

SECOND READING SPEECH

Children, Young Persons and Their Families Amendment Bill 2013

Mr Speaker

I am honoured to bring this Bill before the House.

This Government has been resolute in our commitment to protecting the safety of our most vulnerable children and young people; this unwavering commitment has resulted in the Government continually reflecting and improving on the provision of child protection services, including the development of contemporary legislation.

In 2009 this Government introduced a range of legislative amendments aimed at addressing various deficiencies in in the Act, some of the areas identified included:

- information sharing;
- mandatory reporting;
- pre-birth notifications;
- permanency arrangements; and
- resident safety at Ashley Youth Detention Centre

At this time we noted that there was more to be done and that this was just the first step towards reforming Tasmania's child protection system.

The need for legislative reform was confirmed in the *Select Committee on Child Protection Final Report 2011*, which was tabled in the in this place on 19 April 2012. The Select Committee recommended that the *Children Young Persons and Their Families Act 1997* (the Act) be amended in several areas.

In May 2012, the Government released its response to the Select Committee Report. Accepting recommendations that ranged across six key areas for action, Mr Speaker these key areas included:

- system reform;
- building and strengthening relationships;
- improving the legislative framework;
- ensuring transparency and accountability;
- reforming out of home care; and
- increasing education, training and professional development.

In response to this report the Tasmanian Government has committed to adopting a public health approach to the safety and wellbeing of children and young people.

The foundation principles of a public health approach are universal services for all, supported by targeted programs to assist children, young people and their families who need more assistance.

Governance for the adoption of this Framework is provided by a Cabinet Sub Committee, supported by an Inter-Departmental Committee of Senior Officers from Health and Human Services, Education, Police and Emergency Management and Premier and Cabinet.

Mr Speaker, before I discuss the legislative amendments tabled today, I would like to acknowledge the outstanding contributions made by all staff across Children and Youth Services, and highlight that while the legislative reform process is very important, it is only one part of the significant reforms that we are currently undertaking. It is these reforms in their entirety that will assist to address the key action areas highlighted in the select committee report. Some of these reforms include:

Creating a more integrated and client-focussed service

There is a strong focus on building an integrated service system that focuses on prevention and early intervention so that children, young people and their families benefit from a seamless service. This commences with a universal Child Health and Parenting Service that strives to identify at an early stage those parents or young people who are likely to require additional assistance to reach their potential.

Where children and young people are notified to statutory services (Child Protection) the focus is on diversion to community based family support services where it is safe and appropriate to do so. For children taken into Child Protection on Care and Protection Orders, the focus is on working with them and their families to achieve safe and sustainable reunification in the shortest possible timeframe. Where this is not possible, planning for long-term stability and continuity is central to children's case management.

In partnership with the Australian Research Alliance for Children and Youth (ARACY), the Child Health and Parenting Service is participating in a Sustained Nurse Home Visiting Program to better meet the needs of highly vulnerable Australian children. The right@home program is an early intervention strategy that targets children in vulnerable families, including those affected by social or economic disadvantage, or those at particularly high risk of poorer cognitive, emotional and behavioural outcomes in later childhood. By promoting safe, stable and nurturing relationships and environments, right@home interventions have strong potential to empower parents to become confident carers.

The implementation of the Signs of Safety

The Signs of Safety Framework originated from work with Child Protection practitioners in Western Australia in the early 1990s.

Signs of Safety is not just another tool to throw in the toolkit of Child Protection Workers, it is a model, a holistic approach to fully engaging with families and a way in which we can ensure that there is consistent and comprehensive risk assessment which is child centred and family focussed.

This model is about identifying a safety network around the child and family. It leaves no rock unturned and is about finding resources within a family that increases the safety of the children.

Mr Speaker, clearly no system can guarantee absolute safety for 100 per cent of children, however, Signs of Safety is a wraparound model working in partnership with families, moving away from paternalistic practices, and therefore opening the door to honest, real and genuine dialogue between worker and family.

These elements will bring safer conditions for children at risk and fully complements the existing practice framework within Children and Youth Services.

Training and supporting resources are being progressively rolled out across the state.

Strengthening quality improvement and workforce development

There has been a strong focus on improving service quality, embedding a culture of continuous improvement and building the core skills of staff during the year. A Quality and Safety Framework adapted from the Australian Commission on Safety and Quality in Healthcare has been adopted and is being implemented.

The network of senior quality and practice improvement advisors have been brought together to work in a team with workforce development staff. Additional resources have been identified, and Clinical Nurse Educator and Clinical Nurse Consultant positions have been added.

A project to place special focus on identifying children who might be reunified with their family of origin has been progressed throughout the year.

An enhanced on-boarding and induction model for new child protection staff is in place. The model focuses on individualised support for new workers for the first six months, provided by their assigned Team Leader, a mentor and a member of the Workforce Development Team and documented in a Performance Development Agreement.

