




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 9 August 2017

CHILD PROTECTION REFORM AMENDMENT BILL

Introduction

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.01 pm): I present a bill for an act to amend the Child Protection Act 1999 and the Director of Child Protection Litigation Act 2016 for particular purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Child Protection Reform Amendment Bill 2017 [[1279](#)].

Tabled paper: Child Protection Reform Amendment Bill 2017, explanatory notes [[1280](#)].

As Minister for Child Safety, I have met some incredible, resilient young people and amazing carers dedicating their lives to providing children with the care and stability they need. I have met parents and families who are doing their very best to care for their children, sometimes under extremely challenging circumstances. I have had the privilege of speaking with many of our dedicated child safety officers who day in and day out devote themselves to protecting Queensland's most vulnerable children and young people. I have listened to their stories and we have responded, with the Palaszczuk government supporting them in more ways than ever before.

The Palaszczuk government is providing the biggest funding injection in over a decade to boost front-line Child Safety jobs. An additional \$200 million investment will fund an extra 421 new Child Safety staff over three years—bringing down caseloads, improving practice and supporting children, parents and carers. The Palaszczuk government is backing our state's foster and kinship carer families by not only investing in a \$2.6 million campaign to recruit 1,000 more but ensuring they can exercise guardianship decision-making for routine medical checks and vaccinations when it is conferred on the chief executive, and with over \$15 million we are supporting carers' access to child care when it is needed.

The Palaszczuk government is also helping Queensland's parents with a network of new family support services from universal parenting advice to residential drug rehabilitation facilities. We must do everything we can to ensure Queensland families, including our kinship and foster carer families, are supported to look after Queensland's most precious and vulnerable citizens—our children.

While our reforms in Child Safety funding, policy and practice are significant, they need to be reinforced and embedded by contemporary legislation. That is what this bill is all about. I thank all of those who have worked with us in reviewing the Child Protection Act and shared their personal experiences and provided input so that we continue to improve the legislation. This has been a comprehensive process involving significant engagement with Queenslanders, including children and families, the services that support them and our key stakeholders.

This bill proposes priority amendments that will make significant improvements in how we can respond to the needs of children and young people in out-of-home care today. One of the keys to supporting the needs of children and young people in out-of-home care today is providing greater options for permanency and stability. For a child in out-of-home care, knowing where and with whom they are going to live and what relationships and cultural connections they can continue to have makes a world of difference. Permanency for a child in out-of-home care is not just about legal arrangements for the child. For the child themselves, it is about providing certainty and stability about a child's ongoing relationships with significant people in their lives, their living arrangements and connections to community. It is also about being clear from the very beginning about the goals of the department's intervention with their family and contingency planning so that, if reunification is not possible or appropriate, arrangements to meet the children's long-term needs are put in place.

This bill proposes a permanency framework to focus on achieving timely, long-term outcomes for children and young people involved in the child protection system. The bill amends the paramount principle in the act to refer to the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life. This places front and centre the need to consider the long-term impacts for a child, as well as immediate safety and wellbeing issues when determining what is in the best interests of a child.

The bill also proposes to amend the act to include a preferred hierarchy of intervention options for achieving permanency for a child involved in the system. During the review of the act, we listened to children and young people who told us they would like the opportunity for a more permanent type of child protection order to provide for their long-term care needs when returning home to their parents is not possible. If they need to be in long-term out-of-home care, children want the opportunity to feel like they are truly part of a permanent family arrangement, without severing the relationships they might have with their siblings or their extended family members.

The bill proposes a new type of child protection order—a permanent care order—to provide a child with a more stable and secure family arrangement and greater certainty so they can get on with their lives knowing that their permanent guardian has the authority to make decisions about their care. Under this type of order, a child can live with their guardian in a more secure and stable family arrangement knowing that unnecessary departmental intrusion into their family life is limited and that an order can only be subject to reconsideration by a court in very limited circumstances. A permanent care order will not sever a child's relationships with their siblings and extended family members, which is often very important throughout a young person's life.

