




Speech By
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MEMBER FOR TRAEGER

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CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL

 **Mr KATTER** (Traeger—KAP) (4.54 pm): I rise to contribute to the debate on the Child Protection Reform and Other Legislation Amendment Bill 2021. It is an emotive topic in the community and involves some hot-button issues. Like many in this chamber I have had plenty of experience in the electorate office of complaints in relation to this matter. The language within the bill is interesting. It mentions alternative principles for Aboriginal and Torres Strait Islander children. In legislation I have brought before the House relating to blue cards I have often been told we do not have two rules, one for one group and one for another. That is very much a theme in this bill. I commend the government for that. I think there are horses for courses. Some situations need to be looked at differently where it can be justified.

The member for Hinchinbrook brought up the stolen generation, which I think is highly pertinent and a very uncomfortable topic for people to talk about. In the context of child protection, certain cases are talked about in back rooms. No-one dares mention it, but it does weigh on the conscience in particular when you want to focus on the high-incidence involvement of agencies with First Australians communities. I do not think any rational person would argue that it does not weigh heavily on the conscience of those people making those decisions.

I think we could all agree that the tendency would be to err on the side of caution and not be the subject of that same judgement in the future. I think that puts officers in a dangerous position—more to the point, it puts kids in a dangerous position. There may be an intangible influence. It could be better to send this kid over there, but we have to be careful that we are not seen to be taking them away from the family. It is not talked about in the open much because no-one is game to talk about it, but it does have an influence. If we are talking about looking after these kids, there will always be a tension in that space. I am of the view that people are scared as hell of being accused of that same sort of activity now. It worries me that decisions will not be made in the best interests of kids. I do not think this bill addresses that. I think it would be very hard to address it in a cultural way—I do not mean Aboriginal culture, I mean embedded in our modern culture where everyone is scared to touch on that issue.

Recently in Mount Isa I spent some time with a guy I used to play footy with. He did not have a good relationship with his partner. His father, from a First Australian family, traditional owners, a good family from the gulf, said, 'I am trying to get access to the kids. The boy knows they should not be there with him, he gets in bad habits, but they keep giving the kids back to the mum.' I feel sorry for those child protection officers. You do want to keep kids with their mum and in their family. I play that same scenario out under these laws. If someone invokes the cultural claim that 'they need to be back with me'—in the grandfather's words, 'These kids need to be with me and they want to be with me'—I hope that in that sort of scenario those kids would be with the grandparents where they should be. There is no question in my mind about that.

In relation to blue cards, I disagree strongly with the Attorney-General that this bill will make it better. It is just as bad as ever and it will make it harder. I speak with authority when I say that in First Nations communities it is creating a hell of a lot more damage than it is doing good. I know that it is well

intended, but it is doing a hell of a lot more damage and not doing the job that people think it is doing in those communities. I think that a negative and ill-informed direction is being taken here. I certainly can claim to have ground-truthed that pretty well in the communities I visit.

I thoroughly agree with the comments of the member for Hinchinbrook in relation to domestic violence orders. On occasion, regardless of whether or not it is rare, there can be malicious activity by a female against her ex-partner who is then whacked with a DV order and can suffer enormous consequences. The inadvertent effects from that reprisal can be horrific. You have to be careful how much you poke the bear on one side. If someone lobs a DV order on their ex-partner, that person will lose their right to work—if they are a teacher, for instance, they will their job—but it might turn out to be a malicious claim. While that might be in the minority of cases or the exception, you must consider the damage that these things can cause. That point has to be voiced in this House because, again, a hell of a lot of constituents come to us and say, 'How does this work in the order of fairness when a DVO is whacked on me, denying me my right to work and everything, but then it's proven in court that there was no validity to it?' There are consequences both ways and it is something we have to be very careful about.

We certainly disagree with the parts of the bill that interact with the blue card system because it is failing to do its job, particularly in First Australian communities where people think it is doing good. I think in this space there is a hell of a lot that is beyond the scope of this bill but that needs fixing, because it is causing great heartache and problems in the community. There are avenues for that within these changes.

There is an additional point that I do not think has been raised. The bill talks about giving kids in foster care the opportunity to choose whether or not they go back to their families. While I think some officers would try to navigate this, I am pretty sure that in most cases the kid will say, 'I don't want to be with these foster carers because they're telling me to be in bed by eight o'clock and they're giving me some rules and guidelines that I'm not used to. I want to go back to aunty's.' As I understand it, they will be allowed to go back to aunty's because it fills the criteria of the legislation and what we are supposed to be doing. However, in my view, the most compassionate thing you could do for that kid would be to give them some rules and boundaries. If you really loved the kid, you would want to give them some boundaries and not put them back in a scenario that can lead to bad outcomes for them in the future. It does concern me that what may initially seem to be an act of compassion really is not the best outcome for some of the kids.

Those are my concerns. I ask the House to carefully consider this bill, particularly the changes it proposes to the blue card system, because I think in the long term we will have created more problems than we are setting out to solve.