



Office of the
Director-General

Department of
**Communities, Child Safety
and Disability Services**

Your reference: 11.1.13
Our reference: COM 02294-2016

9 MAY 2016

Ms Leanne Linard MP
Chair
Health, Communities, Disability Services and Domestic
and Family Violence Prevention Committee
Parliament House
BRISBANE QLD 4000

Dear Ms Linard

Thank you for your letter regarding the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's (the Committee) examination of the Child Protection (Mandatory Reporting – Mason's Law) Amendment Bill 2016 (the Bill).

In relation to your request, please find enclosed the Department of Communities, Child Safety and Disability Services' written briefing on the Bill. The briefing includes some background information, identifies some of the practical implications of implementing the Bill and addresses the issues raised by stakeholders in their written submissions to the Committee.

If you require any further information or assistance in relation to this matter, please contact Ms Megan Giles, Executive Director, Legislative Reforms, Department of Communities, Child Safety and Disability Services

I trust this information is of assistance.

Yours sincerely

Michael Hogan
Director-General

Enc (1)

**BRIEFING FOR THE HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC
AND FAMILY VIOLENCE PREVENTION COMMITTEE**

**Examination of the Child Protection (Mandatory Reporting – Mason’s Law)
Amendment Bill 2016**

Department of Communities, Child Safety and Disability Services

1. Background

Child protection mandatory reporting requirements in Queensland

Parents have the primary responsibility for the care, wellbeing and development of their children. The Department of Communities, Child Safety and Disability Services (DCCSDS) has a statutory obligation to investigate and assess an allegation of harm to a child, or to take other action considered appropriate, when there is a reasonable belief that a child may be ‘in need of protection’. Under the *Child Protection Act 1999* (CPA), a child is ‘in need of protection’ if the child:

- has suffered, is suffering or is at an unacceptable risk of suffering, significant harm
- does not have a parent who is able and willing to protect the child from the harm.

Significant harm, as defined in the CPA, often occurs in private and children, particularly younger children, may be unable to ask for help. DCCSDS is assisted to perform its statutory obligations by receiving reports from people who see the signs or impacts of harm to a child. Legislative mandatory reporting requirements are recognised as one mechanism to place a responsibility on certain professionals who work with children and their families to appropriately report child protection concerns to DCCSDS.

The 2013 Queensland Child Protection Commission of Inquiry (QCPCOI) considered the issue of mandatory reporting and recommended the review and consolidation of all existing legislative child protection reporting obligations into the CPA and the application of a single ‘standard’ to govern reporting policies across key government agencies (Recommendation 4.2). In its final report, the QCPCOI identified the high number of intakes received by DCCSDS as a result of reports about child protection concerns that did not require a child protection investigation to be undertaken and the need to ‘reduce the levels of unsustainable demand on the child protection system’.¹

In response to recommendation 4.2 of the QCPCOI, amendments to the CPA were made in May 2014 which consolidated existing government policy and legislative mandatory reporting requirements into the CPA. Information about the policy objectives and intent of these provisions can be found in the Explanatory Notes for the Child Protection Reform Amendment Bill 2014². The provisions:

- clarified that any person whether a mandatory reporter or not, can report a reasonable suspicion that a child may be in need of protection (section 13A) to DCCSDS
- made it clear that a person, whether a mandatory reporter or not, who honestly and reasonably informs DCCSDS of a reasonable suspicion that a child may be ‘in need of protection’ will be protected from civil, criminal, administrative and professional liability for doing so (section 13D)

¹ Queensland Child Protection Commission of Inquiry *Taking Responsibility: A Roadmap for Queensland Child Protection* June 2013 p. 83

² Child Protection Reform Amendment Bill 2014, Explanatory Notes, available at:
<http://www.legislation.qld.gov.au/Bills/54PDF/2014/ChildProtectReformAmB14E.pdf>

- applied a single common threshold for mandatory reporters – that the mandatory reporter has a reasonable suspicion that the child may have suffered, be suffering, or be at unacceptable risk of suffering, significant harm as a result of physical or sexual abuse, and the child does not have a parent willing and able to protect them from the harm (section 13E(2)(a)(b));
- made it clear mandatory reporters can confer with colleagues when considering whether their concerns reach the threshold for a mandatory report. They can also make a record of a report after it is made (13H).

The legislative threshold for child protection mandatory reports reflects that mandatory reporting professionals are also captured by the general provision in section 13A of the CPA, and that concerns that a child may be in need of protection as a result of physical or sexual abuse are likely to require a priority response from the department.

As a result of the amendments, all legislative mandatory child protection reporting requirements are consolidated in the CPA. They apply to relevant professionals who have direct contact with children and their families. A legislative mandatory reporting requirement also makes it clear that any professional relationship with the child's family is overridden in certain circumstances when a report should be made. The legislative mandatory reporting obligation in the CPA currently applies to:

- Doctors
- Registered nurses
- Approved teachers in state or non-state schools
- Police officers working in child protection
- Persons engaged to perform a child advocate function under the *Public Guardian Act 2014*
- Authorised officers, Child Safety employees and employees of licensed care services.

There is no criminal penalty for a report not being made under the CPA. However, professionals may be subject to a breach of code of conduct or other disciplinary action for failing to make a report.

The identity of a person who provides information in a report about a child to DCCSDS must not be disclosed, other than within the limited exceptions in the CPA. These include where this disclosure is authorised by law or in evidence in legal proceedings with the leave of the Court (section 186).

Whether or not a mandatory reporter has a 'reportable suspicion' depends on all of the circumstances of an individual case. Section 13C provides relevant factors to consider whether a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm:

- the child's age
- any detrimental effects on the child's body
- the nature and severity of those detrimental effects
- the physical, emotional or psychological state of the child
- professional knowledge.

