




Speech By
Hon. Leanne Linard

MEMBER FOR NUDGEЕ

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CHILD PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (4.44 pm), in reply: I want to thank all members for their contributions to today's debate of the Child Protection and Other Legislation Amendment Bill 2020. I believe that every person in this chamber wants the best possible outcomes for Queensland's children. That is what this bill is about—permanency and stability for children. Many members' contributions during this debate on both sides of the House have respectfully acknowledged the challenging work of child safety officers. Others opposite, including the members for Whitsunday, Currumbin, Lockyer and Southern Downs, have levelled the usual, unimaginative LNP criticisms at the Queensland child protection system and those who work within it that the system is broken and failing.

What does not help children in care and the people who support them is to call the system within which they live, work and dedicate their lives 'broken'. No review into the department of child safety shares the opposition's view that the system is broken—not the Auditor-General, not the Queensland Family and Child Commission, not the Deputy State Coroner. Is the system broken? No, it is not. Is it a system under pressure? Yes, it is. It is true that 92,000 children across Queensland are known to Child Safety each year. It is true that one report is made every four minutes to my department. That is more than 129,000 a year. Child protection notifications are up and children in our care are up, and children are staying longer. Today two in every five children who come into care have a parent who uses ice. Three out of every four households we work with experience domestic and family violence, drug and alcohol abuse, mental health issues, criminal histories and other key risk factors.

Last week the Queensland Family and Child Commission annual report into the deaths of children and young people was tabled. Queensland child mortality rates continue to fall. Most children, including children known to Child Safety, die due to disease, birth defects and accidents. Of the 378 children who tragically died during 2019-20, 53 were known to the child protection system in the year before their death. While none of those 53 were in the care of the department, they at some stage came to the attention of the department, even if only through a phone call at the time of death. Sadly, this is not surprising. As the QFCC report indicates, children known to Child Safety are often affected by significant disadvantage, abuse and neglect before coming to the attention of the child protection system as well as the multiple risk factors present in their families.

The tragic, complex and difficult nature of the work of my department provides no shortage of material for those opposite to politicise—and politicise they do—but, as I have said before, no amount of politics in here will change the life of a child out there. What does change the lives of children out there? Investing in Queensland's child protection and family support system changes the lives of children. Hiring more child safety officers changes the lives of children. Supporting frontline child safety and support staff working in my department changes the lives of children. Encouraging more kin and family carers and foster carers to support vulnerable children in need changes the lives of children. Seeking to continuously improve the system, including through better permanency outcomes, changes the lives of children.

I want to take this opportunity, as I do every opportunity I am afforded, to acknowledge the dedication and passion of our frontline child safety officers and support staff, foster carers, kin carers, our partners in the non-government sector and my department which supports their work. Many dedicate their professional lives to working with vulnerable children and do so quietly and respectfully inside people's homes. They have my thanks and they have my support.

Travelling across Queensland, meeting with and listening to these frontline workers in child safety and youth justice, listening to the thoughts and concerns of children in care and foster-carers, is without doubt the greatest and most meaningful part of my role as minister for children. Our child protection system has the full commitment of our government. We have made an unprecedented investment in child safety since 2015, in both funding and additional staff. We have implemented the biggest ever reforms to Queensland's child protection and family support system over the past five years. Record investment in early intervention programs is about working to support families in crisis earlier and responding to children at risk. We have invested over \$850 million since 2015 and funded more than 550 new child safety staff.

As a result of these investments recommended under the Carmody inquiry, 1,500 fewer children have come into care. However, what the Carmody inquiry did not foresee is the increasing complexity of families and a worldwide pandemic which has exacerbated many of these factors for vulnerable families. While my department does not create the complex circumstances that lead to children needing our assistance—violence in the home, drug and alcohol addiction, mental health issues—we do respond to those issues. When the phone rings my department answers and my department responds. We as a government will always make the difficult decisions needed, advance the legislative changes required and make the investment essential to ensure that the Queensland child protection system is continuously improving and responding to the needs of vulnerable children and families. This bill aims to continue that work.

