the Department of Justice and Attorney-General conducted targeted consultation with child protection and legal stakeholders in December 2014 and again in July 2015. Some of those key stakeholders were Foster Care Queensland, Bravehearts, the Bar Association, Youth Advocacy Centre and the Chief Magistrate. Stakeholders were indeed very supportive of the new duty of disclosure and the new court model involving the Office of the Child and Family Official Solicitor and Director of Child Protection Litigation.

Allowing cases to be heard together, particularly those involving children living in different households who do not share the same set of parents such as step siblings, will mean that people from different families will be coming into one courtroom. It is possible in some circumstances that there may be safety concerns if all of the parties are present in the one courtroom. This is particularly relevant where there has been a history of domestic and family violence. These are factors that the court can now consider when determining whether children's cases should be joined as it may be that, due to the specific and complex history and personal safety of people, the court can determine whether it would be appropriate for the cases to be joined.

It is also acknowledged that the documents that will be disclosed in child protection proceedings are likely to contain extremely sensitive and personal information about children and families. There are now a number of safeguards in place under the new disclosure regime to ensure the privacy of parties and those linked to child protection proceedings. Now the Childrens Court will have the power to control how highly sensitive information about the child and family are disclosed to each other. Under the bill, the director may also object to disclosing a document if it is not in the best interests of the child and the proceedings.

The Palaszczuk government is committed to implementing the recommendations of the Queensland Child Protection Commission of Inquiry through the Supporting Families Changing Futures reform program. The child protection reform amendments respond to 11 recommendations made by the commission of inquiry which simply aim to improve the way the child protection proceedings are heard in the Childrens Court.

The bill reflects the vital importance of child protection court work in ensuring the support of families and, of course, protecting those at the very core: those vulnerable and affected children themselves who end up in the Childrens Court. I acknowledge the work of the department and the previous and current committee members, respective secretariats, Minister Fentiman and the Attorney-General for their desire to ensure that we get the balance right in regards to dealing with children and their families who find themselves before the Childrens Court.

The journey of life offers its twists and turns and we get to meet some fine people. Since my election to this place, I have found a number of people in this House who have inspired me with their shared stories. Shared stories and experiences are extremely powerful. Listening earlier to the member for Mudgeeraba, Ros Bates, retelling her tale certainly sparked some things in my mind about the importance of what we are doing here today. I say nothing more than that it is good to know there is another survivor in this House. I commend the bills to the House.