



Child Protection Legislation Amendment Bill 2013

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Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [5.39 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

I am pleased to introduce the Child Protection Legislation Amendment Bill 2013. The introduction of this bill comes 12 months after a comprehensive discussion paper was publicly released and follows extensive consultation and careful drafting. More than 230 submissions were received in response to the discussion paper—from individual community members, child protection case workers, children in care, care leavers, universities and other research bodies, our non-government partners, who deliver services to children and families, child protection and other related peak organisations, the courts and all relevant agencies across the New South Wales Government. In addition to these written submissions, my department coordinated face-to-face consultations across the State.

Every contribution was important, whether it provided an idea to be tested or a strategy or direction to be adopted. When we assumed government, New South Wales had the highest number of children in out-of-home care in Australia. Members of this House and the community are all too aware of the intergenerational nature of disadvantage through some of the desperately tragic stories that have emerged about children who were known to my department prior to their deaths. Breaking this cycle of disadvantage is at the heart of the proposals contained in this bill. All decision-making in child protection work is, and naturally should be, driven by what is in the best interests of a child.

The principles of this bill reflect this Government's belief that ideally, a child will live safely at home with his or her parents and Community Services will work alongside the families to help them change. If children cannot live safely at home then the next best place for them is with family or kin—or in some circumstances with a non-relative carer—in a long-term, safe, nurturing, stable and secure placement. Where family or kin are unwilling and/or unable to assist then open adoption of the child should be considered and pursued. Open adoption offers a permanent home for life, with all the benefits this bestows on a child, including lifelong security and that precious sense of belonging.

The bill will also improve parenting capacity—by helping parents take responsibility for keeping their children safe. While many struggling parents will accept assistance to do this, unfortunately, some who should do not. So this bill modifies the current parent responsibility contracts to make them more effective in practice and extends them to be applied to parents of an unborn child. The bill extends the time frame of parent responsibility contracts from six to 12 months to allow parents more time to demonstrate a change in parenting behaviour. The bill also introduces a new tool, the parenting capacity order, which is issued by the courts. These tools are designed to put the welfare of the child at the centre of decision-making and give the best chance of providing them a safe home for life. That means we need to promote permanency, and also timeliness in achieving that permanency.

There will now be legislated time frames in place for decisions about returning children to their parents: six months if a child is less than two years or within 12 months for a child over the age of two. Family group conferencing received significant support through the consultation process, and it is hoped that the consolidation of key alternative dispute resolution provisions will promote the use of alternative dispute resolution in all its relevant forms wherever possible and appropriate. As members of this House would be aware, in 2011 I requested that my department prepare a document, to be released annually, which reports on the deaths of all children known to Community Services in the previous 12-month period. This bill ensures that this level of transparency continues into the future.

New provisions of the Children and Young Persons (Care and Protection) Act will require the Director General of the Department of Family and Community Services to provide the Minister with an annual written report on the deaths of children known to the department. I thank all those involved in the reform process and in the preparation of this bill. In particular, I acknowledge the hard work and dedication of all Community Services caseworkers, who make such a significant difference to the lives of this State's most vulnerable children every day. I commend this bill to the House.

