Speech By

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MEMBER FOR GREGORY

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CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL

Mr MILLAR (Gregory—LNP) (3.09 pm): Almost exactly a year ago we were debating an almost identically named bill. I do not mean that as any criticism of the minister but as praise for her tenacity in trying to improve laws which are meant to protect Queensland's children. Last year's child protection bill sought to establish a more child centred approach where the safety and welfare of the child is the very core of every action undertaken for that child. The bill also addressed head-on the issue of every child's need for stability, love and trust if they are to develop normally. It bravely put adoption back on the list of options for child placement. This had been recommended by the Carmody review some eight years previously. It was never implemented until the terrible case of Mason Jett Lee. Clearly Mason Jett Lee would have had a much better chance in life if the emphasis of the department had been on finding him a safe and loving home in the true sense of the word. Instead, he was left to the mercy of his tormenters and we called it keeping the family together.

Last year's bill was a step forward towards a more child centred approach. Such an approach now requires departmental staff to put the safety and welfare of the child at the centre of every action undertaken for that child. This central concern must outweigh other considerations such as whether a parent needs assistance with drug or alcohol issues or anger management or employment. Every decision taken for a child must consider the child first. The departmental officer must ask: will this make it better for the child, not mum or dad but the child? It is clear the minister is genuine about wanting to develop a comprehensive suite of child protection legislation that actually does what the label says—child protection. She has my full support on this and I am sure that she has the full support of every member in this parliament.

The LNP wants our children to thrive. Giving them the right to be heard is essential to their aspirations. This bill seeks to enshrine the right for the child to be heard and for their preferences to be taken into account wherever possible when it is safe to do so. They must also be given the support they need, because interaction with the department and with court processes will always be traumatic for them. We must minimise the trauma as much as possible. The bill will also strengthen the use of the child placement principles for Indigenous children, amending the bill from 'having regard' to the principles to a sterner 'make active efforts' to fulfil those principles. The need to explicitly legislate this hints at the reason we are still hearing too many reports that this is not happening in practice. In Cairns and in Townsville we are hearing from foster families and from whistleblowers who have worked in the department that children's pleas to remain with loving foster families are too often ignored. We hear cases where children are forced into family reunions that place them in jeopardy. This seems to expose the cultural problem in the department that is proving resistant to the spirit of these reforms.

Good laws—better laws—are only the first step in any process of reform. Departmental officers must apply those laws or nothing changes. People are far more difficult to change than laws. I understand this will take time and I encourage the minister to set up a process within the department to support this change. Change is never comfortable and time, effort and firm leadership will be needed if this much needed change of focus is to be achieved in practical outcomes. Whistleblowers are a part

of that process, but they are usually coming from a place of good intentions and they can offer informed observations from the inside. They might make things uncomfortable for the powers that be, but they should be listened to by our leaders and I encourage the minister to protect and value their input.

I turn now to the provisions dealing with the working-with-children checks which align with the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse about information sharing between jurisdictions nationally. The LNP wants these recommendations pushed through as swiftly as possible to keep children safe. The bill will allow the chief executive to have regard to adverse decisions as part of the blue card assessment. This will include domestic violence offences. On the face of it this would seem an obvious and helpful step, but I must sound a note of caution: domestic violence offences can cover a wide range of actions. When considering domestic violence offences, the chief executive must have the discretion to decide if they affect the safety of children. After all, that is what the blue card is for.

Nobody would defend domestic violence, least of all me, but I must highlight blue cards are now required for an extremely broad range of jobs. That is people's employment. They are also required for an equally broad range of voluntary civic and community groups and organisations including sporting clubs, churches, even rural fire brigades. If an offender is genuinely and actively trying to reform following domestic violence—maybe through drug and alcohol rehabilitation or through anger management and other psychological therapy—and the same offender has moved to another state to help ensure the issue does not reoccur, it seems counterproductive to then lock them out of employment and community connection. I am in no way making excuses for domestic violence. It is horrific. The toll it takes on victims, secondary victims like child witnesses and family members of the victims and society in general must not be tolerated, but the question remains: how do we end this?

It is clear it will take a multipronged approach and it is not enough to try and prevent it occurring through policing and court initiatives. It is not enough to try and ensure shelter and safety for the victims. As a society we need to effectively deal with the perpetrators too. DVOs were amongst the first attempts by legislators to do this. Their utility is underscored by the fact that they are still used decades later. They are not perfect, but they are still an essential tool in trying to wrestle the monster in our homes. Perpetrators can contest DVOs—natural justice and human rights demand this—but it is often frustrating for police and increases the trauma for the victim. A substantial portion of DVO subjects choose not to contest them. I hope that is because the DVO comes as a shocking wake-up call and those offenders decide to look at the way they act and change immediately.

If having a DVO in the past in any Australian jurisdiction means that you will forever be locked out of your employment or out of many community or recreational groups, then suddenly there is a real incentive to contest a DVO. Certainly any lawyer representing the person would be telling them to contest it, so I am concerned that what appears to strengthen the blue card will actually complicate the DVOs and make things worse for the victims of domestic violence. There is even an argument that women who are victims of domestic violence will be less likely to seek a DVO if the offender is the family's breadwinner and the DVO will mean that they will lose their job. It can be true that even when the offender is no longer their partner his job contributes to their financial welfare and that of their children. Taking the decision to seek a DVO is one that already requires great courage from the victim. We should not be increasing the cost unless there is a clear benefit from doing so—a benefit for the victim and a benefit for society.

The chief executive will need to be very sensitive in applying this amendment. They need to be trained by experts in domestic violence so they can properly decide whether denying a blue card on DVO grounds is justified by any benefit or whether it will cause a further negative impact on the victim of the domestic violence offence. Furthermore, I think how this works out in practice should be reviewed down the track so we see the actual outcomes. We may find it no longer aligns with the way we approach these situations or we may find that it has contributed to a decrease in domestic violence because it did raise the stakes for the offender. It would be helpful if the minister would be able to commission a fact-finding review of the outcomes for legislators to consider in a few years time. I commend this bill to the House.