

SECOND READING SPEECH

Children, Young Persons and Their Families Amendment Bill 2009

Mr Speaker

In October 2006, the Government released its *Report on Child Protection Services in Tasmania*. The *Children, Young Persons and Their Families Amendment Bill 2009* is the first step in implementing the legislative recommendations set out in that report and the ongoing reform of Tasmania's child protection system.

The Bill deals with deficiencies identified with regard to information sharing, mandatory reporting, pre-birth notification and permanency arrangements.

The Bill also implements a recommendation from *The Review of Resident Safety (Ashley Youth Detention Centre)* regarding the creation of a Residents' Advocate position within the Office of the Commissioner for Children.

Children and their families who have complex problems are often involved with a number of services across all sectors.

The tension between supporting clients and ensuring their confidentiality has for too long presented a barrier to collaborative relationships between government and non-government services involved in supporting at-risk children and families.

Under this Bill, Child Protection will be able to seek information regarding the child or their family when making an assessment, undertaking an investigation, or for ongoing case management.

The Bill will also enable the creation of a Community Based Intake model in Tasmania. These 'Gateway' entry points to family support services will enable the earlier diversion of children and families into community based support services, and will require and facilitate closer working relationships and sharing of information between child protection and family services.

The Bill will also allow those professions designated as mandatory reporters under the Act, such as Police Officers, Teachers and Child Care workers, to report concerns to these 'Gateways'. Currently, these professions are required to report concerns to Child Protection, even where they know that a child protection response is not appropriate, but rather a family would benefit from access to other community support services.

This is about providing the most appropriate response in the circumstances and NOT about delegating the responsibility for child protection services. If there is any doubt about a risk to a child, then concerns should be reported to Child Protection in the first instance.

The Bill maintains the existing protections and penalties under the Act relating to the inappropriate use of information and the identity of notifiers.

Appropriate delegations will also be developed to support the request and receipt of information to ensure that it is used and released appropriately.

The Bill improves the capacity for permanent placements under the Act. In recognition of the need for stability in a child's life, the Bill limits the ability for parties to seek variation or revocation of long-term guardianship orders.

Parties will need to prove to the Court that there has been a material change in the circumstances that led to the long-term order being granted, and the Court will decide if an application to vary or revoke the order is to be considered.

This will not remove a party's right to seek review, but means that, as a threshold, a Court will determine which cases have appropriately good cause for the varying or revoking of standing orders.

I am sure my fellow members would agree that the concept of early intervention is not a new one.

In the past early was considered to be from birth. The reality, as we all know, is that the health, well-being and circumstances of a pregnant woman have a profound impact on her unborn child.

The Bill allows reports to be made in relation to unborn children where there are significant concerns for the welfare of the child once it has been born.

The purpose of this amendment is to offer assistance and support to the pregnant woman to reduce the likelihood that child protection services will need to have involvement with the family after the child's birth.

Finally, it is a reality of life that, despite the best efforts of all involved, some children and young people will run foul of the law to the point where there is no alternative other than a custodial sentence.

These children and young people need education, structure and support to allow them to regain control of their lives.

Ashley Youth Detention Centre can provide these opportunities. However, structured environments like this also

require strong accountability measures to ensure both public confidence and the best possible outcomes for young people who are 'in the system'.

The Bill provides stronger legal recognition for the existing Ashley Youth Detention Centre - *Residents' Advocate* position within the office of the Commissioner for Children.

The Residents' Advocate assists in promoting the interests of young people in custody and reports directly to the Commissioner for Children.

This package of amendments is aimed at supporting best practice in the protection of children by improving collaboration, independent advocacy, greater stability for children who cannot live at home, and early intervention to support vulnerable families before things escalate to a crisis point.

It is also about empowering local communities to 'help their own'.

These amendments, and the reforms they represent, have the potential to enable community solutions for families and ultimately to improve outcomes for Tasmanian children.

I commend the Bill to the House.