CHILDREN AND COMMUNITY DEVELOPMENT BILL 2003

Second Reading

Resumed from 4 December 2003.

MS S.E. WALKER (Nedlands) [5.13 pm]: It is my pleasure and privilege to stand in the Parliament as the lead speaker of the Liberal Party on this and any legislation involving children. I have had a couple of briefings from the Department for Community Development on the Children and Community Development Bill. Notwithstanding that the minister took credit for the Bill in her second reading speech, this legislation was basically enacted under the former Court Government. As such, the credit for getting it to this stage can really go to the Court Government. I raise that point at the outset because in the minister's second reading speech she said that the Court Government did not give sufficient priority to the task of progressing the development of the legislation. This is something I have seen before from this minister, such as the issue of the child protection card at the height of the Hollingworth crisis. It is very poor when dealing with children to try to score political points. The point is that this Bill has a history. It is a Bill that appears to have been progressed over a very long period. It probably reflects the value that different Governments Australia-wide have given to the importance of protecting children from various forms of abuse. The basis for the Children and Community Development Bill was provided in 1987 when a drafting document was prepared on behalf of the Court Government. I recently spoke to the relevant ministers from that time and was told that those drafting provisions never got to Cabinet or the party room. Nevertheless, the Bill that this Government has introduced, three years after it came to power, is really something which was already sitting in a government office and which the Government has doctored up a bit. I understand that some areas of the legislation have been polished since the time of the Court Government. That is fine.

The Children and Community Development Bill is an amalgamation of three Acts of this State - the Welfare and Assistance Act, the Community Services Act and the Child Welfare Act. I have looked at all those Acts. The Welfare and Assistance Act covers approximately 20 pages and basically enables the minister to provide funds to indigent people and transport and funeral expenses to certain people. It empowers the minister to reclaim money that she has expended on outgoings. That 20-page Act has been condensed into 1.2 pages in this Bill and comes under part 9. I do not find anything contentious in its having been condensed. I tend to agree that these Acts use old-fashioned and outdated terminology.

The Community Services Act is a 30-page Act. It has been reduced to approximately 27 pages in this Bill. That Act established what was known as the Department for Family and Children's Services. The name of that department was changed by an Act of this Parliament, although I note that those provisions have not yet been proclaimed. That is only a small point. It is now the Department for Community Development. The Community Services Act, which will also be repealed by this Bill, licenses and monitors child-care services in this State and coordinates, assists with and encourages the provision of social welfare services to the community. It emphasises the value of preventive measures. The Opposition fully supports that. Appeals under that Act are to the Local Court. I could find only the offence of obstruction under that Act, for which a maximum penalty of $2 000 applies. Although the minister said in her second reading speech that the Bill repeals legislation that is 50 years old, that is not technically right. Some of it may be. However, there have been nine amendments to that Act since 1972. That Act will be repealed and the provisions it contains are basically found in part 8 of the Bill.

The Child Welfare Act is the most contentious legislation or the one that causes the most concern for communities and different groups all over Australia and the world, as it contains provisions to allow the State to intervene when a child needs care and protection. Before I move on to how that is done under that Act I will briefly go through some of its other aspects. I will provide an overview of the three Acts before I look at the Bill.

The Child Welfare Act contains a section on the exchange of information, which provides for the department to provide or exchange information that is relevant to other government agencies. I have some concern that the Bill extends this provision to apply to interested persons. Hopefully the minister will be able to explain why that has been done. Under the Child Welfare Act there is also provision for the keeping of records. I have some concern about the department, because there is no accountability that I can see to any external body, such as a commissioner for children, which the Opposition supports. I note in the report of the Queensland Crime and Misconduct Commission that the commissioner there receives regular reports on records kept by the department. There should be some accountability for record keeping about children in the relevant department. Children are very precious and vulnerable and it is important that proper records be kept. Perhaps the minister will tell us about that during consideration in detail. Before I come to the need for care and protection, I note that that under

the Child Welfare Act as it currently stands, neither the department, the police, nor an officer require a warrant to apprehend a child believed to be in need of care and protection. They must also bring that child before the court. I will be raising very shortly the new negotiated placement agreement, which bypasses the court system, and about which I have some concern.

The Bill also provides, importantly, for the licensing of foster parents. We have heard a lot about foster parents in relation to what has been happening in Queensland under the Beattie Labor Government. The Crime and Misconduct Commission, interestingly, examined the disgraceful state of affairs prevailing for foster children in that State. I will go to some of the extracts from Brisbane's *The Courier-Mail* that I have been able to find. The first is from the issue of Wednesday, 7 January 2004. It reads -

> The Crime and Misconduct Commission said yesterday Queensland's troubled Families Department should be stripped of its child protection role.
>
> The CMC's damning 389-page report into the abuse of children in foster care uncovered "significant and systemic" problems within the state's Families Department.
>
> . . .
>
> It recommended a new department of child safety be created to deal specifically with children at risk.

The report said that the Beattie Government had spent five years ignoring warnings about foster care. The same journalist wrote on 4 February -

> After they finish celebrating what looks like certain electoral victory on Saturday night, Labor MPs should go home and kiss their children.
>
> Then they should thank their lucky stars that their kids are not wards of the state.
>
> Amid the celebrations and dizzy self-congratulation, they should look back at the past three years in government and hang their heads in shame, admitting to themselves they got it all wrong in the Beattie Government of 2001-04.
>
> . . .
>
> Children unfortunate enough to enter the foster system have found themselves abused by untrained foster parents. Even worse, the Families Department knew all about it and was so poorly resourced that it had to ignore the truth. In 2004, a society that cannot protect its most vulnerable citizens is not civilised.

I feel very strongly about this issue. I have had to take children who have been the victims of child sexual abuse through the court system. I have had to sit with them and listen to their stories about what has happened to them. Not many people get that privilege, and not many people really understand what happens in our courts and to invisible children for years and years. Recently, Judge Hal Jackson, the new chairman of the Child Protection Council, which has been re-formed and rebadged by the minister, appeared on the Liam Bartlett program. I worked with Hal Jackson when he was chairman of the Palmerston Association and I was on the board, and I have a lot of time for him. I have not been in the courts for a long time, but he mentioned the sexual abuse cases that continue to come before the court. As I have said before in this Parliament, anyone who wants to know what is happening in our society need only go to a sentencing day and listen, to understand and learn about the extent and nature of abuse of our children. I found it interesting that in Queensland it was said that the State's care system was a mess because it was developed in an ad hoc manner. Despite piecemeal internal restructuring there has been little significant improvement. So much tweaking and twiddling had been done that the Families Department must resemble a dyke with dozens of wet political fingers plugging the still leaking holes.

My first reaction when I read this document was that I could not work it out. It sounded great, and I agreed with the objects and principles but I could not get to the heart of it. When was the State intervening? I am always very interested in how we look after children who have suffered sexual abuse. It has always been of concern to me how we can help these children who are suffering behind closed doors. I find myself in a position to speak on this subject, and I feel very strongly about it. When I received this Bill it was important to me to see how it intervened, and how it determined when a child was in need of protection. There are some offences in the Child Welfare Act, such as those pertaining to the transfer of wards between States. I note that there are quite a few offences about children employed for street trading, indecent purposes and unlicensed foster parents. There is a provision about deserting children and tattooing. There is a provision for entry to premises to be by warrant from a justice. Any appeals from that decision are to the Supreme Court.

I wanted to look at what was in the three different Acts. I will focus first on what it means, under the Child Welfare Act, for a child to be in need of care and protection. On page 2 of the Child Welfare Act, the principle of the interests of the child being paramount is expressed. Section 3A reads-

> In performing a function or exercising a power under this Act in relation to a child, a person or the court shall regard the best interests of the child as the paramount consideration.

We are left in no doubt. The wording is old, and I am not saying that it should not be modernised, but everyone knows what it means. Section 4(1) reads, in part -

> "**child in need of care and protection**" means a child who -
>
> (a) has no sufficient means of subsistence apparent to the court and whose near relatives are, in the opinion of the court, in indigent circumstances or are otherwise unable or unwilling to support the child, or are dead, or unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law;
>
> (b) has been placed in a subsidized facility and whose near relatives have not contributed regularly towards the maintenance of the child;
>
> (c) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitually under the influence of alcohol or drugs;
>
> (d) is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody;
>
> (e) is not being maintained properly or at all by a near relative, or is deserted;
>
> (f) is found in a place where any drug or prohibited plant is used and is in the opinion of the court in need of care and protection by reason thereof;
>
> (g) being under the age of 14 years is employed or engaged in any circus, travelling show, acrobatic entertainment, or exhibition by which his life, health, welfare, or safety is likely to be lost, prejudiced, or endangered;
>
> (h) is unlawfully engaged in street trading;
>
> (i) is ill-treated, or suffers injuries apparently resulting from ill-treatment;
>
> (j) lives under conditions which indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
>
> (k) is living under such conditions, or is found in such circumstances, or behaves in such a manner, as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy;

If the Minister for Community Development wishes, under the Child Welfare Act, to apprehend a child who is in need of care and protection, she can do so. The circumstances of the threshold are very easy to read, but the minister must go to court and apply for a care and protection order. The proceedings are not adversarial, but civil, quasi-administrative proceedings that are not against the parent. They do not require the standard of proof necessary in criminal trials but the civil standard of proof that is based on the balance of probabilities. Nevertheless - I have looked at a couple of the case notes - a court will exercise caution because it can be such a traumatic experience for a child. I will return to the Child Welfare Act because the circumstances of when a child is in need of care and protection are very clearly outlined. Although the wording in the Act might be a bit old-fashioned, it is quite clear.

The Bill comprises 189 pages. One and a half pages relate to the Welfare and Assistance Act; 27 to the old community development Act; seven to definitions; five to objects and principles; one and a half to the principles relating to Aboriginal and Torres Strait Islander children; nine to administrative matters; five to confidentiality provisions; two to other matters; and 26 to transitional and savings provisions and the repeal of other matters. About 102 pages deal with those matters. If one put the transitional provisions to one side, one would find that 165 pages of the Bill are devoted to child protection or about 70 per cent of the Bill, yet nothing in the title tells us that this Bill is about child protection. The crime and misconduct provisions of Queensland are contained in the Child Protection Act. We have heard that child protection is a big issue for the Labor Party, but I came to this Bill with an open mind. I was not aware of the history and the evolution of the Bill. The preamble says that the Bill is for an Act -

- to confer functions in relation to the provision of social services, the provision of financial and other assistance, and other matters concerning the wellbeing of children, other individuals, families and communities;
- to make provisions about the protection and care of children, the employment of children, and child care services;

I understand that a lot of research on child protection is going on around Australia and in this State. This State has held the Gordon inquiry and the Government's response is contained in a 2002 document. There was then the Government's second response, which was the first progress update. There was also the Harries and Clare report on the mandatory reporting of child sexual abuse. I am told that this Bill results from the law for people report that was compiled between 1987 and 1991 and was the subject of public consideration. I have also read the thick drafting instructions for parliamentary counsel on which this Bill is based and which have had a little bit of polishing. I also referred to the Liberal Party's position paper on a children's commissioner for this State. I do not know whether it is clear, but the State has a Child Protection Council. I listened carefully to what Judge Jackson said on the radio the other day. The council is made up of people who work full time. I am not sure, but I do not think they are accountable to anyone. The department is certainly not accountable to them. The Department of Communities in Queensland is accountable to the Queensland Commissioner for Children. When people do not have their own voice, it is important that the department that is running the show be accountable to someone. I have learnt that it is very difficult to get ministers to be accountable in this House. A review of child protection was carried out in South Australia in March 2003 by Ms Robyn Layton, QC. The report was a very well researched and professional document. I will not go into the mess in Queensland, but other audits were carried out there. As a result, the Queensland Crime and Misconduct Commission was established.

When I heard that the Bill was about child protection, my first reaction was to ask where are the child protection provisions in this Bill. The main question for members of this House is whether there is a clear intervention process. My understanding is that tension sometimes exists when dealing with what is seen by some parents as the zealotry of Department for Community Development officers. I do not make any comment on that but merely point out that there appears to be a perception that officers whip away children and intrude into the lives of parents. Sometimes, depending on the Government and the minister, the focus shifts to the family rather than the safety aspect of the child. I read *The Courier-Mail* of Queensland when researching this issue. I noted that the Crime and Misconduct Commission recommended that a new department of child safety be created to deal specifically with children at risk. I looked at what the commission said about the creation of that department. Although I cannot lay my hand on the article at the moment, it outlined problems similar to those experienced by the Department for Community Development in this State. The department in Queensland is in crisis. We know that the WA department is in crisis because of the leaked e-mails that emerged last year. I remember some terrible quote about the low morale and the fact that the department was overburdened. Of course, the department is overburdened because of lack of resources. When we talk of the safety of children in this State, we must put our money where our mouths are. I do not think that this Government is doing that.

