




Speech By
Hon. Leanne Linard

MEMBER FOR NUDGE

Record of Proceedings, 3 December 2020

CHILD PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (12.26 pm): I present a bill for an act to amend the Adoption Act 2009 and the Child Protection Act 1999 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Community Support and Services Committee to consider the bill.

Tabled paper: Child Protection and Other Legislation Amendment Bill 2020 [347](#).

Tabled paper: Child Protection and Other Legislation Amendment Bill 2020, explanatory notes [348](#).

Tabled paper: Child Protection and Other Legislation Amendment Bill 2020, statement of compatibility with human rights [349](#).

The bill introduces, with no changes, the Child Protection and Other Legislation Amendment Bill 2020 that was introduced by my predecessor on 14 July, as reported in the *Record of Proceedings* at pages 1554 to 1556, and which lapsed with the dissolution of the 56th Parliament on 6 October 2020. The previous Legal Affairs and Community Safety Committee completed its inquiry and tabled its report on 28 August 2020.

The Queensland government is committed to strengthening and improving the child protection system to support children and families now and into the future. Significant reforms to the system have been implemented since the final reports of the Queensland Child Protection Commission of Inquiry were delivered in 2013. We are now in the final stage of the Supporting Families Changing Futures 10-year reform program, which has built a responsive and flexible family support system. As the new Minister for Children, I will continue to prioritise these reforms and build on the significant work that has already been done to keep our children safe.

On 2 June 2020, the Deputy State Coroner released the findings of the inquest into the death of Mason Jett Lee. The death of any child is a tragedy, and the circumstances of Mason's death and the treatment he experienced in his short life are truly heartbreaking. Significant reforms and practice improvements have been implemented by our government since Mason's death. Although these reforms were recognised by the Deputy State Coroner, the findings showed that more could be done. The Queensland government's response to the Deputy State Coroner's report was tabled 17 June this year and accepted all six recommendations.

The bill implements recommendation 6(b) of the Deputy State Coroner's report by enhancing permanency under the Child Protection Act 1999 and clarifying that adoption is an option to be considered for children who require long-term care as part of the suite of long-term care options available. The bill also proposes unrelated minor and technical amendments to the Adoption Act 2009 to enable an application for a final intercountry adoption order to be made for a number of children placed with prospective adoptive parents by the Commonwealth Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs.

Major reforms to improve stability and permanency for children in care in Queensland came into effect in 2018. The Child Protection Act defines permanency to include three elements: relational, physical and legal permanency. Currently, section 5BA of the Child Protection Act contains a hierarchy of preferences for determining whether an order or action best achieves permanency for a child involved in the child protection system. The hierarchy provides that the first preference is for the child to be cared for by their family. The second preference is for a child to be cared for by a person who is a member of the child's family, other than a parent, or another suitable person.

The bill proposes amendments to this hierarchy by providing that adoption is the third preference for achieving permanency for a child who requires long-term care, other than for Aboriginal or Torres Strait Islander children. For Aboriginal and Torres Strait Islander children, the bill provides that adoption is the last preference for achieving permanency. I acknowledge that many of our stakeholders have raised concerns about these proposed amendments, particularly in relation to the suitability of adoption and the impacts of the bill on Aboriginal and Torres Strait Islander children. The bill seeks to strike a balance between meeting the Deputy State Coroner's recommendation and responding to stakeholder concerns.

Adoption is already available as an option for achieving permanency for children in care. The proposed amendments intend to clarify that adoption is an option for children who require long-term care, as part of a suite of other long-term care options. The department must always consider the individual circumstances of each child. These decisions are based on the principle that the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount. This bill does not change that requirement. Adoption will not be pursued if it is not in the best interests of a child.

Further, the bill does not preference adoption above a child being reunified with their parents or being cared for in the long term by a member of their family or another suitable person. If the department believes that adoption may be a suitable option for a child who requires long-term care, the processes under the Adoption Act must be followed. This includes obtaining the consent of the child's parents and applying to the Childrens Court for adoption orders for the child.

As Minister for Children, I would like to take this opportunity to make it clear that, on behalf of the Palaszczuk government, I remain committed to addressing the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system. I look forward to continuing the great work of my predecessors and progress made to date in partnership with the Queensland First Children and Families Board and other valued stakeholders, including the Queensland Aboriginal and Torres Strait Island Child Protection Peak, to implement the Our Way Strategy.

The Child Protection Act promotes the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and culture. The provisions in the bill that make it clear that adoption is the last preference for Aboriginal and Torres Strait Islander children are consistent with the Adoption Act, which recognises that adoption is not part of First Nations custom and tradition and should only be considered if there is no better option available.

The proposals build upon the existing safeguards in the legislation for Aboriginal and Torres Strait Islander families and children. These include requirements to apply the Aboriginal and Torres Strait Islander Child Placement Principle in decision-making. In the event adoption is considered an appropriate option for an Aboriginal or Torres Strait Islander child, the director-general will review this assessment before the adoption process is progressed.

The bill also includes a new requirement for the chief executive to review the case plan for a child who is subject to a child protection order granting long-term guardianship to the chief executive, 24 months after the order is made. The purpose of this review is to consider whether permanency for the child would be best achieved by an alternative arrangement under the amended order of priority.

The proposed amendments will be complemented by operational reforms. I am pleased to advise the House that, since the bill was previously introduced, this work is well underway. A new chief practitioner was appointed in September of this year, with a major focus on improving long-term outcomes for children in care. The department has commenced reviewing the case plans for children in care under three years old on both long- and short-term orders to ensure the most appropriate long-term outcomes are being pursued. We are undertaking a review of the implementation of the 2018 permanency reforms, including the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle.

I am also acutely aware there are still concerns around some aspects of this bill, and I want to reassure those concerned that we will continue to work in partnership with them to ensure Queensland continues to have the most compassionate and responsive child safety measures in the nation. It is essential we continue the important work of improving our child protection system to make it as safe and supportive as it can be. I commend the bill to the House.

First Reading

Hon. LM LINARD (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (12.34 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 Community Support and Services Committee

Madam DEPUTY SPEAKER (Mrs Gerber): In accordance with standing order 131, the bill is now referred to the Community Support and Services Committee.