

## **DRAFT SECOND READING SPEECH**

**HON. JACQUIE PETRUSMA MP**

### ***Children, Young Persons and Their Families Amendment Amendment Bill 2017***

Madam Speaker.

I am honoured to bring this Bill before the House. The Bill addresses issues with unproclaimed amendments from 2013 to the *Children Young Persons and Their Families Act 1997*. These amendments relate to voluntary care agreements and family meetings.

The Principal Act provides a framework and mandate for government and non-government services, community members and families to respond to situations where children may have experienced abuse or neglect or where it is considered they may be at risk of suffering harm within their family.

The 2013 amendments arose from recommendations of an independent Legislative Amendment Review Reference Committee, which I'll call the Committee, in November 2012. This led to the *Children, Young Persons and Their Families Amendment Act 2013* which received Royal Assent on the 13 December 2013.

The 2013 amendments were not immediately proclaimed; as there was a body of work that was required to prepare for implementation of those amendments.

Significant parts of the 2013 Amendment Act were progressively commenced on 18 December 2013, 1 July 2016 and 1 October 2016.

However, during the implementation preparation for family meeting provisions in particular, it became clear there was a need to further amend the 2013 Amendment Act.

The family meeting provisions, and related provisions which refer to family meetings, have not been able to commence.

As I will describe, informal family meetings have been adopted administratively with great success, and the amendments today will better support those meetings and allow the remainder of the 2013 amendments to commence.

Similarly, the amendments will also address minor issues with the 2013 voluntary care agreement amendments, so that they too can commence.

There are two amendments relating to Voluntary Care Agreements (VCA) in the Bill.

The first amendment corrects an error in respect of the maximum period for standard VCAs so that they may have a total extended period of 6 months.

The current provision provides for a default VCA period of three months which can be extended for three months, but incorrectly provides the resulting maximum period of 3 months. This is being corrected to a maximum period of 6 months.

The second amendment addresses the 2013 amendment that provided for longer VCAs for children with special needs arising from disability, and children where special circumstances exist and it is in the best interests of the child.

The 2013 amendment arose from a Committee recommendation to have longer Voluntary Care Agreement periods for families with a child with disabilities or families with other longer term issues.

The Committee referred to Western Australian (WA) and Canadian provisions as a model.

However, neither Western Australia or Canada specifically refer to disability in their provisions. While disability is definitely an area of need that may justify the longer VCA, the specific reference to disability may inadvertently narrow the scope of the VCA provisions.

The removal of the specific reference to disability clarifies the broad scope of the longer VCAs, and is consistent with the Committee's recommendations.

It also resolves any ambiguity between the State and the National Disability Insurance Agency (NDIA) with respect to funding disability supports.

That is, as described by NDIA policy and agreed by COAG in 2013, State governments retain responsibility for protecting the wellbeing of children including out of home care for a child where this is required; while the National Disability Insurance Scheme will support the child's disability related needs, such as aids and equipment and supports to access the community and transport.

A Family Meeting occurs when a child, young person and/or their family meet with the Child Safety Service (CSS) to discuss concerns about the child or young person's safety and to plan the best way to keep the child or young person safe.

A Family Meeting is also an opportunity for CSS to directly engage with the child, young person, their family, extended informal and formal networks to explore what is working well and to empower the family to develop solutions to their concerns to ensure the safety and wellbeing of the child or young person.

The 2013 Amendment Act contains unproclaimed and overly detailed provisions for Family Meetings. The proposed new amendments will simplify these provisions so that they support the current successful meeting framework which is known as 'Signs of Safety'.

The 2013 amendments originally arose from recommendations in the Committee Report to recognise more flexible, non-adversarial meetings, in comparison to the Act's more formal Family Group Conferences.

However, the 2013 provisions are simply not flexible enough to meet the Committee's objectives unless they are amended.

The 2013 provisions currently provide for appointment of a facilitator, formal consultation and notice provisions before meetings take place, mandatory invitation of people involved in the child's life even if their attendance may be counterproductive, provisions for adjournment and written reports of outcomes, and formal notices to participants.

This however, does not reflect the reality in which meetings take place with families, or even the literacy problems of many vulnerable people in this group when it comes to receiving formal notices.

The amendments meet the Committee's objectives: promoting active and early engagement to assist parents, families and communities to address concerns. Enabling parents to take a lead role in identifying solutions is empowering and maximises the likelihood that those concerns will be resolved for the benefit of the child.

The amendments also support and promotes the successful meeting framework 'Signs of Safety' which the Department adopted administratively in 2014. This framework has proven to deliver on the Committee's informal meeting objectives.

The Signs of Safety Framework was originally developed in Western Australia's Department of Child Protection. It is currently being utilised by a number of jurisdictions both nationally and internationally. It is an established evidence-based practice that offers significantly increased positive and sustainable outcomes for Child Safety Service's clients.

Signs of Safety family meetings are less formal and less adversarial. They are a family-led forum for decision-making.

Signs of Safety family meetings are designed to create a proactive, structured and monitored process that provides parents involved in child safety matters with a genuine opportunity to demonstrate that they can provide for the safety and care of their children as DHHS requires.

They can be used at any stage, but serve as an ideal safety planning opportunity that can be convened quickly after the initial investigation or the child/children being removed from their natural family.

The Signs of Safety family meetings have been found to be flexible, reactive and adaptive to diverse child protection matters.

The proposed changes give effect to the following objectives in respect of Family Meetings:

- Reframing the Division IAA which relates to Family Meetings to align with the introduction of the Signs of Safety framework in the Child Safety Service.
- Providing more flexibility in working with children and their families to discuss concerns about the child's safety and to plan the best way to keep the child safe.
- Family Meetings will support assessments, developing or reviewing a Care Plan and other circumstances where decisions around a child's safety are concerned.
- Retaining high-level provisions for the purpose and confidentiality of the meetings, when they are required to be held, and when they may be held.
- Providing that the Child Safety staff, rather than formal facilitators, conduct the meetings, meaning that meetings will typically be organised by the child safety officer with the most engagement with the family.
- Simplifying the requirements on matters such as the agenda and procedure of the meeting, to promote flexible and responsive meeting arrangements.

- Providing appropriate flexibility and discretion for who participates in meetings, to match the needs of the child.
- Simplifying the documentation process for outcomes, to reflect the collaborative agreement on meeting outcomes.
- Acknowledging that not all meetings will involve specific consideration by the Secretary of outcomes or formal notice provisions and so on.
- Allow non-adversarial Signs of Safety Family Meetings to take place alongside and complementing the more formal and structured Family Group Conferences.

Proclaiming the existing family meeting provisions in the 2013 amendments would undermine the current effective family meeting system, by requiring inappropriate formality without identifiable benefits.

The proposed amendments also ensure the successful Signs of Safety Framework adopted by Child Safety Services will be formally recognised in the Principal Act. This will promote the use of such meetings, minimising adversarial outcomes in the Child Safety System and facilitate Court processes.

Madam 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 confident that these amendments will ensure that the child safety system in Tasmania is operating in line with contemporary best practice, is child and youth centred and family focused.

It is with great pleasure that I commend this Bill to the House.