It is not really good enough for the Government to bring on a Bill just before an election, after having been in power for three years and having the Gordon inquiry come and go, to fish out legislation that has been sitting on a shelf somewhere, to polish it up, to dust it off and to bring it into this Parliament.

I agree with the objects and principles espoused in the Bill. Clause 6 states -

> The objects of this Act are -
>
> (a) to promote the wellbeing of children, other individuals, families and communities;
>
> (b) to acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children;
>
> (c) to encourage and support parents, families and communities in carrying out that role;
>
> (d) to provide for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care . . .

It goes on, but I will tell the minister what I found disappointing about the Bill. The previous Liberal Government was committed to ensuring that all Western Australian parents were supported in creating safe and harmonious families in which to raise children. This Bill is essentially the Liberal Government's document. The Liberal Government set up a lot of new initiatives, one of which was parenting information centres in suburban shopping centres but which were closed down by this Government. This Government may have thought the centres needed beefing up or that they could improve their literature - I do not know - but if the Government wants to help parents be better parents, it should understand that they would prefer to anonymously walk into a shop and just browse around. The parenting information centres were popular because people could go in,

browse around and pick up and take home a leaflet on a subject with which they may have had a problem rather than having to visit a government department.

I will now refer to the meaning of child abuse. In a paper titled "The State of Western Australian Children" delivered by the New Zealand Commissioner for Children, Hon Roger McClay, at the Children's Summit organised by Hon Barbara Scott on Friday, 25 October 2002, Mr McClay said in his opening statement -

> It was an Australian who, in 1999 said "Our children are like signposts to the future of our society; they tell us what we are becoming. But they are also our most precious resource for shaping the future, so we had better make sure we are nurturing them and support them to the limit of our capacity".

In the paper Mr McClay referred to the meaning of abuse. He said -

> **What is Child Abuse?**
>
> There are different forms of abuse. These include sexual, physical and emotional abuse and neglect. My sadness most often comes when I hear of children who are or have suffered all three forms at once.

He went on to detail the forms of abuse - sexual abuse, physical abuse and emotional abuse. He stated -

> Sexual abuse is when an adult or someone else who is bigger or older than a child involves a child in a sexual activity by using their powers over a child, or by taking advantage of a child's trust. Paedophiles get very good at it. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime. In New Zealand four or five children under 16 have been seriously sexually abused every day for many years.

Members need only visit our court system to see that it is happening in Western Australia.

I am concerned about this issue and I think I have enough time to go through it. The Opposition will raise a lot of issues in this Bill. However, one issue that I keep coming back to is intervention. Sometimes the situation in Parliament is a little like a courtroom: members might talk about issues but they do not always have an understanding of those issues. For instance, in a sexual abuse case in court people do not have an understanding of the victim until that person enters the witness box and tells his or her story. I will refer to a case that the Supreme Court uses as a guideline judgment in sexual abuse cases. I use the phrase "sexual abuse" although clause 3 of the Bill states -

> **"harm"**, in relation to a child, includes harm to the child's physical, emotional or psychological development;

What happened to the harm of sexual abuse and where did it go? I will come back to that matter. I do not wish to discount any other type of abuse that a child may suffer. I know that these are offences and I will lead somewhere on this matter.

I refer to a 1989 case that was being used by judges when I left the legal system. Unlike the Attorney General - who was accused recently of using other people's misfortunes for political opportunism - I would like to tell the House about what happened to a girl, without identifying her, and the abuse that she suffered when she lived with her natural mother and stepfather. At the time of the abuse the stepfather was 41 years of age and the stepdaughter was nine. The judgment in the case states -

> It appears that when the step-daughter was eight or nine years of age the respondent began making sexual advances to her. These commenced with touching.

That is what happens in cases of sexual abuse. These children are invisible in their homes for years. That disturbs me and I would like to do something about it. The judgment continues -

> The relevant incidents occurred at home either in the lounge or in the girl's bedroom when the respondent and the girl were at home alone. The respondent would remove her clothing and his own and touch her on her breasts and vagina. . . . Subsequently the respondent began to have sexual intercourse with his step-daughter. . . . She said the act was very painful, she screamed a lot and was crying. Counsel for the respondent told the . . . judge that . . . the respondent was careful about what he did. He had no recollection of the girl screaming. His instructions were that intercourse occurred on "a lot of occasions" and his recollection of this particular act of intercourse was "dimmed by the passage of time". His instructions were that:
>
> > " . . . he feels a great deal of tenderness towards this person and, as he says, he could not cause her to react in this sort of way as a consequence of his behaviour."
>
> According to the girl, intercourse occurred after that occasion practically every Thursday night when her mother was regularly away from home.

I am talking about a girl who is under 13 years of age. The judgment continues -

> Consequently, the incidents the subject of the counts are a representative sample. So much was admitted by the respondent through his counsel.

I am reading this judgment not at all for sensationalism but to try to get across to the Parliament what is happening. Other prosecutors and I often heard this same type of story. The judgment continues -

> The girl thought what the respondent did to her was wrong. She told him she did not want to have sex with him, but he kept on doing it. She did not tell anyone because she was scared.

That is the psychological damage. The judgment continues -

> The respondent used to tell her that he liked her. She tried to push him away. She tried kicking him. She threatened to tell her mother, but to no avail. When she was in Year 8 at school, he started to come to her bedroom early in the morning. This happened three or four mornings a week from about October 1986. On each occasions he had sexual intercourse with her. From about the beginning of 1988 this happened almost every day of the week.
>
> . . . on Saturday, 13 August 1988 she was at home on her own . . . She had cooked dinner. The respondent said he wanted to make love to her. She said "No". . . . He dragged her into her bedroom. She scratched his face. He bit her on the pelvic bone. He took off the bottom half of her clothing. She kicked him. He had sexual intercourse with her . . .
>
> There was a final act of intercourse . . .

This case was eventually notified to the court because the girl had confided in some school friends, and her teacher noticed something was wrong and suggested that she confide in her grandmother, who rang the police. Interestingly, this girl suffered all of that abuse but at the time of sentencing the respondent's wife was standing by him. I raise this matter because I am very concerned about a program called SafeCare that is being paid for and run by the Department for Community Development. The judgment continues -

> The step-daughter was currently residing with her natural father. Mother and daughter were seeing each other regularly. The mother felt unable to forgive the respondent. There was no expert assessment of the impact of all this on her daughter.

Everything I have said so far is significant to the Bill, which I will come to shortly. The judgment continues -

> An informal assessment by the wife's psychologist was that the daughter presented as normal and well-adjusted at that stage.

If that is true, on my reading of the Bill nobody will intervene in a case such as this. The judgment continues -

> Just prior to the events of 13 and 15 August 1988, however, the girl fixed a list of 10 ways to kill herself on the refrigerator door.

This girl ultimately became pregnant by this man.

There is a tariff; it is not set in stone. However, in this case, the Chief Justice of the Supreme Court set a tariff in relation to acts of penile penetration, commonly called rape. He said that in the case of a single act, a sentence of about six years is commonly imposed. He went on to say -

> . . . where the relevant circumstance is that the complainant is under the age of 16 years, a sentence of about eight years is commonly imposed.

Under our Criminal Code, section 321A is a relatively new provision that deals with a sexual relationship with a child under 16. It states -

> For the purposes of this section a person has a sexual relationship with a child under the age of 16 years if that person, on 3 or more occasions each of which is on a different day, does an act in relation to the child which would constitute a prescribed offence.

It does not have to be a sexual penetration. If it occurs on three occasions, that person is liable to imprisonment for 20 years. If a person sexually penetrates a child under 13 - that is, anally, orally or vaginally - that person is liable to imprisonment for 20 years. This is what our Parliament has set down. If there is an indecent dealing with a child under 13 years, the penalty is 10 years imprisonment. I raise that for a reason. I looked through this legislation to find the way in which a child is protected, and I went to part 4. I am hoping the minister can tell me differently. I hope I have not read it correctly. I hope that something is in the legislation and that I have read it wrongly, because it is important. Part 4, "Protection and care of children", deals with when a child is in need

of protection. It refers to neglect, when a child is abandoned and when a child's parents have died or are incapacitated. Clause 28(2) states that a child is in need of protection if -

> (c) the child has suffered, or is likely to suffer, significant harm as a result of any one or more of the following -
>
> (i) physical abuse;
>
> (ii) sexual abuse;
>
> (iii) emotional abuse;
>
> (iv) psychological abuse;

Right away people will say that all the different types of abuse are in the legislation. However, the child is not in need of protection until the harm that has been suffered is significant. Therefore, what is harm? I go back to clause 3, which states -

> **"harm"**, in relation to a child, includes harm to the child's physical, emotional or psychological development;

My interpretation of that is that notwithstanding that a child has suffered sexual abuse, unless it is significant in relation to the child's physical, emotional or psychological development, that child is not in need of care and protection. The judgment I referred to indicates that there was a psychological assessment of the child, who had been raped repeatedly - hundreds of times. However, that child would not be deemed to be in need of care and protection. Do members know where she would be sent? The offender might be sent to SafeCare. How does a person get to SafeCare? I am told that the department funds this organisation. The SafeCare web site refers to breaking the cycle of child sexual abuse in families. I presume that can include stepfathers; the minister can tell me. I want the minister to tell me how much money is paid for SafeCare and whether this is the reason that mandatory reporting is not supported by her Government. I want the minister to tell me how many recommendations regarding paedophiles go from the department to SafeCare.

SafeCare is a private, non-profit organisation that tells a paedophile to come in and do a two-year program, and it will not tell anyone; it will deal with strict child protection measures. In those two years, where does that paedophile live? I want to know who audits the records. The SafeCare web site refers to legal accountability and states -

> Child sexual abuse is a criminal offence, -

My word it is -

> and we at SafeCare do not believe that those who have sexually abused a child should avoid the legal consequences of their behaviour.
>
> SafeCare does believe however, that imprisonment and punishment do not rehabilitate and do not necessarily lead to those who offend accepting responsibility for their criminal acts, or indeed to a change in abusive behaviour.

I want to know how old a child victim is when some of these people go to SafeCare. For how many years would a paedophile have had a child under his control sexually? The child gets older, and the paedophile suddenly thinks that he had better slip along to SafeCare; if he goes there, no-one will dob him in. I want to know that, and I think the public wants to know that. The web site states -

> SafeCare is in the process of planning to extend its range of programs.

Why? Is something going to happen in the Government? Will SafeCare get more funding? Under this legislation, the minister can make a new type of agreement with parents. It is called the negotiated placement agreement. The minister will say to the parents that if they sign the agreement, their child can be placed somewhere. I want the minister to tell me whether these negotiated placement agreements will be used when evidence is found of a parent sexually abusing his child, so that the person will go into SafeCare. The Government is supporting a program that protects people from the criminal justice system. I want to know where the records are and who keeps them. I can tell the House who one of the people who keep the records is. The web site states -

> **Welcome to SafeCare**
>
> SafeCare Inc. is an independent, community-based organisation that provides treatment, counselling and support services to families where child sexual abuse is an issue.
>
> SafeCare currently provides services to clients in metropolitan Perth and Bunbury . . .

The chairperson is Mr Gerald Burns. I do not have any doubt about the credentials of these people. The program director is Christabel Chamarette, so I suppose this Bill will pass through the upper House. I do not know whether she is still the program director or whether she is paid. However, that was on the web site as of 26 February this year.

I have some concerns. When I look at the Bill, I ask myself what happens to a child who is being sexually abused. I say again that I do not discount other types of harm to children. For example, an article in *The Courier-Mail* of 16 December 2003 entitled "Abused foster children removed" states -

> The audit team found cases where officers ignored emotional abuse as well as excessive physical punishment that should have been referred to police.

As parliamentarians, do we condone the support of a program that bypasses the criminal justice system? The article continues -

> The abuse included cases where children had their faces rubbed in urine-soaked sheets, were forced to eat chillies as a punishment for swearing and made to eat home-made sandwiches when taken to a restaurant.
>
> In one incident, a 13-year-old girl was impregnated by a carer while a sexually abused boy later went on to abuse a three-year-old girl.

I raise these issues because I am concerned about the way in which a child who is being sexually abused will be protected under this Bill. I will go into this matter in consideration in detail. Under the Child Welfare Act, a warrant is not needed to apprehend a child. Under this legislation, a warrant will be needed, except when there is an immediate and substantial risk to the child's wellbeing. A child may present at school and be acting strangely. The child could be bleeding; I do not know. Under clause 37, that child can be apprehended. However, the chief executive officer - I cannot work this out - does not have to make a protection application if a child is being sexually abused. Under clause 38(2) she has the power to not make such an application. She can do nothing and ensure that the child is returned to a parent of the child. The clause does not say a parent or parents; it says a parent, or a person who was providing day-to-day care for the child, or, with the consent of a parent of the child, any other person.

