

SECOND READING SPEECH

Children, Young Persons and Their Families Amendment Bill 2011

Mr Speaker

The purpose of this Bill is to amend the *Children, Young Persons and Their Families Act 1997* in two important respects.

Firstly, the key amendment supports reforms under which vulnerable children are cared for by residential care organisations such as Anglicare or the Salvation Army. The amendment clarifies that the Secretary's current power under the Act to place certain children in the care of a "suitable person" includes such organisations.

Secondly, the Bill improves provisions regarding the legal protection of people who notify or report to the Department of Health and Human Services in relation to child protection issues. These amendments also address inconsistent penalties for non-compliance with mandatory reports. The amendments provide for greater uniformity in the notification and mandatory reporting provisions.

Turning to the substantive amendment in clause 10 of the Bill, this amendment to section 69 of the Act supports reforms flowing from the 2008 New Directions for Child Protection in Tasmania report. This facilitates the Secretary of the Department in exercising his or her duties as the guardian or custodian of vulnerable children.

Section 69 sets out the powers and duties of the Secretary in relation to children under his or her care. These duties include deciding where the child will live, making educational arrangements for the child; ensuring that necessary medical and dental treatment is provided and providing financial assistance for the care of the child.

In deciding where a child will live, the Secretary may place a child with family members, or may place the child with a suitable person. A suitable person could be a departmental foster parent or a foster placement through one of a number of residential care organisations.

The Bill's amendment clarifies that the Secretary's existing power under section 69(1)(b) to place such children in the care of suitable persons includes suitable bodies of persons, which are typically bodies corporate. The residential care organisations I mentioned earlier, such as Anglicare or the Salvation Army, usually have a body corporate structure. The amendment ensures that the usual legislative interpretation of 'person', as including bodies corporate or unincorporated, applies to this section.

The amendment supports the Department's arrangements with residential care providers as part of the ongoing reform of Out of Home Care. These organisations provide for the care of children through approved care employees. These organisations are required to meet the Department's requirements regarding screening, assessment and training of their carers to ensure great carers are allocated to these children.

The reforms to Out of Home Care are supporting the Government's commitment to giving vulnerable children the best possible start in life. Tasmanian children are our social and economic future, and we take our responsibilities to them very seriously.

This small but significant amendment builds on existing programs that are improving the wellbeing of children across the State, as part of building a world-class, best-practice child protection system in Tasmania. The New Directions reforms are about a system that is both flexible and robust, built on the lessons of national and international experience.

Crucially, placing children in residential care is only one step of a journey that hopefully ends with children returning safely to their parents and homes as soon as possible. Child Protection Services work intensively with parents to give this the best chance of happening.

But if it is not possible, the goal of our care system is to ensure that children experience stable and high quality alternative care. This amendment will support residential care services in playing a significant part in ensuring the care of our children. This is part of the broad responsibility held not only by the Government but by the community as a whole.

The remaining amendments provide for uniform information disclosure and protection provisions, and consistent penalties. These provide clarity and certainty to persons making notifications and providing reports.

I will now discuss the key amendments in relation to disclosure and penalties.

A notification can be made under the Act if a person has a belief, or suspicion on reasonable grounds, that a child is suffering, has suffered, or is likely to suffer abuse or neglect. A new definition is included for 'risk notification', which refers to voluntary notifications under section 13(2) of the Act or similar, mandatory notifications provided under section 14(2), or reports provided under section 18(3) or 18(5).

These sections relate to general notifications such as by concerned members of the community, mandatory notifications by prescribed persons such as doctors and teachers, and the Secretary's power to require people to provide reports and information which are relevant to risk assessments. These are the same type of notifications previously referred to in section 15 of the Act, which is being repealed, and simplifies the drafting of the other amendments.

Sections 15 and 101(3) of the Act are repealed, in favour of a consolidated, uniform protection for persons making notifications and reports in the new section 101A.

The new section 101A consolidates the current provisions, to provide uniform protection to people to make good faith notifications and reports without breaching any code of professional etiquette, incurring any civil or criminal liability, or breaching any requirements in other Acts.

Section 18(6) of the Act is also repealed. It currently provides a penalty of 5 penalty units for non-compliance with certain mandatory reports. This means that the general penalty in the amended section 101 applies to all non-compliance with mandatory information requirements, emphasizing the critical importance to child safety of mandatory reporting under the Act.

These improved provisions support notification and reporting to Child Protection from services and individuals involved with children. This is a critical part of ensuring collaborative and effective responses to working with children and families.

I commend the Bill to the House.