




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 10 May 2022

CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (4.36 pm): I rise to speak in support of the Child Protection Reform and Other Legislation Amendment Bill 2021. The objectives of the bill are: to amend the Child Protection Act 1999 to reinforce children’s rights in the legislative framework; strengthen children’s voices in decisions that affect them; and streamline, clarify and improve the regulation of care. The bill also amends the Adoption Act 2009 to resolve technical issues relating to delegations under the Immigration (Guardianship of Children) Act 1946 (Commonwealth). The bill also makes priority amendments to the Working with Children (Risk Management and Screening) Act 2000.

The Child Protection Reform and Other Legislation Amendment Bill 2021 was introduced into the Legislative Assembly and referred to the Community Support and Services Committee on 15 September 2021. The committee in its report No. 12, which was tabled in the assembly on 12 November 2021, has recommended to the assembly that this bill be passed. It is my belief that all children should be afforded the opportunity to have a voice in decisions that are made about them and their lives. Involving young people in decisions about their lives not only empowers them; it allows decision-makers to make better and more informed care arrangements.

The bill seeks to introduce participation principles which are intended to ensure children and young people are provided with real and ongoing opportunities to have a voice and to provide for children’s views to inform system design and the delivery of services. The bill will require all persons involved in administering the act to have an obligation to tailor participation to a child’s needs and circumstances. Further, they will be required to continue to do so in a way that is inclusive and accessible. They will be required to ensure they are genuinely listened to and engaged with and understand the child’s view.

We need to strengthen children’s voices in the decisions that affect them. Clauses 29 and 30 propose amendments to ensure children are provided with information about their rights under the charter of rights in a way which is appropriate for them to understand. This is intended to ensure children are made aware of their rights and where they can seek help.

Under the 10-year Supporting Families Changing Futures reforms, the Child Protection Act 1999 has been progressively amended and reviewed. In 2019 the state government released the discussion paper ‘Rethinking rights and regulation: towards a stronger framework for protecting children and supporting families’ for public comment. The discussion paper proposed options for reform relating to three key focus areas: reinforcing children’s rights in the legislative framework; strengthening children’s voices in decisions that affect them; and reshaping the regulation of care. The options in the discussion paper were intended to address outstanding recommendations from the Queensland Child Protection Commission of Inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse—the royal commission—the Queensland Family and Child Commission’s *Keeping Queensland’s children more than safe: review of the foster care system* report and previous departmental consultation.

The proposed reforms were themselves generated by recommendations from these reports. During the consultation process, stakeholders acknowledged and recognised the importance of the legislative framework for protecting children's rights. These stakeholders felt that many children in care do not know or understand their rights or how to exercise them. Ms Carly Jacobitz, the Director of Life Without Barriers, stated—

Children and young people should be given the opportunity to have all of the information that is relevant to their world be that education, be that culture, be that family connection. Then it is incumbent on us to facilitate those views and wishes in the safest way possible.

Stakeholders were generally supportive of the proposed amendment to the principles of the act that allow children in care to have a greater say in decisions that affect them so that their care can be better tailored to suit their needs. Mrs Sandra Oui expressed this sentiment at the Townsville public hearing—

It is about making sure our children have a voice. It is about making sure that when their voice is wanting to be heard someone is going to be there to give them that 100 per cent support that they are comfortable with. Like I said, we all come from different diverse cultural backgrounds and one shoe might fit one person but not necessarily fit another person.

The amendments in the bill to the Child Protection Regulation 2011 establish a framework for the carers' register with relevant definitions and the information that is required to be kept on the register of applicants, authority holders and former authority holders. Life Without Barriers supported the creation of the carers' register to contribute to making safer environments for children in foster, kinship and residential care settings.

Section 5C of the act provides additional principles that apply for administering the act for Aboriginal or Torres Strait Islander children. Clause 9 proposes to amend section 5C of the act to rename the 'child placement principles' the 'Aboriginal and Torres Strait Islander Child Placement Principle'. Adding a partnership element to the Aboriginal and Torres Strait Islander Child Placement Principle was supported by stakeholders. Section 5C(2) embeds all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle in legislation. These five elements are the prevention principle, the partnership principle, the placement principle, the participation principle and the connection principle. The elements recognise a child as having the right to be brought up within the child's own family and community and that the child's parents and family members have a right to participate in administrative or judicial processes making significant decisions about the child. The child has the right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language, particularly if the child is in the care of a person who is not an Aboriginal or Torres Strait Islander person.

In terms of the inclusion of Aboriginal and Torres Strait Islander communities in determining the best interests of an Aboriginal and Torres Strait Islander child, the department noted that the cultural rights of children would be protected under clause 66 of the bill which intends to amend the charter of rights. The rights of children enshrined in the charter of rights would be expanded by the bill at clause 66 to include rights relating to culture, religion and language, fairness, respect, development of identity, personal belongings, play and recreational activities. The bill will also make a number of minor and technical amendments including around the information held by the department about a child. I commend the bill to the House.