For those involved in Queensland's child protection system over a number of years, people will know that this is not a brand-new idea. Back in 2006, the department released a discussion paper that asked about the need for a permanent care order. In 2013 the Queensland Child Protection Commission of Inquiry discussion paper asked the same question. Both discussion papers went nowhere and were left in the too-hard basket by former governments. I am extremely proud that it is the Palaszczuk government that is finally introducing into the Queensland parliament the changes called for by children and young people themselves so they can have the stability and permanency they need and absolutely deserve.

Another important area of reform this bill addresses is the safe care and connection of Aboriginal and Torres Strait Islander children in care with their families, communities and cultures. In May this year, Minister Furner and I were proud to release the Queensland government strategy *Our way: a generational strategy for Aboriginal and Torres Strait Islander children and families* and its first three-year action plan *Changing Tracks*.

The bill embeds the Aboriginal and Torres Strait Islander child placement principle, requiring explicit application of the five elements of the child placement principle—prevention, partnership, placement, participation and connection—when decisions are made about an Aboriginal and Torres Strait Islander child. These changes recognise the significant and long-term effect of decisions on a child, their family and community and acknowledge the role of family and community as the department's source of cultural knowledge. For the first time in Queensland's child protection legislation, we will recognise the rights of Aboriginal and Torres Strait Islander people to self-determination by inserting a new principle for the administration of the act. This is supported by an amendment that enables the chief executive to delegate functions and powers in relation to a specific child to the chief executive officer of an appropriate Aboriginal or Torres Strait Islander entity. Amendments will provide greater flexibility in how cultural advice about a child and their family is obtained and considered and how they can be better supported to participate in decision-making.

A contemporary and simplified information-sharing regime is critical to the child protection system in Queensland. The bill also clarifies the sharing of information between key government and non-government entities. Information-sharing provisions in the Child Protection Act were originally developed when the department had the central role of receiving information about child safety concerns and referring children and families to appropriate services. The reformed child protection system involves supporting families earlier, and this is increasingly coordinated and delivered by a range of non-government organisations.

The bill amends the information-sharing provisions to reflect the role played by specialist child and family support services. It enhances the ability of our funded family support services to meet the needs of children and families by enabling them to share relevant information with each other for particular purposes while providing safeguards to prevent the inappropriate sharing of personal information. The bill makes it clear that information can be shared for the purposes of supporting families to prevent a child becoming in need of protection or meeting the care and protection needs of a child who is in need of protection. Importantly, the bill clarifies that the preferred way of sharing information is with consent. The bill adds a new principle that consent should be sought where it is 'safe, possible and practicable', but it also makes clear that the safety, wellbeing and best interests of a child are paramount and take precedence over protecting privacy.

During the review we heard that front-line service providers often find the current provisions confusing and difficult to apply. The bill simplifies existing provisions and clarifies which entities can share information, and for what purpose, while maintaining current information sharing and appropriate safeguards. The bill requires the chief executive of the department to publish an information-sharing guideline. The guideline will provide simple, practical advice to front-line child safety officers and other government and non-government service providers about the sharing of information under the act.

During the review of the act, young people and adults who have had out-of-home care experiences told us it was extremely important to them to be able to access information held by the department as a way of strengthening the connection to their history, sense of self and identity. The bill clarifies that records can be provided to an individual who is, or was, a child in out-of-home care. This includes information about both the individual and someone else, such as a sibling or carer. Information will be provided subject to appropriate safeguards and with the support of Child Safety staff.

Supporting young people to transition to adulthood is a critical time for any family. The bill strengthens the Queensland government's commitment to supporting young people approaching adulthood by inserting new requirements for transition to independence planning. This critical planning will commence when a young person turns 15 and provides that the chief executive can assist people now up until the age of 25. This bill is an important step in continuing the significant progress that has already been made in reforming Queensland's child protection system. I commend the bill to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.14 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, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Mr DEPUTY SPEAKER (Mr Stewart): Order! In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Portfolio Committee, Reporting Date

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.14 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee report to the House on the Child Protection Reform Amendment Bill by 28 September 2017.

Question put—That the motion be agreed to.

Motion agreed to.