Sitting suspended from 6.00 to 7.00 pm

Ms S.E. WALKER: Before the dinner break I was commenting on the provisions of the Bill. I was discussing the clarity with which the Bill deals with intervention and states when a child is in need of protection. I am not the only person who is concerned after reading the Bill. I received a submission from a senior psychiatrist who works in this area. Her submission refers to division 1 of part 4, which deals with when a child is in need of protection, and states -

> Children are only entitled to protection when they experience or may experience significant harm. Surely as a community we would want children protected before the harm was significant.
>
> List of abuse does not include domestic violence
>
> Does not make reference when children are at risk of harming themselves or others
>
> (d) Does not make reference to children's developmental needs not being met, nor their need for an attachment figure. These are at least as important as children's medical needs.

Her submission refers also to division 2 of part 2, and the determination of the best interests of the child. It states -

> This section does not adequately take into account the importance of early development on long term outcome. The reference to child's emotional physical etc development is point (k) . . .

I referred to SafeCare before the dinner break. I understand from my briefing that it is funded by the Department for Community Development and is concerned with child protection measures. I am concerned to know what happens to a child when the perpetrator or offender goes into these two-year programs, and who is monitoring that. Where does the child stay? Is it with the mother? The Parliament is entitled to know how this program operates, how these children are being looked after and who is monitoring the records. I raise that issue because I am concerned that some offenders may use this program to bypass the criminal justice system. In the context of this Bill, the important issue is what happens to the child who has been sexually abused. Where does that child stay? I refer to the case I raised earlier. I have often seen the mother support the offending father. I have come to the view that that is because she does not want to upset her regime. I may be too harsh, but I do not think so. In those circumstances the mother knows that a child is being sexually abused. Surely the child's

wishes should come before her own. I wonder how this program operates and is run, and I hope the minister can tell me about it.

Harm is also mentioned in other areas of the Bill. I have mentioned that we do not agree with the negotiated placement agreements. I received a briefing note about these agreements from Francis Lynch, the Chairperson of the Children's, Youth and Family Agencies Association - he said that I could mention his name. He referred to these agreements and stated -

> This is of **grave concern** to us. This potentially allows the Dept to ignore the procedures and processes defined in Sections 31-73, and enter into a negotiated placement agreement with the consent of the parent. This agreement does not need to be viewed by the Court and can be of any length (several years). There is a significant risk that parents may be coerced into consenting to such placements.

That is true. I have raised these concerns in the context of the discovery of child sexual abuse. If a negotiated placement arrangement is signed, the child can stay in the home and the perpetrator can go into the program. Such an agreement could be used to coerce someone into agreeing to a parental supervision order, for instance. It could be anything. I am concerned that under this Bill, children could be placed anywhere without the case going before the court or being monitored or the department being made accountable to anyone. Mr Lynch states -

> The department has in the past used consent agreements that were reviewed by the Court to make children a Ward. Their practice has at times been very doubtful. It is not that this Section might have some use. There are situations where it may be warranted - such as a parent becoming unwell, needing to go into hospital and the children need to be in care for a short period of time. There should be a time limit of 3 months with a possible extension of the same.

I suppose we would not have a problem with the arrangement lasting for three months. I need to know that these negotiated placement arrangements will not be used for offenders going into the SafeCare program.

I refer to the anomalies in the Bill relating to harm, particularly in clause 100, which is in subdivision 1 of division 7, "Offences". I cannot understand this clause or the specified offences. It is very strange. Clause 100, "Failing to protect child from significant harm", states -

> A person who has the care or control of a child and who engages in conduct -
>
> (a) knowing that the conduct may result in the child suffering significant harm; or
>
> (b) reckless as to whether the conduct may have that result,
>
> is guilty of a crime, and is liable to imprisonment for 10 years.

That is a bit odd. The Government has beefed up these offences. However, during my briefing I asked how frequently the similar provision in the current Act was used in the past year, and was told that it had not been used once. Why is the offence included in the Bill? Why would a person who engaged in conduct that resulted in significant harm not be charged under the Criminal Code? Why is the offence needed in this Bill? Perhaps the minister can tell me.

Not a lot in this Bill is new. The protection orders, the requirement to obtain warrants, the objects and the principles are new. When I say they are new, I mean that they were new when the Liberal Party drafted its policy. This is the first time they have been presented to the Parliament. There are new appeal procedures.

I have raised before my concern about the exchange of information. The Crime and Misconduct Commission report in Queensland states that children have rights, a bit like victims' rights. When a victim becomes involved in the criminal justice system, he or she has certain rights, one of which - under the coalition Government - is the right of privacy. Under the Queensland Act that person has a right of privacy. In this Bill the new chief executive officer, the current director general, will be able to prepare a charter of rights. Why is that right not included in the Bill? If the legislation from Queensland were copied, the Bill would have to contain a right to privacy. That right was taken away in 2002 following an amendment to the Act, and that will be enlarged under this legislation.

There is a lot in this Bill that I have not been through but I intend to go through. This is an important Bill for children and I intend to scrutinise it carefully. I intend to move some amendments, unless the minister can explain how the negotiated placement agreement will work and how it will be used. I hope the minister can take me through the Bill and tell me that a child does not have to be significantly harmed for there to be a need for care and protection; otherwise I will move amendments.

MR T.K. WALDRON (Wagin) [7.11 pm]: The Children and Community Development Bill 2003 contains clauses in relation to the provision of social services, the provision of financial and other assistance and other

matters concerning the wellbeing of children, other individuals, families and communities. It makes provision for the protection and care of children, the employment of children and childcare services. As the member for Nedlands said, it will repeal the Child Welfare Act 1947, the Community Services Act 1972 and the Welfare and Assistance Act 1961.

This Bill introduces significant reforms to the State's protection legislation, largely updating it to reflect current research evidence and contemporary practice. The Government argues that the Bill responds appropriately to the complex social issues that have emerged in recent decades regarding children in care. It updates legal processes to protect children from harm, and includes new grounds for statutory intervention as well as an expanded range of orders to protect children from harm.

The National Party has a keen interest in this Bill and feels that all children need appropriate care and protection and opportunities in life, particularly in their early, formative years. Being a single parent for three years back in the 1980s brought home to me the importance of providing care and protection for children, especially in their early, formative years. Since then, particularly in the last few years, education has taken the matter further. This is very important legislation about how to deal with children, particularly those with problems that a lot of lucky children do not experience.

As set out in the second reading speech, the objects of the Bill are to promote the wellbeing of children, other individuals, families and communities; acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children; encourage and support parents, families and communities in carrying out that role; provide for the protection and care of children in circumstances in which their parents have not given, or are unlikely or unable to give, that protection and care - which is very important; protect children from exploitation in employment; and protect and promote the best interests of children who receive childcare services. Those objectives are all very honourable and I agree with them. We need to ensure that this Bill will achieve those results and that the resources will be available throughout WA for all children to have the opportunity to experience those things.

I also agree that the overriding principle is that the best interests of the child must always be paramount. The member for Nedlands referred to that idea being found in the old legislation, when she stated that in performing a function of exercising a power under the Act in relation to a child, a person or the court shall regard the best interests of the child as the paramount consideration.

The Bill establishes four new court orders. I am not a legal brain like the members for Nedlands or Kingsley. The first two orders - the protection order, supervision and the protection order, enduring parental responsibility - are new orders. The other two - protection order, time-limited and the protection order, until 18 - existed in the previous Act in a similar form. I think I understand the first two concerning supervision and enduring parental responsibility, but I would like the minister to comment on how she sees them working in practice. They look fine, but I would like a little more detail.

Another area I wish to refer to is leaving care. We tend to help people out and run the programs etc and then forget about them and hope that it will all work out. What will happen after they leave care is covered in the legislation - it includes homelessness, substance abuse, mental health, education and employment issues, poor social support systems and criminal behaviour - which is very important, but I wonder how that will apply statewide and whether those resources will be available. In my experience some of these things are very good, but in a lot of areas, particularly rural Western Australia, it is very difficult for people to access these facilities. This must not be overlooked.

I would also like clarification on family day care, care of children outside of school hours and centre-based care. In the second reading speech the minister stated that the meaning of childcare service does not include small voluntary care arrangements that are ancillary to non-commercial or non-recreational activities; for example, religious services. I am looking for clarification of areas for which licences are not required. I am thinking of small sporting clubs etc in regional areas.

Ms S.M. McHale interjected.

Mr T.K. WALDRON: When the minister responds, these issues can be clarified. I may have interpreted it wrongly, but I am concerned about those areas.

As I said, the National Party has a keen interest in this Bill, particularly to ensure that children living in rural and remote areas are equally protected and offered the appropriate services. Some people with physical or health problems are sent to state housing in the country. I do not have a problem with that, as long as they are provided with the resources they require; it is no use sending them to the country if there are insufficient resources. A lot of these matters sound terrific, but we must make sure that people can access them reasonably. I understand that we cannot have everything in every little country town, but we must make sure that our regional centres and the

Department for Community Development can cope. I ask the minister to guarantee that the new legislation takes into account the unique circumstances faced by children living in rural and remote communities and that it provides sufficient flexibility to meet their needs, which means resources, transport and all those sorts of things. For example, the minister referred to a raft of social services provided to assist children, other individuals and communities, such as preventive services, protective services, placement services, childcare services, information advisory services, counselling services, education and training services, therapeutic services, advocacy services, mediation services, family and domestic violence services, crisis services and support services - to list a few - and we need to know how many of those services will actually exist in rural and remote communities so that people can access them. Reasonable access must be provided. If that is not provided, we must look at how it can be provided.

I listened closely to what the member for Nedlands said about the Bill, and I congratulate her on her thorough review of it. Obviously her legal mind and knowledge of legal matters come in very handy. Having listened closely to her, I strongly support many of her concerns. Will the minister clarify at exactly what stage intervention can occur? Sometimes that can be a judgment call. I want to make sure that sufficient checks and balances are in place for the CEO because it appears that he has very wide and strong powers throughout this Bill. Are the accountability requirements of the department sufficient? It is very important to make sure that accountability, which we hear a lot about, is built in to the Bill.

There is little doubt in my mind that the current legislation pertaining to child welfare is outdated and certainly needs to be updated. The difficulty is to make sure that this Bill successfully achieves that without watering down the provisions of the Child Welfare Act, the Welfare and Assistance Act and the Community Services Act, which this Bill will repeal. The matters are so critical when children are involved that we cannot afford to get it wrong.

I ask the minister to address the critical issues that have been asked of her today. In particular, I would like the minister to assure the people of country Western Australia that the services to which the Bill refers will be available or that people in country communities will have reasonable access to them. The National Party will support any legislation that improves the care and protection of and opportunities for our children. We will always support measures that assist the young people in our communities in a positive way. We will support this legislation. However, we look forward to the minister's response to the issues that have been raised by the member for Nedlands and me and, no doubt, by other members who are yet to speak on the Bill. Children are of paramount importance and they must have the same care, protection and opportunities afforded to them regardless of where they live in Western Australia.

MRS C.L. EDWARDES (Kingsley) [7.22 pm]: It is pleasing to see this legislation before the House. I was the Minister for Family and Children's Services in 1996. It was probably one of the most pleasant portfolios that I had the opportunity to enjoy. Unfortunately, I was the minister for that portfolio for only a year. The reason I thoroughly enjoyed holding that portfolio is that the minister gets a real opportunity to help families. Our Government put a big emphasis on the role of the family and on strengthening families. It put the emphasis on prevention. Although this legislation has some wonderful words - it is a great motherhood statement - I do not see a plan from this Government to strengthen families. That is not to detract from the role of looking after the safety of children. I absolutely agree that if the community cannot protect its children from harm, it is no longer a community.

Many of the incidences that resulted in children being removed from their environment or from being harmed in some way in their environment may not have got to that point had the family received support at an earlier stage. All members know of many cases that have been brought to their attention in their electorates. Invariably, some form of family crisis is involved. Often a family crisis leads to a subsequent or consequential effect on the family, and particularly on the children in whose safety we are interested. It is a big issue when a father suddenly becomes unemployed and can no longer provide for his family. It is an even bigger issue for single parents who find themselves unemployed. How do single parents without a job support their children? Parents want their children to be clothed and fed, to be warm and to have a bed in which to sleep. They want their children to be looked after. How do people who live in poverty feel about looking after their children? Financial difficulty is a key issue for family crises. Families are faced with serious financial difficulty because, for example, they spend too much money, their business goes broke, or they are taken to court and sued.

