




Speech By
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MEMBER FOR MAIWAR

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CHILD PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (12.55 pm): I rise to make a contribution on the Child Protection and Other Legislation Amendment Bill. I start by acknowledging that the findings of the coronial inquest into the death of Mason Jett Lee were truly shocking. It is harrowing to think that one so vulnerable could be treated so horrifically, and there is no question that our child protection system needs to do better to protect children from harm.

The report published last year by the Queensland Audit Office into the family support and child protection system paints a pretty bleak picture of the current state of the system. It tells of a system under pressure from increasing numbers of families with multiple and complex needs, it lays bare that family support services do not have the capacity to deliver the services needed to meet this demand, and it tells of the increasing difficulty the department is having in attempting to place children into care based on their needs because of a shortage of carers and because of children staying in care longer.

The result is that, even before we specifically consider permanent options for placement of children out of home, children are being placed into out-of-home care and short-term care based on what is available, not what meets their specific needs. The very clear opposition from relevant advocacy organisations, concerns about the human rights consequences of this bill and particular impacts on Aboriginal and Torres Strait Islander children have been roundly ignored by the government. They have sidelined these concerns and simply reintroduced exactly the same bill that was met with such criticism in the last term of government. It still prioritises adoption over guardianship of the chief executive and introduces an arbitrary time frame to drive decisions about permanency rather than investing in child-first, case-by-case management or providing the supports that biological parents need to meet their children's needs.

It is a sad indictment that the government continues to push ahead with a legislative agenda that takes so little notice of the voices that should be front and centre in law reform like this. That is the case with both bills we will discuss this week. We have seen the government ignore key stakeholders. Those organisations best positioned to critique whether legislation will achieve its intended purposes and to propose necessary amendments to meet those goals are simply sidelined.

While I obviously cannot comment on all of the criticisms stakeholders have made, I will turn firstly to the Human Rights Commission. The commission does not support the amendments overall. That is clear. The commission's submission concluded by expressing the view that the amendments are not based on evidence that they will achieve the stated purpose, are premature in light of the forthcoming review of adoption legislation and do not sufficiently safeguard the rights of the child and birth family. I understand that there is a statutory requirement that the minister undertake a review of the Adoption Act this year. Given what we have heard from submitters in this inquiry and the even broader range of submitters in the last parliament and from the Queensland Audit Office recently, why would we not at least wait until the review of adoption legislation is complete later this year?

The Create Foundation points out a significant omission in who is being asked about this—that is, the kids it will actually affect. When the Create Foundation consulted with young people, they immediately identified the complex and all-too-common reasons that two years might not be enough

time for biological parents to prove they are suitable—reasons like substance abuse disorders or family violence. Those kids with firsthand experience of this know that it can take longer than two years to solve. As Create points out, this bill creates a time frame driven imperative for permanent placement, potentially driving more kids towards forced adoption without increased government support for the biological parents. Adoption should remain a last resort, but, even if it is not, it should involve thorough, child centred, preadoptive assessment where the child is given a genuine opportunity to participate in the decisions affecting them.