Improved Performance Reporting and Management

To support the achievement of service outcomes, Children and Youth Services has developed a data warehouse. The warehouse comprises information from multiple sources including Child Protection Services, Youth Justice Services, Child Health and Parenting Services and the Department of Education, and enables interactive reporting for statutory clients.

A range of business intelligence functionality has been developed by Performance and Evaluation within Children and Youth Services, from the growing data-warehouse:

- Integrated Individual Profile Reports that provide summary data of total and recent involvement for a client across a range of programs internal and external to Children and Youth Services have been deployed. The Profile Reports are used by managers and practitioners to review the type and extent of service involvement a client has had. A helpful pictorial summary also indicates the timing and duration of service involvements over the client's lifetime.
- Interactive dashboards for Service Level Agreement Key Performance Indicators (KPI) are available for a number of programs within Children and Youth Services. In addition to viewing current performance figures against the KPIs, the data can be viewed for particular months, or only for clients of particular age, gender, or Indigenous status. Additionally, the dashboards allow managers to quickly identify lists of specific cases that have been highlighted for further attention by each KPI.

The performance framework is proving to be beneficial for clients because the service is in a better position to identify need and plan activity that will contribute directly to better outcomes. In addition, the framework is valuable for service planning and efficiency.

Mr Speaker, as members have heard the reforms that are occurring across Children and Youth Services are vast and will play an enormous role in strengthening the services we provide for our most vulnerable children, young people and their families.

However, we are here today to progress the amendments to the *Children, Young Persons and Their Families Act 1997*, which are very important and will provide the legislative framework required to deliver additional reforms.

Mr Speaker, in order to progress the identified legislative amendments Government established a Legislative Amendment Review Reference Committee or the LARRC, which I communicated to the House on the 17 April this year.

The LARRC was Chaired by Dr Maria Harries (AM), Adjunct Professor School of Occupational Therapy and Social Work, Curtin University (Western Australia). Other members included:

- Heather Sculthorpe, CEO Tasmanian Aboriginal Centre
- Tom Lynch, Secretary State Secretary, Community and Public Sector Union
- Donna Evans, State Manager, Good Beginnings
- Greg Barns, Barrister, Michael Kirby Chambers
- Nick Evans, Director Community Development Department of Premier and Cabinet
- Angela McCrossen, Senior Quality and Practice Consultant, Children and Youth Services, DHHS.

The Committee provided a detailed report, which was released on the 21 May, which supported the need for amendments to some 21 areas of the Act. The report provided detailed advice on the preferred policy direction to support the proposed amendments.

Mr Speaker, it is important to note that Dr Harries concluded that the Act is contemporary in terms of current Australian child protection practice and despite having been drafted over 16 years ago it is still very much in the forefront in encouraging supportive and collaborative approaches between services and with families.

However, it is clear from recent reviews and consultation that some provisions in the Act could be improved with a view to accommodating, amongst other things, present-day evidence and a public health approach to the care and protection of children.

Dr Harries noted that, although there was a need for immediate amendments to the Act in some areas, there was also much change that could be achieved through shifts in practice possible under existing provisions in the Act.

The amendments that I am tabling today are based on recommendations made in the LARRC report.

Mr Speaker, these amendments are intended to put a greater emphasis on seeking alternative interventions with families, where it is safe to do so.

This work will also complement other system improvements already underway, including the implementation of the Signs of Safety framework to support our engagement with families.

I would like to now detail some of the main features of the *Children, Young Persons and Their Families Amendment Bill 2013*, these include:

Revising the Object and Principles of the Act

This amendment will strengthen the best interests of the child principle and recognise that a child's family is the preferred environment for the care and upbringing of that child. This amendment will also acknowledge that the responsibility for the protection of children rests primarily with a child's parents/family.

This amendment also seeks to reduce the amount of prescriptive text under the Object of the Act, and increase the flexibility for the Minister, in partnership with other Government and Non-Government Organisations, families and communities to further the Object of the Act.

In addition, the proposed amendments to the Principles will better reflect:

- the responsibility of Government;
- the role of family;
- the need to treat children with respect;
- the best interests of the child principle, which will include the notion of 'stability'. The concept of 'stability' will replace the term 'permanency' throughout 'the Act' which will introduce a more contemporary use of language;

- an increased focus on child participation;
- that alternative care is to be in close proximity to the child's family and community; and
- amendments will reflect the National Standards for Children in Out of Home Care, and other relevant Commonwealth standards.

Mr Speaker, amendments to the 'General Principles' section of the Act will also be made to the Principles relating to dealing with Aboriginal children. These will remain as a standalone section under the Act and will formally recognise the nationally adopted Aboriginal placement principles.

Amending Voluntary Care Agreement Provisions

The amendments drafted under section 11 of the Act (Voluntary Care Agreements) will refocus the emphasis of this section, and will clarify the broad scope of agreements.

These amendments will ensure that there is sufficient scope to accommodate those instances when an agreement is required to manage risks that the child would otherwise be subjected to, for example, drug dependency.