The breakdown of a marriage for whatever reason has an effect on the children. The children might also have been affected in the lead-up to the marital breakdown. Sometimes a family does not have a roof over its head. It is not easy to get emergency accommodation from Homeswest. People who go to the Department for Community Development are told to go to Homeswest because it provides roofs over families' heads. If people do not fall within the guidelines for those that DCD wishes to support, the family gets pushed to another department. That may lead to triggers that lead to the children being harmed. A family is in crisis when it

cannot provide a roof over its head. Drug abuse, alcohol abuse, domestic violence, child abuse, illness, disability and conflict with teenage children are all problems associated with families who are in crisis. I heard a woman on the radio this morning say that she could not accept discipline when she was a teenager. Later in life she regretted those years when she kept running away from home and then coming back. She thanks her parents very much for standing by her for all those years. She said that her actions impacted greatly on the family relationship.

Families who are in crisis for whatever reason need to know where to go. Many people do not have strong family support. Many people do not have an extended family to whom they can go. Often there is no grandmother. Grandmothers are very important to their children and to the way their grandchildren are raised. If no grandmother is on the scene to help guide and support the family through the crisis, where does the family go? The grandfather might not be a person to whom that child could ever talk because the grandfather is from the old school. A person might not have any siblings. The family might have moved to a community in which it has no friends; for example, if one or either of the parents had to change location to get a job. It could be that the family crisis began after that. A family might be on the other side of the country and away from its support mechanisms and support services. How does a person travel across the Nullarbor if he has no support and no money? Not everybody can take $399 out of their savings account and buy a Virgin Blue airfare to fly across the Nullarbor. Therefore, we are dealing with people who find themselves in circumstances in which they would like not to be, but which are having an impact on their families and on them. Where is the Government's plan to support those families? Where in this Bill is preventive care provided for? It is too late to worry about the child once he has been harmed. The impact on that child and family, and the intervention that occurs at that time, has enormous implications. All the statistics and surveys on children in care show that those children are very unsettled as they enter into young adulthood. To put a child into care is not the answer. Although it may remove the child from immediate harm, or remove the offender from the child's environment, we will do far more to protect the child if we can first help the child's family when it finds itself in crisis.

When we were in government we established a number of parenting information centres. Those centres were very important to parents. Parents could walk into a shopping centre and go to the parenting information centre, play around with the computer on the left-hand side of the room and check to see whether anyone else was around, and wander up to the desk and have a chat with someone. Sometimes what that did for the parents was confirm in their mind that their child was no different from any other child of the same age. Often the parents were given mechanisms for dealing with the issues that they and their child were facing, such as improved communication and conflict resolution skills, or some financial management skills. Parents could go into those centres and be totally anonymous, so they felt very comfortable about doing that. How would a mother or a father feel about telephoning the Department for Community Development? Some parents do that on a regular basis because they have used the department's services in the past. However, many parents do not know about those services. I know of families in Kingsley who would rather hide behind the front door than seek support from the department, either because they do not know about its services or because they feel embarrassed. I know of children who go to school without breakfast and/or lunch because their father has lost his job and their family has no money. The parenting information centres were a wonderful mechanism for giving families in crisis a helping hand when they needed it most. Parents do not want people from DCD to come into their home with a couple of police officers and remove their child. Surely it is preferable to put in place a system that will strengthen the family support mechanisms up front. We also put in place the Parent Link Home Visiting Service, the parent telephone service and other resources for parents. I still give out those "living with whoever" booklets. They are absolutely phenomenal. We need one to help grandparents deal with grandchildren, minister!

Ms S.M. McHale: It is on the way.

Mrs C.L. EDWARDES: While I am talking about grandparents, it is good that this legislation will finally give grandparents some formal recognition with regard to court orders. That is long overdue.

One of the most important roles that anyone can play in the community is to be a parent. What I want to see in the legislation, putting aside the nice words, is a change of policy and direction by the department so that it will take real action to support families. Parents may go to the department and say that they have no job, no money and no roof over their heads and that they do not know what to do with their kids, and they become absolutely frustrated when they cannot get the support they need. Their children are not being neglected, physically abused or maltreated. However, there is no support for that family. If the parents then decide that they cannot cope any longer because their situation has become worse, there may very well be maltreatment. Would it not be better to provide the support mechanisms in the first instance to support the family?

One issue that arose during the radio debate this morning is the rights of the child. This issue has been debated in many different forums and in many different ways. People have different views on the rights of the child. We

support the right of a child to be protected and brought up in a safe and caring environment. However, the debate on the rights of the child is disenfranchising parents. Parents feel that they can no longer discipline their children. I am not talking about giving children a belting, but there was a debate 10 years ago about whether parents could smack their children. There is a serious concern among educationalists that they have got their backs to the wall when they are dealing with children. Primary school teachers now have to deal with children who come to school with knives in their bags. I would not be a teacher today for all the money in the world. Teachers have one of the most responsible jobs of all, because they are dealing with the next generation - the children who will be the future decision makers in our community. Imagine how many children have gone through the hands of a teacher who has retired. Those children are now adults. It is a phenomenal responsibility. I am not sure that in the debate on the rights of the child we have got the principles right. Parents feel disenfranchised. Teachers feel that they lack the ability to exercise any discipline within schools, and often they also feel that they are not getting from parents the support that they need. However, that is another issue.

I will not dwell on the issue of child abuse, because the member for Nedlands has covered that quite extensively, but some of the research that has been carried out in the past indicates that child abuse occurs across all socioeconomic, religious and ethnic groups. However, there is an over-representation of poor and disadvantaged, single-parent and Aboriginal families. The research indicates also that some of that abuse is the result of alcohol and drug misuse by carers. The member for Nedlands raised the issue of the relationship between alcohol and drug abuse and the protection of the child. The question I want to ask is: should the practices, procedures and policies of the department be changed so that, provided the child is protected, it has the opportunity of supporting the family, and should that come first and foremost?

[Leave granted for the member's time to be extended.]

Mrs C.L. EDWARDES: The community has an attitude of zero tolerance towards those who harm children. However, I have often heard of children being removed, even though a proper investigation has not been carried out, perhaps because child protection officers are fearful that if any harm has occurred, the buck stops with them. The chief executive officer, executive directors or other senior staff are not asked to resign when problems arise. The child protection officer must resign. Child protection officers are therefore very wary. I am sure that if the minister referred to statistics reflecting the situations in districts and offices she would see inconsistencies in various practices. I have anecdotal evidence of that based on my dealings with individual cases. Any research that has been done will more than likely support that. If that is the case, the issue arises of how individual child protection officers determine what is "significant". How do the officers determine what is "significant"? The legislation will contain a word that is subject to interpretation by officers working on the ground. An officer might be faced with a situation knowing he has the power to walk in through the front door and pick up a child, but what if he gets it wrong? More protective measures should be instituted for those staff to allow them to carry out their job without fear. It would provide a better process for supporting families, whether that involved individual mothers and fathers or extended family members. My information is anecdotal based on the numerous cases I have dealt with over the years. It is a major issue. Prison officers and/or the police have their legal fees paid in the event action is taken against them. However, if they are found to be negligent or wanting in other circumstances, their legal fees are not reimbursed.

Obviously I am referring to examples of departmental cases from the northern suburbs in which individual officers lost their jobs. Consequently, a disproportionate level of fear exists among the people on the ground who must deal with families on a daily basis. More resources are necessary or perhaps better training is required for officers working in the child protection area. Those officers have shown a lack of commitment - that might be too strong a word - to providing regular follow-up of cases. The amount of time that passes increases to four weeks, six weeks, eight weeks and eventually three months, within which period a child could be harmed. No-one wants that. However, that can occur as a result of officers knowing they are likely to be under scrutiny. I do not want to take away from them the huge responsibility they carry. However, the work they do requires greater recognition and support. We know that this legislation will not stop endangered children from being harmed, injured or killed. Policies and their implementation, people, support and resources will stop that. This legislation will not.

The other issue raised by the member for Nedlands concerned the forms of abuse, and that has been covered. The forms of abuse are different from those usually referred to in research and, I think, from those in the current child protection data collection service, which was started in 1993 by the department. "Child maltreatment" covered sexual abuse, physical abuse, emotional abuse and neglect. The Bill will change those terms. Does that not mean that the data on future cases that arise following the implementation of this Bill will be inconsistent?

Ms S.M. McHale: Do you want me to answer?

Mrs C.L. EDWARDES: I am raising it as a question. Psychological wellbeing is a recognised term. We all know that people who suffer sexual abuse suffer major psychological problems. The same could arise from physical neglect or any other harm. Why change the forms of abuse that have been commonly covered by "child maltreatment". When I was minister, suggestions were constantly made that we should update the terms. However, based on the research done and data collected, I was concerned that changing the terms would result in confusion. It would make comparisons between past and present cases difficult. That is a serious issue. I do not know why the definition has been changed.

Will the inclusion of the word "significant" mean that not every allegation will be investigated, but only "significant" allegations will be investigated for the sake of gaining more "substantiated" allegations? If that is the case someone will be missed. As a former minister responsible for this portfolio, I recall the issues. In his book published in 1990, Dr David Thorpe suggested that the departmental policies on child protection needed to be changed. His book highlighted the huge amount of resources being spent on investigating allegations most of which, for various reasons, were never substantiated. Some could not be investigated and, following investigation, some were found to be unsubstantiated. However, at the end of the day the question arises of where resources should be directed. Is the word "significant" included to enable the direction of reduced resources to what might turn out to be substantiated allegations? If that is the case, a child who deserves government support will be missed. That would be a very serious issue for the community, let alone for the Government. Resources would be directed only to the cases that are likely to be proved rather than to those that should be investigated. I strongly urge the minister to rethink the inclusion in the Bill of the word "significant". An allegation could encompass various connotations; for instance, that a child is repeatedly called "stupid". It might lead to psychological impairment and other such problems if such allegations were taken out of the process. We must put faith in departmental officers. If resources are provided to these officers, and the minister supports and backs up officers in their work, better decisions or an improved decision-making process will result. Departmental officers can determine whether an allegation of a child constantly being called stupid should be investigated. That should be the approach rather than putting the word "significant" in the legislation. I urge the minister to drop that word. The member for Nedlands will put forward an amendment if no satisfactory explanation is provided for including "significant" in the Bill. The minister's response must answer some of my concerns. The Liberal Party will move an amendment to delete "significant", the inclusion of which would impact on the protection of some children. It should be removed from the Bill, even if doing so will protect only one child in the future.

MR R.F. JOHNSON (Hillarys) [7.51 pm]: I will make a reasonably brief contribution to the second reading debate. First, I find the title of the Bill to be strange. What on earth does the Children and Community Development Bill mean? If the House is considering child protection, why is the Bill not called the "Child Protection Bill"? That title would show the main thrust of the measure. Why include "community development"? If in a few years people want to look up the relevant legislation concerning child protection orders, they will not think to look under children and community development. Maybe that is part of the new phrase the minister and her department are using: the wellbeing of a child. For goodness sake; a child's wellbeing can be described in many different ways. Wellbeing does not necessarily mean protection. Wellbeing can relate to whether a child is eating properly during the day, a child is clothed or a child is happy or sad. The main concern of the people of Western Australia is child protection. There are children in our society who are not being protected from predators.

The minister introduced an amendment to the child protection Act in 2002 -

Ms S.M. McHale: It was the Child Welfare Act.

Mr R.F. JOHNSON: Yes. The amendment related to the best interests of a child being paramount. I was the shadow minister for that portfolio at that time, and I agreed wholeheartedly that the best interests of the child should always be paramount. The thrust of that legislation was to ensure that orders made in Western Australia and in other States would be recognised and upheld throughout the various jurisdictions of Australia. The Liberal Party supported those amendments. Everyone in this Chamber would always want the best interests of the child to be absolutely paramount. Unfortunately, that is not always the case in the wider community.

I must question the ways in which child protection officers sometimes act within the Department for Community Development. I brought to the minister's attention the case of a young girl aged seven or eight years from a family with four or five children, who were mainly young girls. I believe their mother was a drug addict. It was a single-parent family, although I think there was a male who came and went. That young girl aged seven or eight years was sent out by the mother on a regular basis to beg for food and money from houses in the area. This took place in a suburb south of the river. That little girl had to walk across a busy main road and a level crossing to knock on doors and ask for money that she took back to her mother to buy food. This little girl was completely unsupervised in this activity, which certainly did not happen only once.

