Speech By

Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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CHILD PROTECTION REFORM AMENDMENT BILL

Second 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) (5.08 pm): I move—

That the bill be now read a second time.

I introduced the Child Protection Reform Amendment Bill 2017 into parliament on 9 August 2017. The bill was referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for consideration, and the committee tabled its report on 28 September 2017. I want to thank the committee for its detailed examination of the bill and its recommendation that the bill be passed.

I would also like to thank the 30 stakeholders who made written submissions to the committee. Our sector and legal partners play a vital role in supporting children and families. As always, their expertise and insights have helped to develop the amendments in this bill.

The amendments in the bill aim to achieve three key policy objectives—first, to promote positive long-term outcomes for children in the child protection system through timely decision-making and decisive action towards either reunification with family or alternative long-term care; second, to provide for the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures; and, thirdly, to provide a contemporary information-sharing regime for the child protection and family support system which is focused on the children's safety and wellbeing.

While the majority of stakeholders who made submissions to the committee were generally supportive of the bill and its objectives, there were some issues raised about its intended application and I will address these matters shortly. First, however, I would like to inform the House of two minor and technical amendments to the bill which I intend to move during the consideration in detail stage of the bill. The first amendment is a result of the recent passage of the Criminal Law (Historical Homosexual Convictions Expungement) Bill 2017. The second amendment is to correct cross-references in other legislation.

I will now address the key issues raised by stakeholders during the committee process. The bill introduces a new permanency framework which is underpinned by a set of guiding principles. The framework promotes children and young people having long-term stability. Specifically, the concept of permanency is defined with reference to a child's ongoing significant relationships, stable living relationships and secure legal arrangements.

During the committee process some stakeholders raised concerns that this proposed framework to achieve improved permanency for children may reduce the department's focus on reuniting children with their families. Some were also concerned that parents will not be given adequate time and support to access the services and resources they require to meet their child's care and protection needs. This is not the case. The permanency related amendments in the bill do not limit permanency to the making

of a long-term child protection order for a child. In fact, the guiding principles establish a hierarchy of preferred care arrangements for best achieving permanency for a child. In this hierarchy the first preference is for the child to be cared for by the child's family. Providing help and support to a child's parents to enable them to meet their child's care and protection needs will continue to be the preferred approach for achieving permanency for a child. However, the bill acknowledges that making multiple short-term orders is rarely what is best for a child and is not preferable for achieving permanency.

To prevent a child drifting in care, short-term orders will be limited to a total period of two years unless it is in the best interests of the child and the court considers that reunification with family is reasonably achievable within the extended time frame. This may include, for example, when a parent has demonstrated willingness and ability to meet their child's needs but has not been able to sufficiently address all of the identified risk factors within the two years.

The bill proposes to introduce a new type of long-term child protection order—a permanent care order—which will grant guardianship of a child to a suitable person until the child turns 18. A permanent care order will provide an additional option for meeting the needs of a child who requires long-term out-of-home care. Importantly, the changes do not remove the focus from the department's role in providing help and assistance to a child's family to enable them to care safely for their child.

A permanent care order will be available when it is considered appropriate for a particular child. Specifically, the court may only make a permanent care order if satisfied the proposed guardian is a suitable person for having guardianship of the child and is willing and able to meet the child's ongoing protection and care needs on a permanent basis. A child's permanent guardian will have responsibility for all of their day-to-day and long-term needs.

Safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures is a key part of this bill. The bill proposes to insert into the act as principles all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle—prevention, partnership, placement, participation and connection. Should the bill be passed, I am very proud to say that Queensland will be the first state in the country to have recognised all five elements as clear rights of an Aboriginal or Torres Strait Islander child involved in the child protection system.

The bill also proposes an amendment to recognise the rights of Aboriginal and Torres Strait Islander people involved in the system to self-determination. Aboriginal and Torres Strait Islander children, families and communities have the right to speak for themselves, to participate in the making of decisions that affect their lives, and to design systems and services that meet their needs. Amendments provide greater flexibility for an Aboriginal or Torres Strait Islander family to ensure that the entity for their child has relevant cultural authority to be consulted about custom or tradition for them. These entities will have functions to primarily provide a service to families.

Some stakeholders sought clarification about who could perform the role of an independent Aboriginal or Torres Strait Islander entity for a child and what role that would be. The bill sets out criteria about who can be an independent Aboriginal or Torres Strait Islander entity for a child and makes it clear that it could be an individual person or another entity. The independent entity for a child could be an Aboriginal or Torres Strait Islander elder or an entity funded by government to provide cultural services to Aboriginal or Torres Strait Islander persons. For example, the current recognised entities may be independent entities. Therefore, if a recognised entity is currently working with a family this may continue under the new legislation.

The main function of the independent Aboriginal or Torres Strait Islander entity is to facilitate the meaningful participation of a child and their family in decisions made under the act. This is in recognition of the fact that the child and their family are the primary source of cultural knowledge in relation to the child. The amendments in the bill aim to provide better outcomes for Aboriginal and Torres Strait Islander children and families and are another demonstration of the Queensland government's commitment to the vision and outcomes in the *Our way: a generational strategy for Aboriginal and Torres Strait Islander children and families*.

The bill clarifies and simplifies the current provisions in the act that enable information to be shared with certain entities and for specific purposes. We heard during the review of the act that the current provisions are complicated and difficult to understand and that this contributes to misunderstanding about what information can be shared, when and with whom. The information-sharing amendments proposed in the bill also acknowledge and provide for the role of specialist non-government organisations in supporting families early to provide the help they need to meet their children's needs.

The bill retains and strengthens current protections that safeguard against sharing information inappropriately. During the committee process some legal stakeholders raised concerns that community legal services would be captured under the requirements to provide information to the department. They

queried whether the bill adequately protects privilege a person may claim including legal professional privilege. The relevant provision in the bill uses language similar to that in other legislation and protects any claim of privilege prior to information being disclosed.

Again, I would like to extend my thanks to the committee for its thorough consideration of the bill. The bill is an important step in our ongoing work to implement the broader Supporting Families Changing Futures reform agenda. I look forward to hearing members' contributions to the debate of the bill, and I commend the bill to the House.