




Speech By
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MEMBER FOR ASPLEY

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

 **Ms DAVIS** (Aspley—LNP) (4.59 pm): I rise to contribute to the cognate debate on the Director of Child Protection Litigation Bill 2016 and the Child Protection Reform Amendment Bill 2016. As the shadow minister, the member for Mudgeeraba, has indicated, the LNP will be supporting these bills. It has been a tremendous honour to serve both as a minister for child safety and as shadow minister. In handing over the baton, I know that the member for Mudgeeraba will do a stellar job in the role. With her passion in this area alongside her lived experience, the shadow minister will be an outstanding advocate for all Queensland children. I know she will be watching closely how the operations of the legislation are implemented.

These bills represent the second stage of legislative amendments in the child and family reform agenda that was initiated by the LNP. They build on the groundwork that we laid as part of a suite of legislative changes to reform Queensland's child protection system. Before I discuss the bills, I want to highlight the importance of the overall program of work involved in the child protection reform. I have had the privilege of getting to know many young people who have been through the care system—children removed from abusive or neglectful parents whose safety and protection needed to be secured by the state. Their consistent narrative has always been that they wanted the system to care about them and make decisions that were in their best interests—a system that is more responsive to their immediate needs and more nurturing towards their longer term wellbeing and care. There are many things the system got right for these young people, but there are many more aspects that could be improved. This reform is so important to get right and it must begin with acknowledging the failures of the past so they are never repeated.

There had been many signs that the system was broken and failing the very children it sought to protect, so the commission made recommendations to acknowledge the past to make for a better future for children and families involved. What we had seen during a decade of previous Labor government terms was a child protection system failing—with child protection intakes tripling, the rate of Aboriginal and Torres Strait Islander children in out-of-home care also tripling, the number of children in out-of-home care more than doubling and children in care staying there for longer periods. On top of this, the budget for child protection services had more than tripled over the course of a decade.

It was a system entrenched with deep-rooted failure, and when the LNP took government we did something that Labor had failed to do—we made it our priority to fix it. Families were struggling because their only avenue of support was through the front door of Child Safety. By the time we left government, we had seen some steady improvements to building a stronger, more responsive child protection system. We changed the landscape so that children and families had a better future. We established the new Queensland Family and Child Commission and delivered the first community education

campaign to strengthen families. We commenced the first round of statewide coverage of Family and Child Connect and intensive family support services. We began the implementation of the new child safety practice framework.

Something I am personally very proud of was progressing support for young people transitioning from care until they reached the age of 21. We completed the first audit of children in care to ensure their child protection order remained in their best interest. We gained solid improvements in the department's response time frames and case planning processes. We were highly encouraged by the downward trajectory of statistics that had previously plagued the system. A very different child protection system was handed to the Palaszczuk government from the one that we inherited.

The bills before the House today address a number of recommendations contained in chapter 13 of the Queensland Child Protection Commission of Inquiry report. They propose new arrangements for the way child protection proceedings are determined and conducted in the Childrens Court so that families are supported and vulnerable children are protected. These bills have critical importance because we know that court processes can have far-reaching effects on a child's life. As the commission noted in its report, the policy rationale for this new proposed structure for legal advice and representation is to establish greater accountability and oversight for the applications that are being proposed by the individual child safety service centres and particular regions to ensure that only necessary applications are being made and those that are made are managed appropriately.

When I became minister, one of the things that really disturbed me was the passage of time it took to take a typical child protection application through the courts. There are examples of when applications are contested that the period between the date a child is removed and the trial date stretches to two years. This is a lengthy and somewhat arduous process of securing the protection of a child and we must do better. It has been an adversarial system for far too long.

We must acknowledge that, historically, the child safety staff have been the ones responsible for taking matters through the courts, which has put further strain on front-line services. These staff members, our child safety officers, team leaders, court coordinators and senior practitioners in child safety service centres across the state have done a sterling job under the very challenging circumstances, and they ought to be commended.

The commission highlighted a number of factors of relevance to making the recommendations pertaining to these bills. Of importance, the commission believed that there was a blurring in the role of child safety workers. It highlighted the need for professional separation of the department's internal processes linked to child protection proceedings and the need for early independent legal advice in matters being considered.

The commission was of the view that a two-pronged approach was needed to improve outcomes for children and families involved in the child protection system and to provide greater accountability and oversight for child protection order applications proposed by child safety. Thus it recommended that a team of dedicated legal officers and specialist support officers be established within a separate office in the child safety department to be known as the Office of the Official Solicitor, who will work with child safety staff in preparing briefs of evidence.

Secondly, it recommended that a new independent statutory office be established—the Director of Child Protection Litigation—which will sit within the Justice portfolio. This is a very important enhancement to the child protection system, as the director will be charged with making decisions on the future safety and wellbeing of children. It will be their role to receive the briefs of evidence from the office of the chief solicitor and then determine which matters progress to a child protection application in the courts, the type of order that will be sought and the management of applications made through the court system.

As the commission noted, the policy rationale for this new structure for legal advice and representation is to establish greater accountability and oversight for the applications that are being proposed by individual child safety service centres and particular regions to ensure that only necessary applications are being made and those that are made are managed appropriately. Further, while the intention is that the director will make the decision as to whether an application is brought before the court, the emergent nature of some of the proceedings and the dispersed nature of the state will mean that the department will need to retain the capacity to apply for certain interim orders where it is not practical for the Director of Child Protection Litigation to make the necessary application.

I would like to thank the committee members for their consideration of this bill. They made a number of recommendations. As the shadow minister has indicated, we will be accepting those recommendations. Whilst the minister and the Attorney-General have addressed most of these issues, the real test of these enhanced functions will be in their ability to oversee the new arrangements and

manage the cost involved in administering the operations of the Director of Child Protection Litigation and the office of the chief solicitor. The commission pointed out that it is expected that the Director of Child Protection Litigation would have offices across the state, building on existing infrastructure, such as being co-located with other Justice related bodies, such as the offices of the Director of Public Prosecutions which are spread throughout Queensland.

I was very pleased to see that the committee examined the cost of implementation, resourcing and the ability to deliver services across Queensland of this new statutory body, as I had concerns that it would be a very centralised model—in essence, it would be fly-in fly-out. In addition, I was informed that, where the Director of Child Protection Litigation was unable to attend a matter due to logistics and other resourcing issues, they would be telelinking into the proceedings or procuring the services of a private solicitor to attend on their behalf.

Whilst the stakeholder submissions in the main supported the bills, some expressed similar concerns to the committee so it was pleasing to see that the Attorney-General has been called on to address the basing of the Director of Child Protection Litigation staff in Brisbane, given staff will regularly work across the state. In closing, in addition to calling on the minister and the Attorney-General to stay close to the changes that will result because of these bills, we will be very interested in the coming months to see the full costs covered in the budget papers.