Fortunately, the little girl knocked on the door of a house belonging to a wife and mother who was appalled that this little girl was out knocking on doors, particularly in view of all the problems with paedophiles these days. The mother whose door the little girl knocked on took the child to the local police station because she was very concerned. She felt the matter should be reported to the police, who she felt should have contacted the mother of the child and told her to pick up her child. I tell members that the police did not want to know. They expected the woman who took the child to the station to take the child home. The woman pointed out, rightly, that she should not take the child home. Even though she had the best interests of the child at heart, legally she could have been seen to be taking the child without consent. If the woman had had an accident in her car, who would have been held responsible? The police did not want to know about it, which I find extraordinary.

The case was reported to the Crisis Care service. The conversation the woman had with those at Crisis Care was not conducive to finding a solution. Officers did not really want to act: the conversation went something like, "That . . . woman again!" There was a swear word inserted that I will not repeat in the Chamber. This case seemed to be too much trouble.

The lady who took the little girl to the police station reported the matter to the minister's office and the Department for Community Development. She explained what was happening. Officers said that they would look into it. A few days later, that same little girl knocked again on the door of the woman who sought help, but this time with her 10-year-old sister - it was two little girls this time. Also, the woman discovered that the little girls had been knocking on the door of an empty house down the road. The woman was appalled that DCD and the minister's office had done nothing to protect these children. As I have said before in this Chamber, there are more definitions of abuse than only physical and sexual abuse. There is neglect and psychological abuse. Neglect is an important area of abuse -

Mr E.S. Ripper: It's called Opposition.

Mr R.F. JOHNSON: This is not a joking matter, Treasurer. This was a very serious issue that was reported to me as the shadow minister in this area at the time. I had great concern about this matter. I could see all sorts of terrible things happening to both or one of those little girls. The woman was so concerned about the welfare of these girls who were begging, and even knocking on doors of empty houses, that she constantly telephoned DCD and the minister's office. However, she gave up in the end. She said that nobody seems to care about these little girls.

I have raised this case in this place before and do so again today because it is pertinent to the Bill before the House. We are talking about child abuse, child neglect and child protection. In this instance, I could not believe that this child was being protected. Any right-minded person would have said that those kids should have been taken into care. Nevertheless, the minister's department wanted to give the kids back to their mother, who was a known drug addict. Other people made complaints that the children were being neglected. What was the answer to the problem? It was not to take the children into care and protection, but to move the woman and her children to a town up north. The problem was transferred from one place to another in Western Australia, but the department would not get any more complaints from that southern suburb because it would no longer happen there. However, if it happened in that suburb, it will happen in the town up north. I find that appalling. I find that a dereliction of duty on behalf of the minister's department. It does a good job some of the time, but it does not do it all of the time, and it did not do a very good job in that instance because those children were in serious danger. Would the minister call that significant harm? Would the minister say that those children were in a situation of significant harm? I would; would the minister?

Ms S.M. McHale: I will deal with that when I respond.

Mr R.F. JOHNSON: I was just giving the minister an opportunity to interject and give her view. I hope she will say that it is significant harm. However, if it is significant harm, how does she correlate that to the fact that the department did nothing other than move the family from one town to another?

As the minister knows, I have had quite a bit to do with grandparents who look after their grandchildren. I have spoken to her about it before. Quite often grandparents are in a situation that is untenable and do not receive the support from the minister's department that they should. In fact, one grandparent told me that her daughter or daughter-in-law, who is a single parent, is a drug addict. She obviously could not cope with looking after her child, so the grandparent took on the child to protect the child, because obviously the grandparent loves the child very much. The grandparent did her utmost to protect the child from any harm, but she could not get any financial aid unless she went to court, which she was reluctant to do. She had no support from the minister's department to go to court. That child was then put in a situation in which she possibly could have been in danger. The grandparent was not comfortably off financially. In fact, she was very short of money; she was on a pension. She contacted the minister's department because she needed some financial help to pay for food and clothing for the child's welfare. However, every time it seemed that the grandparent would try to get a custody

order for the child, the mother turned up. Does the minister know why the mother turned up? She was so frightened that the grandparent would get custody and would then be eligible for the Centrelink payments, the family allowance and the single parenting payment that she would try to grab the child. When the mother turns up and grabs the child, the grandparent gives in and says that she will not go for a custody order because the mother needs the money from Centrelink and the emergency money from the minister's department, which the mother then shoots up her arm. That grandparent and her grandchild have missed out on some financial help. One of the minister's officers was aware of this and was warned by the grandparent not to give emergency money to the mother because her grandchild would never see the benefit of that money as the mother would shoot it up her arm. The money was given to the mother, not the grandmother, and what happened? The mother shot it up her arm. That is the situation. We are talking about child protection and child welfare. I want to know what the minister's officers are doing to protect the children in those situations. What are they doing to really help grandparents who have to raise their grandchildren because both parents are drug addicts or in prison or have disappeared off the face of the earth and do not care for their children? The minister is not doing enough. She says that she is doing things, but all she is doing is using the money to provide information. I cannot recall how much was in the latest round of grants that were given to grandparents, but it worked out to be an abysmal amount a year. I cannot recall the figure but it was over four years. The minister might like to help me and tell me how much it was.

Ms S.M. McHale: We have doubled the amount of money.

Mr R.F. JOHNSON: From what to what?

Ms S.M. McHale: I think it went from $30 000 to $60 000 a year.

Mr R.F. JOHNSON: Is that from $30 000 to $60 000 a year? The minister should check that, because I think it was over a period of more than one year. When I worked it out, it was not very much when one considers the number of grandparents -

Ms S.M. McHale: There was a funding increase of $64 000 per annum effective from January 2004 bringing the total to $87 500 per year, which is a significant increase.

Mr R.F. JOHNSON: However, where is that money going? That money is not going directly to grandparents to help them raise their grandchildren. I understand that that money is going towards information, help lines and those sorts of issues. Is that right?

Ms S.M. McHale: It is going into counselling and information. It is going into the things that grandparents have asked for. However, I will deal with that.

Mr R.F. JOHNSON: What they have asked for more than anything is financial help and some recognition from the minister's department that they are doing the job that the parents should be doing. They should be getting all the assistance they need to bring up their grandchildren. Normally they are on a federal government pension but, if they have managed to save enough money to have a private pension, that pension dwindles away. The minister and I both know the cost of raising children today. If these grandparents are not working and earning a reasonable salary and must rely on a pension, it will become almost impossible for them to look after their grandchildren and also have enough money to look after themselves.

There are many other problems that go with it. Some grandchildren become belligerent when they reach a certain age because of the problems they had in their earlier life. I believe that the period up to the age of three is the most important time of a child's life. That is when children learn through their families how they should behave and respond and about many other areas of life. Most of these kids have had so many problems in that period that they end up being problems when they get to school.

I will touch on a couple of other parts of the Bill about which I have made some notes. I refer the minister to division 8 of part 4, "Powers of restraint, search and seizure", because I think there are some problems there. The notes that I wrote down some time ago when I first looked at the Bill indicate that this area of the Bill demonstrates how far removed the people who have drafted it are from the practicalities of the frontline of dealing with the percentage of children who are in care in the department's hostels. These are the children who are in the hostels that the minister has responsibility for. I am told that there are enormous problems there.

Ms S.M. McHale: There used to be.

Mr R.F. JOHNSON: I am told that there still are. I get quite a lot of information from the minister's department, as Oppositions always do.

[Leave granted for the member's time to be extended.]

Mr R.F. JOHNSON: The minister can answer me when she responds, but I am told that quite a bit of money has been paid to workers by way of workers compensation and negligence suits. I am told that many times these cases are settled out of court. That is further to the violent, aggressive behaviour of a percentage of the young people in care. There are problems in that area. I doubt that the department could tell me accurately how many young people in care ultimately enter the juvenile justice or adult prison system. That is important information that the minister should be collating, because it relates to how they behave, how they are treated and whether they have been dealt with in the right way while in care. Research from elsewhere indicates that the number would be very high. In New South Wales in 1993-94 males were 13 times more likely and females 35 times more likely to be admitted to a detention centre if they were wards. If the minister wants to look up that information, it was from the New South Wales Community Services Commission in 1996.

Transition to prison occurs for many reasons. I suggest that part of the reason is that the welfare system is not capable of applying reasonable limits to children in care. The antisocial peer groups that are formed among children often involve those under state control. I would like the minister in her response to give us a bit more information about the children who are in care in the hostels and with whom the department has a direct involvement. We know that children are in foster care. I am asking about those in the hostels.

The part of the Bill that provides powers of search and restraint appears quite limited. People on the ground who attempt to apply these provisions will either give up and allow the very lax standards that often apply in welfare settings or push the limit of the provisions, at their own peril, to maintain good order in hostels and, indeed, at the Kath French Centre. I want the minister to tell me exactly what is happening there. The Bill appears to eliminate the capacity of Department for Community Development officers to intervene if they observe children sitting in a group or wandering about the community sniffing petrol or abusing substances. The minister will be aware that this is not uncommon in some Aboriginal communities and parts of the metropolitan area. As I see it, the scope of this section effectively requires officers of the department to turn a blind eye to any circumstances involving children unless the children are known to the department. The department has an obligation to ensure the wellbeing and protection of children. I am not sure that certain parts of this Bill will help to achieve that.

The member for Nedlands has legal experience and has had to deal with many cases of abuse in the justice system. The member for Kingsley was the Minister for Family and Children's Services for a number of years. She has more experience than I in the legislative aspect of child protection. I listened to their remarks very carefully from both inside and outside the Chamber. I pick up on a comment the member for Nedlands made about the organisation run by Christabel Chamarette. It appears to be an absolute secret society. Its outcomes are not published, and we do not know what they are. I do not think the organisation engages in rehabilitation. I think it provides some sort of counselling and a process -

Ms S.M. McHale: Your Government funded it for eight years.

Mr R.F. JOHNSON: I know.

Ms S.M. McHale: I am surprised that you did not ask these questions when you were in government. Again, I will respond -

Mr R.F. JOHNSON: I did not know about it. That proves how secret it is. This organisation, which deals with people who are accused of sexual abuse, normally within the family unit, does not publish any outcomes. Why is that happening? If public money is being spent on that organisation, we should know what its outcomes are. We should know whether the organisation is successful. As I understand it, offenders have two options: attend the program voluntarily or be the subject of a prosecution. That is my understanding. If that is the case, the system is not very good. I suggest most people would prefer to do their time with that organisation than be prosecuted. Somebody said to me that the organisation must have a 100 per cent success rate as nobody has been prosecuted after attending the program. How many people have attended the program more than once? Does the minister know the answer to this? Does she know the outcomes of that organisation? She should.

Ms S.M. McHale: Again, I will deal with that to some extent when I give my reply.

Mr R.F. JOHNSON: I would like to know the answer to that. Public money is being spent on that organisation. It is all very well the minister saying it was funded by the coalition Government. The minister says it was, and I accept that. However, I did not know anything about it. Now that I know about it, I want some answers. From what I can gather, I would not necessarily approve of it. I have a zero-tolerance attitude towards somebody who sexually abuses a child. I am not interested in whether he can be counselled or rehabilitated; I want him prosecuted and the child taken out of that person's care or the person taken out of the child's life. If it happens once, it will happen more than once. In my view, people who commit sexual acts against children are deviants. I have a zero tolerance for those sorts of people.

I touch on one last point, which I have raised before. It relates to the Aboriginal child placement principle. I have read the relevant parts of the Bill. That principle is enshrined in law. The minister ensured it was enshrined in the Adoption Act. I suggest that that principle is being further enshrined through this Bill. I again place on record that it is not a good principle to enshrine in law. I am not knocking Aboriginal people. I am not having a go at them in any way, shape or form; nor am I being racist. Unfortunately, I have been accused of that by the member for Kimberley. I assure the House that I do not have a racist bone in my body. I have a great concern for children and their wellbeing, welfare and protection. I was recently appalled to see a television report about a young Aboriginal child who had committed a lot of offences. The guardian of that child had guardianship of about six or seven other young Aboriginal children. The man was getting on in years. How could one person responsibly act as a guardian to six or seven young kids? It does not matter whether the children are Aboriginal or non-indigenous. How could a person in that situation be a guardian to six or seven young kids? I think they were mainly boys, and they were getting into trouble. The guardian was Aboriginal. I do not think he was a member of the boys' immediate family, although he may have been part of the extended family. Those children had been placed into the care of that particular Aboriginal man because he was Aboriginal. I tell the minister that I have heard of cases in which the father is Aboriginal and the mother is non-indigenous, or vice versa, and their young children are deemed to be Aboriginal. When one or both parents die, have a car crash, end up in prison or whatever, the child must be put into the care of somebody else. I am told that in those circumstances the Aboriginal placement principle comes into play. The child is deemed to be Aboriginal, although he is of both Aboriginal and non-indigenous heritage. As a result of the Aboriginal connection, the child is deemed to be Aboriginal. That is fair enough; we accept that. That is not important to me. The best interests of the child are important. The problem with the principle is that the department must first try to ensure that the child is placed either within the immediate Aboriginal family, the extended family, the local community group or the larger community group. The non-indigenous grandparents or family will then get a look in to try to look after that child. That is what I think is wrong, because that is not in the best interests of the child. We should look at what is best for the child; who can best look after and care for the child who is desperately in need of care, love and attention. If the principle does not apply the child may get a different outcome in life, but if the principle applies there is only one road to follow - and we have seen that problem with the tragic death of Susan Taylor when the principle was in place. I keep referring to these cases because they are very important. We must never forget people like Susan Taylor and her tragic death. This Parliament is responsible for making laws to protect all of our children in Western Australia, no matter what their colour, sex or age, until they become adults. We have a duty to ensure that the best possible laws are in place and we must forget all the other peripheral issues. We must come back to that principle: the best interest of the child is paramount.