Currently, this section allows for an agreement to be made, but it only implies what the purpose of the agreement is. These amendments also define the terms 'extension period' and 'initial period' including timeframes associated with these terms.

Assessment Orders

Amendments will provide additional safeguards to ensure that extensions to assessment periods can only occur if the Court is satisfied that the Secretary is acting in the best interest of the child and confident that the family members have been adequately engaged throughout the period of the assessment.

These safeguards will also prevent Assessment Orders exceeding 12 weeks.

Enhanced Provisions for Supervision Orders

The Bill clarifies the term 'Supervision Orders' and the timeframes, conditions, powers and responsibility of the Secretary and the child's parents or guardians.

Guardianship Orders

Amendments also provide increased clarity in relation to Guardianship Orders. The amendments will make it clear that these types of orders could be with the Secretary or shared between the Secretary and another person such as:

- an order placing the child, for a specified period not exceeding 12 months, under the guardianship of:
 - the Secretary; and or
 - one or 2 other persons.
- or an order placing the child, until the child attains 18 years of age, under the guardianship of:
 - the Secretary; and or one or 2 other persons

In addition, these amendments mandate that a family meeting or family group conference must been held prior to the Secretary applying to the Court for a Care and Protection Order, unless the Secretary considers it in the best interest of the child for an application to be made without delay.

Maximising Non-Adversarial Dispute Resolution Mechanisms

The family meeting amendments will introduce additional flexibility prior to the use of family group conferences, and will enable responses that are more appropriate depending on the individual circumstances.

Mr Speaker, we envisage that the introduction of less formal family meetings will provide a greater role for family problem solving earlier in the process. Family Group Conferences will be at the most formal end of the spectrum of family meeting options.

These amendments will also prohibit discussion and information shared at all early stage family meetings being used in court processes.

In addition, these amendments will make it a legislative requirement prior to commencement of care proceedings, to establish that a family group meeting or family group conference was convened, unless it was in the best interests of the child to commence proceedings without delay.

Permanency Provisions

We will be removing prescriptive periods for court orders from the Act, Government should not be limiting the court's discretion in this regard.

We will also be minimalising Departmental involvement for families following a transfer of guardianship by replacing the current requirements with a provision that, after 12 months and subject to Secretary approval, no further review will take place (with the exception that further reviews can take place if either the family or child requests it).

Extending Care and Protection Orders

The amendments will increase flexibility when extending care and protection orders. For example, the previous provisions were limited to 3 years. The new provisions will allow a care and protection order to be extended if the Court considers it appropriate and in the best interest of the child.

Warrants

Amendments to the issuing of warrants will ensure that warrants are only granted if the Court has been satisfied that all other steps have been taken. The Court should not issue warrant until all other options have been considered / exhausted, unless there is reasonable concern for the immediate safety of the child. These amendments will also allow parents to challenge certain warrants.

Amending the position on Rules of Evidence

Mr Speaker, the Bill will also reflect the approach adopted in the majority of jurisdictions in relation to rules of evidence. Mr Speaker, I do note that these provisions do differ from the original LARRC recommendations. During the consultation process it was identified that these amendments received strong support from the Department of Public Prosecutions, Magistrates and the Department of Justice as being in the best interests of child. Under these amendments:

- proceedings are to be conducted in an informal manner
- the Court must proceed without regard to legal forms and
- the rules of evidence do not apply and the Court may inform itself on any matter in such manner as it thinks fit.

The Term of Appointment for the Commissioner for Children

Mr Speaker, as my colleagues would be aware, Dr Maria Harries was appointed earlier this year to provide advice and recommendations on the role of advocacy for children within Tasmania. This includes the functions and powers of the Commissioner for Children.

I have met with Dr Harries and, while I have yet to receive her final report, she has flagged likely recommendations. I am expecting the final report to be provided to me this month. Given the importance of these matters, it is my intention to provide Cabinet with the opportunity to consider the recommendations before the Government releases the report.

Notwithstanding consideration of the report, I can also advise that the Department of Health and Human Services has commenced the recruitment process for Tasmania's new Commissioner for Children.

This recruitment process is informed by material provided by Dr Harries, based on her project, regarding the broad functions and the related key qualities and skills required.

Dr Harries has also considered previous recommendations regarding the role, including the Auditor-General's 2010 recommendation regarding the Term of Appointment for Commissioner, which is currently for a three year period as per the requirements of Schedule 1 of the Children, Young, Persons and their Families Act 1997.

After my discussions with Dr Harries, and in light of the current recruitment process for a new Commissioner, I will be seeking to move an amendment to allow for the Term of Appointment for the Commissioner to be for a period of five years.

Mr Speaker, one of the main aims of these amendments is to introduce a less adversarial approach when dealing with parents engaged with the child protection system, I am very confident that these amendments will facilitate this. I am also confident that these amendments will ensure that the child protection system in Tasmania is operating in line with contemporary best practice, is child and youth centred and family focused.

I commend this Bill to the House.