




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

Record of Proceedings, 10 May 2022

CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (5.17 pm): Nothing is more important than protecting our children and ensuring young Queenslanders get the best possible start to life. This is as true for children in care as it is for all young people. There are some 12,000 children in the care of the Queensland government, and 1,300 live in residential care. This is an enormous responsibility and it should be the state government's highest priority. I want to see children in care thrive, not just survive. An essential piece of this is ensuring that there is customary and age-appropriate participation of children in care in decision-making processes that affect them. Allowing children in care to have a greater say in decisions that affect them not only lets kids in care feel listened to and empowered but also allows their care to be better tailored to suit their needs.

This bill seeks to reinforce children's rights in the Child Protection Act 1999 regarding decisions that affect them and improve the regulation of care. The bill also addresses some technical issues from the Adoption Act 2009. Notably, there are several amendments to the Working with Children (Risk Management and Screening) Act 2000, including changes to information sharing within the blue card system.

Firstly, regarding the changes to the Child Protection Act, the bill's focus on the rights of children and young people in care to have their voices heard was broadly considered a positive step in the right direction by almost all of the stakeholders. However, I think it is worth noting here that the safety of the child must be the utmost consideration. It is crucial that support is provided throughout the engagement process with the child. In this regard, I note the submission of the Queensland Law Society to the committee. It stressed—

... directly involving children in legal processes can be traumatic, and there needs to be a focus on ensuring that engagement with children is done in a way that is safe, culturally competent and promotes the child's emotional and psychological wellbeing.

With that noted, enshrining children's participation in decisions that affect them is a positive step forward, but it is only one step. Extra efforts and support must be provided to the kids in care right now—the kids who, like Mr Jake Shields from the Create Foundation, feel like a puppet and not in control of decisions affecting their lives, who have stopped going to case plan meetings because they were not included in decisions that were being made and who feel like they are always being told what they are doing wrong. For these amendments to be more than just aspirational words the state government must have a plan to help those children who have experienced what Mr Shields told the committee about—those children for whom the Create Foundation advocate.

I also note the proposed changes relating to the application of the Aboriginal and Torres Strait Islander Child Placement Principle. The bill enshrines all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle in legislation which includes prevention, partnership, placement, participation and connection. It strengthens the consideration of these placement principles from simply 'having regard to' these principles to now requiring 'active efforts' towards the principles.

This is an important step towards addressing the over-representation of First Nations kids in child safety statistics. I note the shocking data from the Child Death Review Board that First Nations children make up 23 of the 55 deaths and almost half of the suicides. So strengthening the application of the

placement principle by requiring 'active efforts' towards the principles, not just having regard to them, is welcomed. However, I, along with other stakeholders, would like to see the government better outline what constitutes 'active efforts' so that it is, in fact, actionable and not just words.

In this regard, the Queensland Law Society submitted that 'active efforts' should be expanded to include the steps that the relevant decision-maker should take when making a decision that engages the application of the principle. ATSILS also submitted that the bill should detail steps to be taken to embed 'active efforts' into policy and procedure. Similarly, QATSICPP suggested the bill further detail what constitutes 'active efforts'.

Turning now to the issue of information sharing regarding domestic violence offences for blue card applications, it was clear from the submissions to the committee that there is significant potential for unintended negative consequences from the application of this provision for domestic violence victims. The bill seeks to amend the Working with Children (Risk Management and Screening Act) 2000 to enable the chief executive working with children to request domestic violence information from the Queensland Police Commissioner during the blue card assessment process.

The Women's Legal Service Queensland highlighted the potential for inadvertent consequences, submitting to the committee—

The existence of a domestic violence protection order, which will affect the respondent's blue card status, and their ability to obtain and maintain employment, may provide added barriers for women to report the domestic violence and seek protection through domestic violence orders.

They highlighted scenarios where victims are misidentified as perpetrators in domestic violence orders. With these new provisions in place, victims may face further disadvantage and barriers to reporting.

The Queensland Family and Child Commission shared these concerns, submitting—

The dynamics of domestic and family violence are challenging, particularly where there is a risk the perpetrator of violence has been misidentified.

Any changes that might have an impact on women in need of protection as well as their financial stability and independence or add to the barriers for women to report domestic violence and seek protection through domestic violence orders should be closely monitored by this state government and approached cautiously. In this regard, I note the Queensland Law Society's submission which recommended—

... the chief executive should adopt a discretionary and flexible approach when requesting and relying upon shared criminal history and domestic violence information. Appropriate safeguards to ensure privacy and confidentiality are essential, and the chief executive should ensure that natural justice is afforded to the applicant. This should include appropriate avenues to challenge an unfavourable decision.

I note that this is suggested to be incorporated as part of the application of the amendments in the bill.

Similarly, the Queensland Family and Child Commission strongly emphasised the importance of ensuring domestic and family violence information is assessed by staff with sufficient expertise in this area to ensure any information is 'used appropriately without further disadvantaging applicants who have already experienced harm' and sought that this requirement be implemented alongside the amendments. I note the Attorney-General's contribution that this essential training is underway.

Tragically, the scourge of domestic violence continues to plague Queensland. We know the horrifying statistics—one in six women and one in 16 men have experienced physical or sexual violence by a current or previous partner since the age of 15 in Australia. Here in Queensland we have the second highest number of DVO breaches in the country. What is worse, in the last year DVO breaches in Queensland have more than doubled to almost 45,000 breaches. That is a massive 129 per cent rise across the state. On the Gold Coast we have seen a 162 per cent increase in DVO breaches since 2015. Any rise is bad, but a rise of this amount is detrimental to our community.

Last financial year there were 28,797 DVO applications and the Magistrates Court at Southport heard just under 10 per cent of these. There were 1,983 contraventions of DVO charges lodged with the Southport Magistrates Court alone in 2020-21, with a total of 30,538 contravene DVO charges lodged statewide. These are not just numbers. Every single figure is a victim who is now fearing for their safety at the hands of a perpetrator—a victim struggling to sleep at night, scared to leave their home, scared to walk down the main street. A DVO is taken out hoping to keep them safe, but there are countless stories where it is breached and the offender walks free.

The state government is not doing enough for domestic violence victims in Queensland. On the Gold Coast, local help centres have seen a 40 per cent increase in women seeking help for domestic violence between November to January this year, and domestic violence workers are struggling to meet demand. This is being reported on year after year, with family and sexual violence counsellors struggling to keep up with demand for their services. It is not good enough by a long shot, and the Queensland government must urgently do more to protect and support victims of domestic violence. I welcome the

Premier's announcement this morning to act on the *Hear her voice* report and introduce a bill into this House to make coercive control a criminal offence by the end of 2023. But it has taken so long to get to this point, and yet more needs to be done.

It is reported that over 400,000 women over the age of 45 are at risk of homelessness. This is the fastest growing cohort at risk of homelessness. Just last week, my colleague the member for Everton and I held a round table with a number of key stakeholders in the Gold Coast homelessness field. Several concerns were raised, including concerns around domestic violence victims becoming increasingly susceptible to homelessness and the pathways available to children in care once they turn 18. The reforms in this bill are positive and welcomed, but, even so, it was clear to us from our round table that the state government must do much more to protect both children in care and victims of domestic and family violence.