DR E. CONSTABLE (Churchlands) [8.20 pm]: By any standards, this is very important legislation. If we pass this legislation, which I am sure we will in some form - maybe with a few amendments, but basically in the form that is before us tonight - it will repeal three major Acts of Parliament: the Child Welfare Act 1947, the Community Services Act 1972 and the Welfare and Assistance Act 1961. This review and new legislation has been a long time coming and I commend the minister for presenting it to Parliament. In the 1990s there was quite a lot of discussion and promises that there would be a review and we would see new legislation, and at last it is here - it is not before time. As well as repealing those three Acts, 27 other Acts of Parliament will be amended. By any standards, this is a major review of legislation and I commend the minister for bringing it before the House. It does raise a number of very important issues that will be argued and teased out during consideration in detail. This legislation is extensive, it is complicated and it deserves close scrutiny. Any legislation that relates to the care and protection of children is very important for a State Parliament.

In her second reading speech the minister makes the comment -

> . . . the new legislation reflects current research evidence, and contemporary practice.

She goes on to say -

> The Bill will give clear direction for a model of best practice . . .

Like other members, during the past 12 and a half years as a member of Parliament I have been approached by constituents who have had concerns about their contact with the Department for Community Development and before that the Department of Family and Children's Services. If all this Bill is going to do is entrench the current practices as best practice, we have a problem, because I do not think we have best practice at the moment. If it improves practice and we see evidence of that improvement, I am all for it, but I am very worried that we might be just entrenching what we already have - and that is not good enough. As I said earlier, I hope that during consideration in detail we can tease out the details of current practices and how we see those practices changing.

I will provide one example that concerns a family of four children who have been abused by both parents and at the moment have been in the care and protection of this State for at least 18 months or two years, perhaps longer. In the 18 months to two years that I am aware of the children have been in three different schools, have had three different carers and have lived in three different homes. These children have had a terrible, terrible time in the care of their parents, and at the end of last year they were moved from their carer and they were moved from their schools. That move has necessitated another carer or carers - I do not know which - and another school. One child is in high school and the other children are in primary school. While in care these children have attended at least four different schools and had at least four different carers. These children are very much at risk. We know they are at risk; they would not be in the care and protection of the State unless they were. Yet the Department for Community Development cannot even provide stability in their homes, in the carers or in the schools they go to. I do not care what anybody says, that is not best practice and we must see an improvement pretty quickly. It would be hard enough for well-adjusted children to deal with four changes of school, but these are children with crucial and critical needs. They are vulnerable because of the abuse they have received and because of the way they have been cared for by the Department for Community Development. In their vulnerable state they have had to adapt to different carers; they have had to adapt to the uncertainties in their lives. They probably have severe gaps in their learning, partly because of their family situation, but certainly because of the changes in the schools they have attended. We want them to cope now and we want them to be able to cope in the future. How can they cope now if they are in a constant state of uncertainty and change? We know from research evidence that many children who have been in care suffer learning delays, get involved in the drug scene and the justice system, and often end up being unemployed and homeless. I am not saying that the reason they end up like this is the fact they have been in care - that would be a silly thing to say - but youngsters who have had difficult lives because of their family situation and then from having been in care, often have trouble coping later on in their young lives. We know that children who need the care and protection of the State are at risk of not coping later on. It is the responsibility of the minister and her department to minimise the possibility of these children not making it. They must give these kids the best possible chance of making it later on in life. It will be good for those kids and for all of us if we can do it. We must minimise the possibility of children who are in the care and protection of this State ending up failing in the education system, we must make sure that they do not end up homeless, we must make sure that they do not end up on drugs and we must make sure that they are given the best possible chance to lead productive and happy lives in the community as they get older and become adults.

I know I have given only one example, but I am sure we could all present others to show that we do not always have best practice in this State. Too many children who end up in care simply do not make it later on. It will take more than this legislation to make sure we improve our system. Anyone interested in best practice would keep these children that I have just referred to in an environment of consistent care and in the same schools, so that they can develop supportive relationships both in their home care and within their school environments.

In the minister's second reading speech she refers to the -

> . . . importance of permanency in the child's living arrangements and the likely effect on the child of disruption of those living arrangements.

The minister said it herself and I am glad she agrees with me. As an aside, there is a fifth child in this family to which I have referred. That child is over 18 years of age and is therefore not in care and protection, but she needs an awful lot of support. I am pleased that this legislation offers support to those young people at risk between the ages of 18 and 25. The State will look after kids who have been in care or who have been in families in which they have been abused or who have had a really hard time, after the age of 18. That is very important because that is the crucial stage about which I was talking when kids end up on drugs, unemployed and homeless etc. If we can improve the situation to provide that level of care, we will be taking a great leap forward. I commend the minister for that aspect of the Bill.

I was not surprised to read in the minister's second reading speech that the overriding principle is that the best interests of the child must always be paramount. The Bill states that when performing a function or exercising a power under this Bill in relation to a child, the person or court must regard the best interests of the child as the paramount consideration. They are all good buzzwords, including best interests of the child etc. No-one can argue with that sentiment. However, what does "best interests of the child" mean? What I think is in the best interests of a child may not be the same as what the minister or the member for Kingsley thinks is in the best interest of the child. This morning I was in my car listening to talkback radio, as one does when driving, and people were talking about the riot at Trigg. Everyone had a view on the best way to raise kids. One woman said that people should be allowed to hit their children. I do not agree with that, but that woman thinks it is in the best interests of her children to hit them. I have never hit my children and I do not believe it is the best way to punish children or for them to understand what are their responsibilities. I use that incident as an extreme

example to show that we each have different views. What people believe is in the best interests of their children is a very personal matter. When the State is involved in deciding what is in the best interest of the child, it is often limited by the amount of funding, housing and carers available. The State is limited by its resources. I hope that whoever has the responsibility on behalf of the State to determine the best interests of children makes that judgment on a range of matters, including their knowledge, experience and research. People in government departments must be careful of ideology because some people get a bee in their bonnet and think that they know what is in the best interests of the child when perhaps the majority of people would not agree with them. The people with that responsibility must be careful of their personal views when making those judgments.

I have often heard the criticism that too many young people work in the Department for Community Development and that they do not have enough experience to make these types of decisions. The supervision and training of those young professionals is very important if they are to get it right most of the time when making a judgment about the best interests of a child. The best interests of one child will not necessarily be the best interests of another child. I am sure these are issues that the minister and the people in her department think about. It is very important for us to draw attention to those issues now.

A very pleasing aspect of the Bill is that it recognises the role of significant others - especially grandparents - in children's lives. This is a very welcome addition to the legislation. Over the past 12 and a half years I have had contact with grandparents who have been very disturbed that they have not been allowed to be involved in the lives of their grandchildren when their children have got into difficulties and when the State has intervened. It is important that grandparents, who are very often involved in children's lives, be also involved in the decision making and, perhaps more importantly, in the care of children in the future. That is a very welcome change and addition to this legislation.

An apparent change in this Bill is the added responsibilities of the chief executive officer of the Department for Community Development compared with the responsibilities the minister has under the current legislation. My reading of it - I would be happy to be shown to be incorrect on this matter - is that less responsibility will now be placed on the minister than at present. I wonder why there has been this shift in responsibility. I am willing to be convinced that this is a sensible move. It seems that the minister's responsibilities have been watered down and in some cases responsibility has shifted from the minister to the CEO. I do not think that is the way we should be going. I would be most grateful if the minister would comment on those points, which I am sure will also be raised during the consideration in detail stage. I would like some explanation for that shift.

In the estimates committee last year I raised the issue of abuse of children in care. It was revealed that a small number of children in recent years have made allegations about abuse while they have been in care. I recognise that it is a small number. I am not trying to sensationalise the matter; I raise it to illustrate a point. No matter how good our laws in this area of care and protection may be, the processes and procedures of the department are equally as important as the legislation. The quality of the professional staff of the department is vitally important and the adequacy or otherwise of the funding is critical. I would like to be convinced during this debate and during the consideration in detail stage - and certainly during the estimates committees in May - that adequate funding is provided to make sure that this legislation works.

This legislation raises many questions. I will rattle off some of them to give the minister an idea of my concerns. Are there sufficient, well-qualified, professional staff to properly monitor children who are under the care and protection of the State? Are they stretched to the limit? Are there enough of them? Are their caseloads too heavy for them to do the job well? Are there well-trained and experienced carers looking after the children who are under the protection of this State? How are they selected? Are they paid adequately? Are they provided with sufficient professional development and support while they are caring for children? These questions have been raised for all of us in recent months because of the problems that have been revealed in Queensland, where children have been abused while in the care and protection of the State. They are questions that must be asked and answered. If adequate funding has not been provided, we must find it and make sure it is done properly. How are the carers chosen? How well are they scrutinised before they are chosen? Is there a shortage of people willing to become carers of children for whom the State has responsibility? Are sufficient checks in place and is the monitoring of carers ongoing? These are just some of the types of questions that must be asked and for which we need answers if we are to be happy that the legislation will work.

The example I gave earlier about the four children who were moved from pillar to post is a very good one. Why did that have to happen? Why could they not stay in a stable situation with the same carers over a longer time? It is simply not good enough. I am not expecting the minister to give me answers to that case. I respect that she cannot do that, but I raise it as an example of something we should look at. That one case - I know of others - suggests to me that there are problems with finding enough carers, of paying them adequately and of scrutinising them well enough and so on.

I will conclude with a statement by Peter Beattie. On 6 January this year the Premier of Queensland commented on the Crime and Misconduct Commission's investigation of the abuse of children in care. The Premier said that we owe it to all the children who have been abused or who are at risk now to ensure that we have the best system in place to rescue them and give them a future. We have the same obligation in Western Australia. We owe it to children who have been maltreated or abused by their parents, their grandparents, family, friends or others, to give them the best possible chance of a productive and happy future. I hope that this legislation will lay the basis for that. However, it is only a starting point. We need the money, procedures and processes to make sure that it happens. The people in the Department for Community Development who are charged with this responsibility must have the human and other resources to enable them to do their job properly. I am not sure that we can yet claim that that is the case. This is a very complex and long piece of legislation, but I am sure that in consideration in detail we will tease out that information. In general I support the Bill.

MR M.F. BOARD (Murdoch) [8.41 pm]: I put on the record my congratulations to the Minister for Community Development, Women's Interests, Seniors and Youth for introducing the Children and Community Development Bill. This Bill is a much needed reform. It is an unfortunate reflection on our community that we need to bring in this type of reform to provide stronger protection for children. The member for Nedlands has addressed some of the issues that we on this side of the Parliament want to raise. Other members on this side will talk about difficulties within the Bill, further extensions to the Bill and possible amendments to the Bill. We are all aware of the need to protect children from physical, sexual and emotional abuse. Such abuse may affect children for the rest of their lives. Every day the courts deal with young people who have committed offences, often sexual or malicious offences, and who have been abused in their childhood. We must try as best we can to protect those young people from predators, whether they be family members, friends, neighbours or anyone else with whom they come in contact. It is incumbent on us as a Parliament and as a community to do everything in our power to protect children and give them every opportunity to live their lives free from the emotional and physical scars that result from abuse, whether physical, sexual or whatever, by other people in the community. Every day we hear and read of paedophiles who go on sex tours, use the Internet or get involved in youth organisations as a means of preying on young children. We have seen the headlines in *The West Australian* in the past seven days about the person who lived in the community and was involved in a church group and who preyed on and attacked a young boy. That sort of thing is happening on a daily basis, yet the cases that we hear and read about in the media and that make the headlines of the paper are only the tip of the iceberg.

