




Speech By
Stephen Bennett

MEMBER FOR BURNETT

Record of Proceedings, 10 May 2022

CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BENNETT** (Burnett—LNP) (12.04 pm): I note the origins of the bill as being the findings of Deputy State Coroner Bentley of the Coroner's Court of Queensland and the inquest into the death of Mason Jett Lee, a tragedy that we all acknowledge in this place. The recommendation of the Deputy State Coroner that the bill is said to respond to is that children in the care of the department should be permanently placed through out-of-home adoptions within 24 months.

The committee heard many submissions that adoption is a controversial and emotive topic. I cannot claim to understand the outcomes or have any experience on the appropriateness or otherwise of preferring adoption over alternatives for the permanent care of a child, but I reflect on the many who provided the committee with their life and lived experiences and thank them all for their contributions.

I acknowledge the government's responses to the committee's recommendations. I think this is a true indication of how the committee process can be worked and work well when we acknowledge the work that the committees do.

The Bar Association raised some good points. In reference to the Child Protection and Other Legislation Amendment Bill 2020—

As such, as the Bill currently stands, clause 8 excludes reference to permanent care orders from its order of preferences for the permanent care of children. This could see adoption preferred over a permanent care order in circumstances where the latter is more appropriate.

Ideally, subsection 4 of clause 8 would set out the order of preference for all relevant orders. Further, providing for a hierarchy of placement preferences is said to be consistent with approaches in New South Wales and Victoria.

The Association suggests that permanent care orders are referenced above adoption. This is because, when such orders were first inserted into the CPA in 2017, they were said to be somewhere on the continuum between a long-term guardianship order and adoption. As such, the Association views permanent care orders as being logically somewhat less disruptive to a child's existing care arrangements than adoption. Only in the event that a permanent care order is not appropriate, should adoption be considered.

The committee notes that while some submissions to the committee inquiry expressed support for clause 8 of the bill, a significant majority of submitters opposed the proposed amendment. The submitters who opposed the bill did so for a variety of reasons including: their opposition to adoption in principle; concerns about the potential adverse impact on adopted children, in particular Aboriginal and Torres Strait Islander children; a view that existing permanent principles were sufficient; human rights implications; and concerns about the adequacy of support services, safeguards and oversight of adoption decisions.

The majority of submissions received by the committee opposed the proposed amendment for similar reasons as those expressed to the committee inquiry. I can guarantee the committee was resolute in its decision that this bill is the best thing for those vulnerable Queenslanders.

These issues have caused a lot of pain and trauma for many years and, since the introduction of the Adoption Act which came into effect in 2009, a result of significant reform, we needed a reset, we needed reform and we needed to enact more protection options for Queenslanders. The reset started

in November 2012 when the then premier made an historic apology in parliament to people affected by past forced adoption policies and practices. I table a copy of that apology for the benefit of those who have not seen it.

Tabled paper: Document, dated 27 November 2012, titled 'Apology for forced adoption policies and practices' [615](#).

I quote from the opening paragraph of that apology—

Today the Legislative Assembly acknowledges the wrongs that have been inflicted by past forced adoption policies and practices in Queensland.

We acknowledge those who were denied their choice of parenthood, especially the mothers, as well as the fathers and other generations of the families.

Since then and the Carmody review, we know that adoption is an option for achieving permanency for a child who requires long-term care, and there are existing safeguards in both the Child Protection Act and the Adoption Act to ensure that adoption is pursued only when it is appropriate for an individual child. The other thing that this bill and act does is make sure that children are respected in that process.

Under section 5A of the Child Protection Act, the main principle for administering the act is that the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life, are paramount—the paramount principle, as it is called.

The act is also administered under the principle that an adopted child should be cared for in a way that ensures a safe, stable and nurturing family and home life; promotes openness and honesty about the child's adoption; and promotes the development of the child's emotional, mental, physical and social wellbeing.

I will digress, with the member for Bundaberg in the chamber, to thank all those who joined me and the member of Bundaberg last week at the Foster and Kinship Care Week celebrations to acknowledge the great contribution the carers and kinship people do in our community. It was a great morning. It was also important that we had the Child Safety staff there who do a tremendous job, and I take this opportunity to wish them all the best in the work they do in our community. It was a wonderful morning tea and I hope that we can do it all again next year.

In conclusion, there are several calls for the government to do more reviews. I hope we can draft more legislation and I respectfully say that the reviewing is pretty much done. On behalf of those vulnerable Queenslanders I say let's get on with any options we can to provide those most vulnerable with the best start in life.