




Speech By  
**Stephen Bennett**

**MEMBER FOR BURNETT**

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Record of Proceedings, 23 March 2021

## **CHILD PROTECTION AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr BENNETT** (Burnett—LNP) (12.27 pm): At the outset I want to acknowledge the work of the committee, the secretariat and the previous committee and all the work it did in bringing this important reform to the House. When we debate reforms, especially around children and their safety, we must ensure that every child can grow up in a safe, nurturing and stable home and families can thrive in a state that should provide resources and opportunity. We must raise awareness and work consistently on reforms to enable children to grow with the benefits of permanency and safety. It has been long known that for positive life outcomes having strong, stable family units staying together helps vulnerable children. However, when this is not possible and safety is an issue, other permanent solutions or options, including adoption, should be included.

Many children in statutory care have now been in care for two years or more. Statistics submitted to the committee showed: 40 per cent have experienced two to five placements; 14 per cent six to 10 placements; and 32 per cent had moved more than 11 times. We know that many of these children who may get moved around are significantly more likely to be impacted by homelessness, have a poor education and suffer from health and mental health issues. Unfortunately, many find crime as a way of life.

Many reports and inquiries have recommended and shown that we must provide safe, permanent homes for children in care. For these children to grow, they need permanency. In March 2020, after a mountain of work, we in the LNP were very proud to introduce a suite of reforms based on dealing with permanency and child safety. Changes in legislation for children in the care of the minister needed to be fixed and short-term options in terms of safety and permanency planning were needed. There have been calls to deliver more permanent outcomes for children at risk, so in supporting the legislation we start to see improved options for the 8,200 children in the out-of-home care system. The issue of prioritising adoption over long-term guardianship was prominent in submissions to the committee, and I believe that the outcomes offered by providing stability within a family are the outcomes we seek to achieve.

In the legislation the care hierarchy is clearer, providing a framework for decision making in the options for children in care. There are a range of existing safeguards in the legislation intended to prevent inappropriate consideration of adoption for Aboriginal and Torres Strait Islander families and children, including the application of the Aboriginal and Torres Strait Islander Child Placement Principle and recognition of the right of Aboriginal and Torres Strait Islander children and families to self-determination. The Adoption Act also specifically provides that adoption as provided for in that act is not part of Aboriginal tradition or island custom, and 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 other available option.

The proposed legislation only refers to adoptions made under the Adoption Act 2009 and does not differentiate between open and closed adoptions. The reason I include this is that it was an important part of the negotiations and the deliberations about the best outcomes and how this legislation should look. There has been significant debate around these issues, and I acknowledge those who have provided their thoughts and comments through the committee.

The Adoption Act currently supports open adoption by making provision for adoption services to: develop an adoption plan with the birth parents and prospective adoptive parent about the degree of openness once the child's adoption is finalised; provide identifying information to each party about the other party at the time the final adoption order is made, if agreed by all parties; and contact a party to an adoption on behalf of another party before the adopted child turns 18 years old to discuss their interest in exchanging identifying information. As the adoptive parent is the legal parent of the child, open adoption is about enabling the child to maintain connections and gain an understanding of his or her identity. It is not about co-parenting.

On 2 June 2020, Deputy State Coroner Bentley of the Coroners Court of Queensland delivered findings following the inquest into the death of Mason Jett Lee. The Queensland government accepted all six recommendations in the Deputy State Coroner's report. The government's response was tabled in the Legislative Assembly on 17 June 2020. Recommendation 6(b) was that the government consider whether the Queensland Adoption Act 2009 should similarly reflect the 2018 amendments to the New South Wales Adoption Act 2000, expecting children to be permanently placed through out-of-home adoptions within 24 months of entering the department's care, something that the act now reflects.

Seven years earlier, in June 2013, the Carmody commission of inquiry recommended that the government routinely consider and pursue the use of adoption in cases where reunification is no longer an option. All who have worked in this space have seen the issues around reunification. A question asked during the public briefing held on 27 July 2020 exposed the shocking truth that in the last five years only six children have been adopted from the child protection system. All of us were a little surprised about that finding.

Current affairs news stories, numerous articles in the *Courier Mail*, the Auditor-General's report and even data collected by the department itself show that the child safety system is in need of a complete overhaul and reform. This legislation is a good start. We hope more significant reforms are being brought forward to fix the system and protect our most vulnerable. Implementing adoption as an option for achieving permanency for children in care is only the first step in a long process that needs to be undertaken to reform a system that needs our legislative support.

In conclusion, I acknowledge the work of the committees who worked on this bill, all submitters who put so much time and effort into expressing their views and give a shout-out to the secretariat for their patience and professionalism. Thank you.