That raises the issue of why are we not doing more to bring these people to the attention of the Department for Community Development, the police or the other authorities so that we can assist in preventing that action and providing some relief for those young people. That brings me to the hoary chestnut of mandatory reporting. Although mandatory reporting is not a position that has been adopted by the Liberal Party at this time, because we want to go down the path of looking further at the outcomes of mandatory reporting, my personal position is that in today's society it is very difficult not to justify it. I find it incredible that in 2004, with the number of child abuse cases that exist in our society, we are not exploring the mandatory reporting process and mandating that in the Western Australian community. Mandatory reporting has been mandated in many countries around the world, including the United Kingdom, the United States, Ireland, New Zealand, Canada, the Netherlands, Belgium, Denmark and Sweden. Mandatory reporting has also been adopted in every other State of Australia in various forms. I will put on the record how those States have dealt with the issue of mandatory reporting and what has been the outcome of it. I know, as a member of the previous Government, of the difficulties and the pros and cons of mandatory reporting, such as the issues that the medical profession brings forward with regard to malicious reporting of abuse and fictitious claims of abuse by young people. However, to me that does not count for a grain of sand if we can prevent just one young child from experiencing repeated sexual or other abuse, because they are the people whose lives are ruined and who should be protected by the full weight of the law. Another important point is that the people who are perpetrating these crimes on young people, whether it be on a regular or irregular basis, or in a predatory way, are still in our community. We should use every resource possible to seek out these people and stop their behaviour, even if from time to time it may cause difficulties for innocent people and for families if the reporting is malicious. Malicious reporting occurs with many other crimes and many other forms of reporting to the police. Mandatory reporting is an area that we must pursue. During our time in government we dealt with a number of reports and inquiries. I believe that at the time the present minister supported mandatory reporting, only to find that some of the reports that have come to her justify our not taking such strong action. However, the reality is that this is just the tip of the iceberg.

I want to put on the record some of the figures that have come to me recently for reported cases of child abuse around Australia. I believe these figures are for the past 12 months, but whatever the period may be, the situation is the same for each State. In Western Australia there were 2 645 notifications, of which 1 169 were substantiated; so although slightly less than 50 per cent of the cases were substantiated, that is still a fairly high level of substantiation. In South Australia it is mandatory for doctors, nurses, dentists, pharmacists,

psychologists, police, social workers and family daycare workers to report if they have reasonable grounds to suspect that a child is being abused or neglected. There were 15 181 notifications. That is about five and a half times greater than the number of cases in Western Australia. It is significant that the substantiation rate was not five times as high; that number doubled to approximately 2 085 cases. That indicated that, although many reports were unable to be substantiated, twice as many people were found to be abusing children, and that is important. The figures are even greater in Victoria, where the rationale for mandatory reporting is the death of a child. People to whom that applies are doctors, nurses, police, teachers and principals. The list is not as far-reaching as the list in South Australia. The reporting requirement is suspicion on reasonable grounds of serious physical or sexual abuse. The population of Victoria is about three times the size of that in Western Australia. The number of reports made in Western Australia was 2 645. In Victoria it was 36 805. It is significant that the number of reports substantiated was 7 359 - almost 700 per cent greater than the number in Western Australia. The rate of cases substantiated in Victoria is 25 per cent of cases, which is not as high a percentage. However, a very large number of people were uncovered for their abuse of children. That is the object of this legislation; namely, to seek out those people.

In New South Wales the figures are similar. The number of cases notified was 30 398. The substantiation of rape cases was 6 477. Again that is a very high substantiation rate of between 20 and 25 per cent. The number of people found to be abusing children in New South Wales was six times the number of people in Western Australia. The most significant figures, and those most often referred to tonight because of the commitment of the Premier in that State, are those of Queensland, where 19 057 cases were notified, and 7 000 of those were substantiated. That is an incredibly high figure. Although people have argued against mandatory reporting, it indicates to me that the higher the number of reports, the greater the number of people uncovered for abuse of children. Although it might be just as high a figure for problems associated with malicious reporting or unjustified reporting, the result is that a large number of people have been found out and, I assume, dealt with in various ways by the authorities. That is the most significant result. This issue is about children and the opportunity for them to enjoy their lives. The object of the legislation is to enable authorities to ferret out offenders, whether they be family members or anyone else. It is often found that abuse is hereditary. Sex offenders often justify their behaviour in court cases based on having been abused as a child. That may be valid, but I am not a psychologist. If children and offenders can be reached when the first instance arises, further offending might be nipped in the bud and the likelihood reduced of a crime being committed by people who go on to commit horrible crimes in our community given the nature of their childhood abuse. Court transcripts reveal that not too many cases do not involve even mass murderers who have not been the subject of abuse as children, particularly sexual abuse. This legislation is about prevention and about stopping the extent of abuse within our community given the greater amount of knowledge we have today than we had 20 years ago because of the Internet, better policing and social workers who come forward. I am not afraid of ferreting out these people and of pulling out rocks to find what is underneath them. We must do that. If we are courageous enough to do that we will all benefit in the long term. I know it is not an easy road.

I say to the minister that this Bill is a very good and important step in providing greater protection of children in Western Australia. However, it will not go far enough until we examine in an even more critical and optimistic way opportunities for mandatory reporting. In doing that we could implement some barriers and hoops that protect people from malicious claims made due to difficulties within their family or as disciplinary action. That is the first barrier. Having got through that, there must be a way in which those cases can proceed. Our first port of call must be the people at the front line such as doctors, psychologists, nurses and police - people who come in contact with young people every day of the week. If they even sniff abuse, particularly sexual abuse, it should be mandatory for them to report it. As I said, I do not take this position on behalf of the Liberal Party; it is not the party's position. The party's position is to see mandatory reporting explored further. We were advised, as was this minister, not to proceed down that path. However, times have moved on. Our knowledge today is greater that it has been. We have had the Gordon inquiry and we are seeing the extent of abuse within our community as a result of alcohol abuse, mental health problems, drug abuse and family break-ups and their effect on children and other people in family homes who should not be there.

I congratulate the minister. Without being critical, we need to have the courage to tackle this issue in a bipartisan way. I am sure we will, and the minister will have the full support of the Opposition.

DR J.M. WOOLLARD (Alfred Cove) [8.58 pm]: I appreciate that this very large Bill covers many areas. I am pleased that the Bill provides the opportunity for people who are not happy with decisions to place children in the care of the department to go before the State Administrative Tribunal. I think that is a first. However, the main concern I hope the minister will address in her reply is the objects of the Bill, which are found in clause 6 -

> The objects of this Act are -
>
> (a) to promote the wellbeing of children, other individuals, families and communities;

I thank the minister for the briefing I was provided. However, when I asked how this measure would address the problem experienced in Parliament several months ago in relation to the Swan Valley Nyungah Community, no answer was given. The Government has taken a long time to put this Bill together, yet today's debate indicates that many questions remain unanswered. I hope that the minister will address how the Bill will promote the wellbeing of communities. My concern is that the precedent the Government set in the Swan Valley may be applied to other Aboriginal communities. I hope that this Bill will prevent what happened at the Swan Valley Nyungah Community, and what this Parliament was presented with several months ago, from happening again.

I will hold my judgment on this Bill. I would like to hear how the minister will address the concerns raised by many members. Also, I would like to hear how this Bill will address the needs of Aboriginal families living in community groups so that we do not see a repeat of last year's fiasco concerning the Swan Valley community.

MS S.M. McHALE (Thornlie - Minister for Community Development, Women's Interests, Seniors and Youth) [9.03 pm]: This is an important, significant and good Bill. Individual members want to debate elements of the Bill, and I welcome that debate. In outlining the context of contributions to the debate, and if I can paraphrase opposition members, members opposite are generally supportive of the Bill. They want to debate issues in consideration in detail, and areas may be subject to amendment depending on the direction of debate. I am pleased about that support in the overall context of the debate.

The community has been waiting for this Bill for a long time. Therefore, I thank the member for Nedlands for opening the debate for the Opposition and providing an overview of the elements and scope of the Bill, and for raising some of her concerns. My thanks also go to the member for Wagin for expressing explicit support for the Bill on behalf of the National Party, and for reminding me as minister to focus on regional Western Australia and to ensure that the needs of people in those areas are met. I thank the member for Kingsley for her contribution; she referred to the broader social issues that impact on children who come into care, and for whom I have responsibility. The member for Hillarys raised the two issues I thought he would raise; namely, grandparents and the Aboriginal placement principle. I also thank the member for Churchlands for her focus on the importance of best practice. I could not agree with her more. This Bill is good legislation, but it is only part of an overall strategy and approach to child protection. I welcome debate on these matters in consideration in detail. I recognise the member for Churchlands' understanding of the complexities of the realities of the portfolio. I thank the member for Murdoch for broadening the debate into predatory behaviour and mandatory reporting. I also thank the member for Alfred Cove for raising a particular matter, which will be best dealt with during consideration in detail. Many matters were raised. Suffice it to say, consideration in detail will be an important debate. Many opportunities will arise for me to deal with issues I do not canvass in response to the second reading debate.

A fair amount of time was spent trying to determine the most appropriate title for this Bill. Members would not necessarily think that the title of the Bill would take up a considerable amount of our intellectual capacity. I assure members who raised the issue that we gave consideration to that matter.

Mr R.F. Johnson: Why not ask us? It should be the "Child Welfare and Protection Bill".

Ms S.M. McHALE: The Bill is about more than child protection. That is a key element, but the measure is much broader in its reference. The Government will ensure that the one Act will deal with children and related matters. It will go beyond child protection to areas such as child welfare services, the funding of financial services and the provision of social services. Although the Bill will modernise three Acts, it covers more than child protection alone. The Government ensured that "children" appeared in the title. It is obvious that this Bill is about children. It is about child protection, but it is also about more than that. The title tries to reflect the broader aspects of the Bill. It focuses on the department's activities, which are broader than child protection in isolation.

I pick up on comments concerning negotiated placements, which is a matter to be dealt with in consideration in detail. The negotiated placement agreement is a new type of agreement that deals with what are currently referred to as non-wards. The intent of the negotiated placement agreement is to provide a legislative base for parents to voluntarily seek placement assistance. Families come to DCD seeking alternative care for their children for a range of reasons other than only out of concern for safety or a need for protection. The concept of a negotiated placement agreement provides a legislative mandate for ensuring good practice for children who come into care other than through a court order, and as opposed to relying on policy. It also ensures comparable standards of service delivery to all children in the care of the department's chief executive officer. The most important point - I hope members will understand this - is that a negotiated agreement cannot be used, and will not be used, if child protection concerns are involved. It is very important to understand that difference. This is a negotiated agreement between parents and the department. For instance, a single-parent family could have four or five children, one of whom has a severe disability. That child may well go into care for reasons other

than the department's concern about the child's safety and wellbeing. I am happy to explore that further with the member when we go into consideration in detail, but the essential difference between a protection order and a negotiated placement agreement is that there is not a child protection concern per se.

Ms S.E. Walker interjected.

Ms S.M. McHALE: The member has asked how they get to SafeCare. That is a furphy in terms of what I am talking about with negotiated agreements, and we will deal with SafeCare -

Ms S.E. Walker: I am asking a serious question.

Ms S.M. McHALE: I do not think it is a serious question. The negotiated placement agreements are just that; they are negotiated with the parents and do not involve a child protection matter.

The member for Wagin asked about creches and the difference between the creches that will be regulated and those that will not. Again, we will explore that issue in consideration in detail, but essentially we are trying to have a balance between the need to regulate services in which children come into contact with adults and in which adults are in a supervisory role and the many circumstances in which there is informal care and the parents are, more or less, in close proximity to the child. A new definition will cover creches, but the revised definition is meant, broadly speaking, to cover the expansion of large creches associated with, for instance, health clubs, community recreation centres and shopping centres in which children quite often are left for considerable periods in inappropriate circumstances and the parents are nowhere to be seen. The current legislation does not capture those situations. However, it is not the intention of the Bill to capture the small informal creches in which parents are near their children and are able to supervise them. An example might be a parent-run creche that is in one room of a hall or a church, or it might be a Liberal or Labor Party meeting and members are in one room and their children are close by. However, this will be dealt with by regulation. That is the way we will deal with child care in small creche settings that may be excluded by regulation.

The member for Hillarys raised the issue of grandparents. This Bill is a great step forward for children, and I am very pleased with the focus on grandparents in this Bill. In fact, I acknowledge some of the comments that you made, Madam Deputy Speaker, in the development of the Bill. This is the first time that a Bill has specifically included grandparents in the definition of a carer's relative. The Bill outlines important principles that must be taken into account, and grandparents are included explicitly, as are any other people who are significant in a child's life. Grandparents will benefit significantly from the way we have drafted this Bill, particularly in relation to one of the protection orders that deals with enduring parental responsibility. I was concerned when we drafted this Bill to ensure that if we had a concept that was about permanency and we provided a protection order for somebody other than the chief executive officer of the department, we still had the capacity to provide financial assistance in that circumstance. There was no value in providing, on the one hand, a sense of permanency while, on the other, removing any capacity for financial assistance. The way that we have constructed this Bill ensures that grandparents or significant others can have enduring parental responsibility while being maintained financially.

