




Speech By  
**Leanne Linard**

**MEMBER FOR NUDGEES**

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### **CHILD PROTECTION REFORM AMENDMENT BILL**

 **Ms LINARD** (Nudgee—ALP) (5.30 pm): I rise to speak in support of the Child Protection Reform Amendment Bill 2017. It has been a real privilege as a member of this committee to play a very small part in the child protection reforms that have progressed under our government this term. The comprehensive review of the act undertaken by the department over the past two years, recommended by the Queensland Child Protection Commission of Inquiry findings, has brought forward some significant legislative amendments which have improved how we respond to the needs of children and young people in need of protection across Queensland. This bill is a continuation of that important reform agenda and implements priority reforms arising from the review of the act. It supports the Supporting Families Changing Futures child protection and family support reform program as well as the recently released *Our way: a generational strategy for Aboriginal and Torres Strait Islander children and families* and its associated three-year action plan.

The bill is firmly focused on achieving positive long-term outcomes for children in the child protection system. I am not going to go into detail with regard to all of the amendments contained in the bill. The minister has more than ably done so. However, I would like to provide comment on two key areas: that of permanency and, secondly, the right of Aboriginal and Torres Strait Islander people to self-determination under the act. The bill seeks to address what has been a concern for some time, that is, a dependence on the use of successive short-term orders without achieving either reunification or long-term out-of-home care. While I appreciate that the reasons for such successive short-term orders are complex and many, it is recognised that the current situation is not optimal and must be improved. As posited in the commission of inquiry report—

Ultimately, the aim of any case planning for children and young people in the statutory care system is to achieve a permanent, stable home for children. It is only through stability that children can form the attachments necessary to rebuild their lives.

Where possible, this permanency should be achieved with the child's own family.

The bill defines the concept of 'permanency' to recognise it involves a child having ongoing relationships and stable living and legal arrangements that provide permanence and long-term stability. The bill introduces dedicated principles to promote decision-making that prioritises timely permanency outcomes for a child. The bill also amends the current Child Protection Act to require that all case plans include goals and actions for achieving permanency; and provides that a short-term guardianship order, and any subsequent short-term orders, cannot extend beyond a total of two years from the time the first order is made, unless the court is satisfied it is in the best interests of a child.

Consistent with the commission of inquiry findings, the bill also introduces a new type of child protection order—a permanent care order—that will grant guardianship of a child to a suitable person until the child turns 18. The care order represents an additional tool in the suite of options available to find the best fit for a particular child and family. Importantly, the bill also contains important safeguards including that the Children's Court may only make a PCO if it is satisfied that the order is appropriate

and desirable for the child's protection, the child's wishes have been made known to the court and the protection sought to be achieved by the order is unlikely to be achieved by an order on less intrusive terms.

Permanent care orders garnered much comment and scrutiny during our committee inquiry, and rightly so. Child protection law by its nature is intrusive. It interferes with and sometimes reallocates rights and responsibilities—responsibilities that should ordinarily rest with a child's family. Foster Care Queensland considered the introduction of permanent care orders 'a significant and positive addition to the hierarchy of orders'. Micah Projects raised the importance of providing adequate and early support services to achieve reunification with biological parents as being of paramount concern. Micah, along with Queensland Advocacy Incorporated and a number of other submitters raised reservations with the introduction of permanent care orders as they would operate in conflict with this principle.

The department advised the committee that the introduction of permanent care orders provides an option for a Children's Court to put in place a more permanent family-like, long-term arrangement for a child. The bill does not change the current approach whereby the chief executive must take steps that are reasonable and practicable to help a child's family meet the child's protection and care needs. Above all, child protection is about its namesake; it is about making the safety, wellbeing and best interests of the child paramount. I believe that these orders provide an important additional tool—one that should be used only in an appropriate and limited way, and I support the safeguards contained in the bill to see that this occurs.

I turn now to the amendments contained in the bill that go to the Aboriginal and Torres Strait Islander child placement principle and right to self-determination. As we have heard, of the approximately 9,000 children in care across the state, approximately 4,000, or 41 per cent, are Aboriginal or Torres Strait Islander children. The child placement principle recognises that Aboriginal and Torres Strait Islander people have the knowledge and experience to make the best decisions concerning their children and the importance of each child remaining connected to their family, community, culture and country.

The child placement principle was developed by Aboriginal and Torres Strait Islander people in the late 1970s. It recognises that Aboriginal and Torres Strait Islander children should be raised in their own families and communities and, if placed in out-of-home care for protective reasons, should be placed with Aboriginal and Torres Strait Islander carers to retain connection to community and country. Queensland, like other jurisdictions, adopted the child placement principle in legislation to varying and often limited degrees. This bill, inserts a new section to require the chief executive, litigation director or an authorised officer to comply with the child placement principles when making a significant decision under the act about an Aboriginal or Torres Strait Islander child. The bill also strengthens the requirement to place an Aboriginal or Torres Strait Islander child with a person who is a member of the child's family group.

I was very passionate about the committee travelling as part of our bill inquiry to hear firsthand from those most affected by this bill. I thank my fellow committee members for so readily supporting, and feeling similarly about, the importance of this travel. The committee held public hearings in Brisbane, Mount Isa, Townsville and Palm Island. We not only heard from peak bodies and stakeholders in Brisbane, Mount Isa and Townsville, but had the opportunity to sit and hear firsthand from the mayor, councillors, elders and community on Palm Island. Their message was very clear: they know their community best and they want to be empowered and resourced to make decisions about what is in the best interests of their local children and families. They wanted key community stakeholders to be able to assume more authority regarding child protection matters on the island than the current legislation provides for.

I would like to take this opportunity to thank those individuals and organisations who lodged written submissions and appeared at the committee's public hearings and forums. In particular, I would like to acknowledge and thank QATSICPP, the Injilinj Aboriginal and Torres Strait Islander Corporation, and witnesses in Mount Isa and Townsville. On Palm Island, I pay particular thanks to Mayor Alf Lacey and the councillors of Palm Island Aboriginal Shire Council, Aunty Rachel Atkinson from the Palm Island Community Company and the Palm Island community elders for their welcome and passionate advocacy on behalf of their community and culture. The committee sought to diligently and faithfully reflect their feedback in our report and I hope the community will feel that we did them justice.

I believe that this is a very important bill, both in terms of its endeavour to provide greater permanence to vulnerable children and in respect of its recognition of the right of Aboriginal and Torres Strait Islander people to greater self-determination under the act. I believe it is a bill that has followed much consultation and it is a bill that has been respectful and honouring of that consultation and the views espoused by stakeholders. I would like to commend the minister, her office and department for their diligent work in this regard.

In closing, I would like to acknowledge the assistance and advice provided by the parliament's Indigenous Liaison Officer, Brett Nutley. I thank him and Hansard reporter Mandy Benn for their assistance during our travel. I would like to acknowledge our committee secretariat, particularly the research director, Karl Holden, who always does an exemplary job.

Finally, I would like to thank the deputy chair and my fellow committee members for their contributions during the examination of the bill. I make special mention of my colleague the member for Thuringowa, who I think is single-handedly sending the book *Saltwater* by magistrate Cathy McLennan to No. 1 on the best seller list. His passion for his region, for his community and for the youth justice issues canvassed in that book were mentioned in every hearing and in almost every conversation had between here, Mount Isa, Townsville, Palm Island and back again. Yes, member for Thuringowa, I am reading my copy of the book.

The committee made one recommendation, that the bill be passed. I commend the bill to the House.