As I have said, the Child Protection Act 1999 recognises the importance of permanency and stability for children. This is not just legal permanency but also permanency in their relationships with people of significance to them and stability in their living arrangements. Adoption is already one option available for achieving permanency for a child who needs long-term care. The bill proposes to enhance the approach to permanency under the Child Protection Act and clarify that adoption is an option to be considered as part of a suite of long-term options available. The bill also proposes to clarify the importance of and promote alternative permanency options for children under a long-term guardianship order to the chief executive.

The members for Whitsunday and Maiwar raised concerns about children's voices in decision-making. We understand that children are experts in their own lives and I agree that children's voices are a critical part of the decision-making process, which is why section 5D of the Child Protection Act provides principles about exercising powers and making decisions. These principles include that, to the extent that it is appropriate, the views of relevant people should be sought and taken into account before a decision is made under the act.

The member for Whitsunday raised the number of children who are subject to a child protection order granting long-term guardianship to the chief executive. As I have advised, reforms to the act made in 2018 included requirements for all case plans to include goals and actions for achieving permanency. The case plan identifies the goals to achieve permanency for the child, including reunification, the actions that need to be undertaken, time frames and the people responsible or services required for undertaking them. Where a child is subject to an order granting long-term guardianship to the chief executive, it is because that has been determined to be the most appropriate option for that child.

The member for Maiwar stated that stakeholders have raised concerns that two years is not enough time for children to be reunified with their parents. The bill does not impose a two-year time limit for reunification of a child with their family. The bill requires 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 two years after an order was made. This review must consider whether permanency for the child would be best achieved by an alternative arrangement.

The order of priority for deciding whether an action or order best achieves permanency for a child will continue to provide that the first preference is for the child to be cared for by their family. The bill will not change this. In practice, case plans are reviewed in collaboration with the child and the child's parents, guardian or the child's safety and support network. As part of the review, child safety officers will also meet with service providers, other family members, people who the child has a significant relationship with, any legal representative of the child, the Public Guardian and, if the child is an Aboriginal or Torres Strait Islander child, an independent Aboriginal or Torres Strait Islander entity for

the child and anyone else who may make a useful contribution to the review. For all case plans, Child Safety must gather information and assess progress towards the case plan goals and explore any barriers or other services or options if the needs of the child or family have changed.

The member for Southport discussed the need for programs focused on prevention. The Supporting Families Changing Futures reform program is focused on delivering the right services at the right time to support families and keep children safely at home. The 2020-21 state budget invested \$166.6 million to implement the Supporting Families Changing Futures reforms. This forms part of the government's total funding package of \$517.5 million over four years commencing in 2019-20 and \$2.4 million per annum ongoing to continue Queensland's family support and child protection reforms. It is a general principle of the Child Protection Act that the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family. As I have mentioned, it is also the first preference for deciding whether an action or order achieves permanency for a child that the child be cared for by their family.

The member for Maiwar also discussed the statutory review of the Adoption Act which must commence later this year. I would like to be clear that the review that is due after November this year is a review of the operation of the act. It must include a review of the effect of the Adoption Act on parties to adoptions and their families. Given the importance of these reforms it is not appropriate to wait. We are taking action as soon as possible to implement the intent of the Deputy State Coroner's recommendation 6(b) from the findings of the inquest into the death of Mason Jett Lee.

As outlined in the explanatory notes to the bill, targeted consultation was undertaken with key child protection, adoption, Aboriginal and Torres Strait Islander organisations and legal stakeholders. We consulted with our key stakeholders, including the Queensland Aboriginal and Torres Strait Islander Child Protection Peak, the Queensland Family and Child Commission, Micah Projects, PeakCare Queensland, Queensland Foster and Kinship Care, the Benevolent Society, the Queensland Law Society, Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service and the Queensland Human Rights Commission. I thank these important stakeholders and, indeed, all stakeholders who made submissions to the bill.

Again I extend my thanks to the Community Support and Services Committee for its examination of the bill and recommendation that it be passed. I also thank the former Legal Affairs and Community Safety Committee for its consideration of the bill, as well as all the honourable members who contributed to today's debate. Finally, my sincere thanks to the officers of my department here supporting passage of the bill today, particularly Claire in the advisers' box. I commend the bill to the House.