The Government has a very good record in doing two things: first, in recognising the extent of formal grandparent relationships and, secondly, in providing services. We know that grandparents need access to financial support, legal advice and information about parenting, as well as general emotional support. Over the past six months more than 500 people have used one or more of the services provided by Wanslea Family Support Services, which this Labor Government established. I clarify again that the funding for that service is now $87 500 a year. That is a significant increase. It was started as a trial and we learnt very quickly that we needed the service. We have put our money where our mouth is.

There is quite a bit of debate about the definition of "abuse" and "significant harm" and also what data may or may not be used. I will clarify and confirm that we have no intention - I think the member for Kingsley raised this issue - of moving away from terms such as "child maltreatment allegation" or "child concern report". We have tried to make relevant the definition of "abuse". There are many definitions of "abuse" and I do not think we will ever agree on one particular definition, so we have made the definition as broad as we can so that we do not lose children in the definition, but not so broad that it becomes meaningless. I reassure the member for Kingsley that we have absolutely no intention of reducing the focus of abuse so that we minimise the range of investigations. That is not my agenda and I would be most concerned if that is how it is seen.

I also put on record - we can explore this issue further - that this Bill is essentially about recognising that there is a suite of responses to families in crisis and children at risk. People need to understand that when we are talking about children in care, we are talking about a statutory intervention in very extreme circumstances. Quite a degree of research shows that children who are taken into care have very negative outcomes. In terms of the debate about intervention, the department intervenes in families at many stages of their evolution and degrees of

crisis. Taking a child into care is a very extreme decision to make and one that can have negative ramifications that could last - and have lasted - for the whole life of the child.

The member for Hillarys asked questions about adolescents in departmental hostels. The member was right to a certain extent in that a number of years ago the workers compensation claims in hostels were very high. The rate of injury and stress was unacceptably high. There has been a dramatic change in the way the hostels are managed, and I am very pleased to have presided over those changes. The staffing levels have changed and the physical environments of the facilities have improved dramatically. This is the first time that staff in hostels have had a legislative framework in order to deal with very damaged, difficult adolescents. The powers of restraint are very important powers that the staff have asked for, and now we are responding.

Mr R.F. Johnson: You have said that all these things have changed, but you have not said how they have changed.

Ms S.M. McHALE: I have quite a lot to respond to. I will keep my comments as succinct as possible. This is not the forum for dealing with that, although I am happy to deal with the issue during the consideration in detail stage. Essentially, the changes relate to staffing, rostering at night, the training of staff and the physical environment. We have built a new hostel in Como and demolished the old one. We closed Tudor Lodge and refurbished the Bedford residential unit. A very different management regime is in place. Previously, only one staff member was on duty at night. Now, there is a minimum of two staff members on duty, and there might be more depending on the number of children. The training of staff and the overall supervision of those staff have improved dramatically. As a consequence, the number of workers compensation claims and the premiums have dropped dramatically.

Mr R.F. Johnson: That is fine. I just wanted to know how things have changed.

Ms S.M. McHALE: Okay. I have just told the member.

Mr R.F. Johnson: It is a genuine question.

Ms S.M. McHALE: The member for Hillarys mentioned the Aboriginal placement principle. I am sure that will be considered in detail. I refer the member for Hillarys to my second reading speech, in which I made it very clear that the overriding principle is the best interests of the child. As we have discussed, the Aboriginal placement principle does not have precedence over the best interests of the child. The member knows that 30 per cent of Aboriginal children in care are placed in non-Aboriginal families. That represents several hundred children. I am quite confident that the Aboriginal placement principle will enhance the care and protection of children. However, it needs to be seen in the context of the best interests of the child. Decisions will be made in the best interests of the child.

The member for Churchlands raised the delegation of powers. Essentially, any delegations from the minister will be to the court. That is in broad terms, but we will explore it during the consideration in detail stage. I do not think ministerial powers are being given away. If anything, the powers will be given to the court, which will make the process much more open. The other change in the delegation powers relates to financial assistance. This function is currently delegated to departmental officers under the Welfare and Assistance Act. In substance, I do not think members should be concerned about the delegation of powers. If anything, powers are being removed from the minister and given to the court.

I will briefly comment on SafeCare and provide a bit of background. Following the child sexual abuse task force of the mid 1980s, the department piloted a model on which SafeCare was based. It was piloted by one of the department's senior clinical psychologists and developed around the need to have a holistic approach, which includes a service that deals with perpetrators. SafeCare was first funded around 1990. That funding was provided for the model that is now the subject of some discussion. The Court Government continued to provide that funding, and increased it to include two services dealing with adolescents and a service in Bunbury. The concern seems to be that perpetrators should be dobbed in. One of the complexities with sexual abuse cases is that many do not come to the notice or attention of some of the formal agencies. It is a difficult concept for people to get their heads around. The principle of this model is that if a family agrees to work with SafeCare, the perpetrator must not live with that family for the first 12 months. That must be regulated by SafeCare. My understanding is that the review of the services undertaken last year indicated that the objectives of the contract with DCD were being met, and the outcomes were being achieved. SafeCare has referred to either the police, DCD or the justice agency for prosecution cases that were not known to those agencies prior to the involvement of SafeCare.

Mr R.F. Johnson: How do people know about SafeCare if they do not go through DCD or some other agency?

Ms S.M. McHALE: My understanding is that about 80 per cent of the cases are referred by agencies, but 20 per cent of people self-refer or come through other organisations that are not linked to -

Ms S.E. Walker: They come through the department.

Ms S.M. McHALE: No; some come through DCD or the Department of Justice and some self-refer.

I will comment on the member for Kingsley's discussion about support for families. That is a very important debate. I will respond by saying that this Government has introduced and built on some of the previous Government's initiatives for early intervention. We are doing leading work in early intervention. We recognise the importance of supporting families at an earlier point. The rationale for this work is to avoid those families going into crisis. The member for Kingsley talked about issues such as unemployment, poverty and housing. It is precisely because of those social issues that we have adopted our approach to homelessness. We established a homelessness task force. It is not a very sexy thing, but this Government is prepared to tackle the sorts of issues that result in systemic difficulties if they are not dealt with. Some of the initiatives that resulted from the homelessness task force include supporting families in private rental situations to remain in their homes so that they do not become homeless, and working with migrant families to help them deal with landlords and access accommodation. The aim is to support families in accommodation so that they do not become homeless. We also work with families that are in financial crisis. We have significantly increased the funding for all financial counselling services and established two new services for young people who may find themselves falling into debt. These are the sorts of services that this Government has set up, not by accident but by very clear design. The services are built on an understanding that we must first address issues such as poverty, homelessness and employment. That is why we have increased the minimum wage by about 48 per cent. Our work with the Gordon inquiry also addresses the systemic issues that many of these families find themselves confronting. The clauses of the Bill that refer to social services are very clearly intended to reinforce the importance of support for families and preventive work.

I reinforce the importance of understanding that, as well as statutory intervention, a range of non-statutory interventions is available. These options for protecting a child must be considered. Court intervention is a significant event. The Bill sets out a number of ways in which the protection of children can be provided before matters go to court. We should always remember that when considering child protection and this Bill.

The focus on early intervention, protection and prevention through the provision of social services, the provision of support and assistance to families and children from other public authorities, and of course the provision of financial assistance are all part of a suite of services built around supporting families so that they do not get into a crisis situation where we ultimately have to remove the child or the children.

I am concerned that the Opposition may move to amend the Bill to remove "significant harm". I look forward to the discussion on that issue during consideration in detail, because there is a significant body of both case law and other experience concerning the concept of significant harm that has been in operation for many years without major problems. The member for Nedlands said that we have just picked up the old Bill and dusted it off. The then minister signed off on the drafting instructions in 1997, and they included significant harm. The subject of significant harm has been debated in the courts, and when we debate it during the consideration in detail stage we will refer to a Supreme Court case in Victoria that examined the use of the word "significant".

Ms S.E. Walker: How long ago?

Ms S.M. McHALE: I will provide that information later. There is a significant argument and debate to be had on the use of the word "significant", and I will welcome that when we come to the consideration in detail stage.

In conclusion, I see my job as a minister as operating at different levels. First of all, it is being responsible for ensuring that there is modern legislation in my portfolios. I also see myself as responsible for examining the resources that are available to the agencies in my portfolios. In the short time that we have been in government, the staffing in the Department for Community Development has been increased in a way that has not been seen for a number of years. Fifty additional workers were recruited following the Gordon inquiry and an additional 14 new positions will shortly be introduced to work with very difficult families. I will continue to argue the need for additional resources for my department.

The analysis by the member for Churchlands is absolutely correct. This is one step only. This will not in itself prevent child abuse and increase child protection measures, but this is a good legal framework to increase the transparency and accountability of decisions associated with the difficult task of deciding whether a child or children will come into care. My responsibilities include having legislation and examining resources, but I also have a third responsibility, which is to ensure that the quality of service delivery is as good as it can possibly be. To a large extent that is dependent on the other two, but in the time I have been minister I have ensured that we have improved the quality assurance of service delivery. We have an imperfect system. I believe that each and

every one of us could provide a case that we wish had been managed differently. As minister I see many cases - many have been handled extremely well and some have not been handled as well as they could have been - and with the benefit of hindsight I can clearly see where decisions were not made that ought to have been made or were made and perhaps should not have been made. The member for Churchlands is absolutely correct, and the staffing levels, the supervision of staff and the decision making are all part of the way I have been influencing this department. It is not only a question of resources, but resources are critically important. We have put resources into the department and we need to address resources on an ongoing basis. This legislation is a good legal framework. It is a major piece of legislation, but I do not see it as the total answer. It involves the quality of advice, the quality of the people who work in the department, and the quality of the services that exist in other agencies - in the Department of Health, in those agencies dealing with alcohol and drug issues and in the domestic violence areas. This is where quality services need to be provided so our children do not end up in care. The member for Churchlands asked me three questions about resources. Resources have been an issue; it is an issue that I am addressing and will continue to address.

The member also asked me about foster carers. For the first time in 10 years we have increased the level of subsidy to foster carers, because it was woeful. We will increase the subsidy by 30 per cent starting from January 2004. We do not have enough foster carers. I was staggered that we did not have compulsory training for foster carers, which I have now introduced. That is a big problem. Overall, I do not believe there has been sufficient quality assurance in most areas of my department, but we are on the way. We are introducing the concept that we must learn from our mistakes. There can be a fear of making a wrong decision, but I have encouraged an environment in which we look at what we are doing and question what the department is doing. If mistakes have been made we need to learn from those mistakes. Compulsory training is now my requirement for foster carers, but I am also trialling a different approach to a small group of foster carers, modelled on the concept of them being almost paid professional foster carers - I do not like to use that word because it suggests that others are not. We are working with the Foster Care Association of WA to develop a charter of rights and to focus on the needs of foster carers. We have improved the scrutiny and selection of foster carers, because this is the sort of analysis and detail that needs to be done to make sure that we minimise mistakes. I agree with the member for Churchlands on that.

I know I probably have not dealt with all matters raised, but the consideration in detail stage will give me the opportunity to do that. In conclusion, I acknowledge that this legislation has been on the drawing board for many years and there are staff in the department who at times thought it would never come to Parliament. I thank members for acknowledging that it is finally here. I do not agree with the member for Nedlands that we have dusted off the old Bill and just brought it in three years later. Considerable and significant intellectual consideration has gone into this Bill and I want to acknowledge and thank staff at the department, in particular Sue Diamond, Judy Wilkinson and Tara Gupta. I also acknowledge that this is a department that at the end of the day cannot please everybody. Certain members have talked about zealots in the department who rush kids away; others would say we do not take kids away. It is a very difficult, emotionally charged environment in which to operate, and we may judge the department harshly when there is a case that is not handled well. As minister I can advise that there are cases that have not been handled well. As minister, I can also tell members that many cases are handled well. Fortunately, they are in the majority. It is always the case - and rightly so - that publicity is given to cases in which things have gone wrong. We must learn from those mistakes to minimise the avoidable. I pay tribute to the staff of the department. When I talked about an imperfect system, I referred to a system that deals with human frailty. We need to be tolerant of the stresses under which the department operates. We need to ensure that the department has good legislation, that it is well resourced and that it operates in a culture and an environment that looks outward and can deal with quality assurance rather than one that looks inward.

Finally, I am looking forward to the debate during the consideration in detail stage. I want this Bill to pass through Parliament because it is a significant and good Bill. The Government will consider sensible amendments from other members of the House. I look forward to the debate and thank all members who have contributed to the second reading debate. I commend the Bill to the House.

Question put and passed.

Bill read a second time.