




Speech By
Robert Skelton

MEMBER FOR NICKLIN

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CHILD PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr SKELTON** (Nicklin—ALP) (2.55 pm): I rise to speak in support of the Child Protection and Other Legislation Amendment Bill. This important legislation is an instrument to safeguard our most vulnerable Queenslanders from evident abuse and neglect, sometimes at the hands of the people who should have their best interests at heart. This is something that none of us can tolerate. I have listened to many members speak on the bill. Ignoring politics, I can only say how confronting and complicated this issue is. My heart goes out to the children, to the professionals who work in child safety and to those families that are affected.

The objectives of this bill are to: enhance the approach to permanency under the Child Protection Act; clarify adoption as an option for achieving permanency for children in care as part of the suite of alternative long-term care options; and clarify the importance of and promote alternative permanency options for children subject to a child protection order granting long-term guardianship to the chief executive.

There are some very basic concepts that are thematic in this legislation. Who is a child? A child is an individual under 18 years. What is harm? Harm is any detrimental effect of a significant nature on a child's physical, psychological or emotional wellbeing. Who is a child in need of protection? It is a child who has suffered significant harm, is suffering significant harm or is at risk of suffering significant harm.

The government, the opposition and the committee consulted many different groups with regard to this issue. It is such a broad issue. Some of the peak bodies that were spoken to included: Aboriginal and Torres Strait Islander organisations such as the Palm Island Community Company and the Kalwun Development Corporation Ltd; some child protection organisations; the Queensland Family and Child Commission; Micah Projects; PeakCare; the Queensland Law Society; the Bar Association of Queensland; and the Benevolent Society. A range of government and non-government agencies were instrumental in formulating this bill.

The bill includes minor and technical amendments to the Adoption Act. Consultation was undertaken by the Australian government in relation to the placement issue which informed the need. The bill's objective is to enhance the approach to permanency and clarify that adoption is an option for permanency for children in care by providing it as a third preference in the order of priority for deciding whether an action or order best achieves permanency for a child, except for an Aboriginal or Torres Strait Islander child. The act is to be administered under the principles in part 2, division 1 of the act in terms of achieving permanency for a child and that, for ensuring the wellbeing and best interests of a child, the action or order that should be preferred is one that best ensures the child experiences or has relational, physical and legal permanency. Legal permanency may include a long-term guardianship order, a permanent care order or an adoption order for a child.

In deciding whether an action or order best achieves permanency for a child, the following principles apply. The first preference is for the child to be cared for by the child's family. The second is for the child to be cared for under the guardianship of a person who is a member of the child's family,

other than a parent of the child, or another suitable person. This could include a child protection order granting long-term guardianship of the child or a permanent care order. The third preference is for the child to be cared for under the guardianship of the chief executive as a ward of the state. Adoption is not an option. However, the bill amends the principles to provide amendments for a child who is not an Aboriginal or Torres Strait Islander child. The third preference for deciding if an action or order achieves permanency is that of adoption.

Section 7 removes adoption as an option as it is not part of Aboriginal tradition or island custom. Adoption of an Aboriginal or Torres Strait Islander child should be considered as a way of meeting the child's need for long-term, stable care only if there is no better option. Consistent with this safeguard, the bill acknowledges the ongoing impact of historical practices and addresses the ongoing need for cultural safety for Aboriginal and Torres Strait Islander children and by providing that section has an order of priority for achieving permanency for the child. The bill clarifies that, in the hierarchy of actions or orders, the main principle for administering the act is the safety, wellbeing and best interests of the child. These things, both through childhood and the rest of the child's life, are paramount. The best option for achieving permanency for an individual child will always be based on their individual circumstances and needs.

The number and proportion of children in the child protection system subject to a long-term child protection order has increased substantially in recent years. However, this increase has largely been in child protection orders granting long-term guardianship of a child to the chief executive. This is the last priority for achieving permanency for a child in Queensland's existing permanency hierarchy. The objective of clarifying the importance of and promoting alternative permanency options for children subject to a child protection order will be reviewed two years after a long-term order was made. This review must consider whether permanency for the child would be best achieved by an alternative arrangement as provided.

The bill does not require that adoption be considered or expedited after two years. There was some concern with some members about adoption being forced on people. That is not the case. The bill requires the chief executive to review the case after two years and consider whether there is a better way of achieving permanency. If adoption was identified for the child it would be considered, including all of the protections and safeguards for Aboriginal and Torres Strait Islander children. The bill makes a lot of minor and technical amendments to clarify the role of child safety workers whilst also understanding the many different challenges within that field. Each individual case is different. All are confronting. All are life changing for everyone involved. This bill aims to streamline the department's work and make clear different key responsibilities. We have long needed this change so that it can fit in with the different cultures and needs of our people. I support this bill and commend it to the House.