It is also important for mandatory reporters to consider both elements of the definition of a 'child in need of protection', that is, whether the harm to the child that they are concerned about is significant and whether the child has a parent who is able and willing to protect the child from the harm. There is no obligation on a mandatory reporting to undertake an investigation into whether or not a child is in need of protection before a report is made to DCCSDS. This is because the obligation is to report a *reasonable suspicion* that a child *may* be in need of protection.

Role of the Department of Communities, Child Safety and Disability Services

Mandatory reporters do not have responsibility for making a final assessment about whether a child has a parent who is able and willing to protect a child from the harm. It is the role of DCCSDS to undertake an investigation and assess the risks for a child.

When child protection concerns are reported to DCCSDS, a decision is made regarding the most appropriate way to respond to the information provided. In circumstances where the information reported to DCCSDS does not indicate that the child may be in need of protection, a *child concern report* is recorded in the DCCSDS Integrated Client Management System and the department may take other action, such as referring the family to a relevant non-government support service.

In circumstances where the information indicates that the child may be in need of protection, a child protection *notification* is recorded for the child and an investigation of the allegations and assessment of the child's protective needs is undertaken.

DCCSDS will assess whether the allegations are substantiated and whether ongoing intervention is required to protect the child from harm. Intervention may include: referring a child's family to a relevant non-government support service to help them to care safely for their child; working with the child's parents voluntarily under with their agreement; or applying to the Childrens Court for a child protection order for the child. There are a variety of child protection orders that a Court may make for a child, if satisfied of the matters outlined in section 59 of the CPA. These include a child protection order granting either custody or guardianship of the child to the chief executive of DCCSDS or to another suitable person.

Section 14(2) of the CPA provides that if the chief executive reasonably believes alleged harm to a child may involve the commission of a criminal offence, the chief executive must immediately give details of the alleged harm to the police commissioner.

Current reporting requirements in relation to sexual abuse

The *Education (General Provisions) Act 2006* and *Education (Accreditation of Non-State Schools) Regulation 2001* include obligations on staff members to report suspected sexual abuse to school principals and police. As a result, in cases where sexual abuse is likely to have occurred, reports may be required to be made to both DCCSDS and to the police. In these cases, DCCSDS and Queensland Police have shared policies and protocols for conducting joint investigations. DCCSDS does not have responsibility to investigate all alleged criminal offences involving a child victim.

Under the CPA, a report of suspected sexual abuse to DCCSDS is only required in circumstances where a child who is suspected of suffering significant harm does not have a parent able and willing to protect them. For example, a child may suffer harm as a result of suspected sexual abuse, however, the child's parents take appropriate steps to protect the child from further harm. In these circumstances, ongoing intervention by DCCSDS may not be warranted.

Mandatory reporting and the early childhood education and care sector

Early childhood education and care (ECEC) services are one of the universal services available to all families. Universal services are at the frontline and are well placed to identify vulnerable and high-risk families.

The ECEC sector includes over 2,800 approved services that are regulated under Queensland and national laws. An approved service is an education and care service approved under the Education and Care Services National Law or the *Education and Care Services Act 2013* (Queensland). Examples of such services include family day care, kindergarten, limited-hours, long day care and outside school hours care. In Queensland, the Department of Education and Training (DET) licenses and regulates early childhood education and care services, which are predominantly delivered by non-government providers.

Mandatory reporting obligations to statutory child protection agencies differ slightly between jurisdictions, in terms of the reportable threshold, nature of the alleged harm and abuse types that must be reported, and the types of professionals that are obligated to make reports. In all Australian jurisdictions, police officers, doctors, nurses and teachers are included as mandatory reporters. In all jurisdictions but Western Australia and Queensland, individuals working in ECEC sector services are subject to legislative mandatory reporting requirements. In Victoria, legislative amendments that will require certain ECEC sector professionals to report child protection concerns to relevant authorities are yet to commence.³

The QCPCOI did not recommend expanding mandatory reporting obligations to include ECEC professionals.

While there is no mandatory requirement for ECEC professionals to report a child protection concern about a child to DCCSDS, DET recommends that services voluntarily report any child protection concerns to the appropriate authorities. Under section 84 of the *Education and Care Services National Regulations*, the approved provider of an education and care service must ensure that supervisors and staff members who work with children are advised of the existence and application of the current child protection law and any obligations they may have under that law.

Organisations that carry on a business providing early childhood education and care services in Queensland are also covered by the child related employment provisions of the *Working with Children (Risk Management and Screening) Act 2000* that require them to have risk management strategies in place. Risk management strategies are a written plan about the service provider's commitment to promoting the wellbeing of children, and protecting them from harm. This must include policies and procedures for how the organisation will handle disclosures or suspicions of harm to a child, including training requirements. These requirements are administered by the Public Safety Business Agency and are enforceable by a monetary penalty.

2. Review of child protection mandatory reporting laws by the Queensland Law Reform Commission

Referral to the Queensland Law Reform Commission

On 6 November 2014, the former Attorney-General referred a review of child protection mandatory reporting laws for the ECEC sector to the Queensland Law Reform Commission (QLRC). The Terms of Reference limited the QLRC's review to the consideration of "whether the legislative mandatory reporting requirements under the CPA should be expanded to cover the ECEC sector, including long day care and family day care services and kindergartens" and if so, "which professionals, office holders or workers within the ECEC sector should be included in the legislative mandatory reporting scheme".⁴ The Terms of Reference also noted recent community interest in this issue, including two petitions lodged

³ Queensland Law Report Commission, *Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector* report (QLRC Report) p. 52

⁴ QLRC Report p. 145

in the Queensland Parliament requesting that Queensland child care services and centres become mandatory reporters.

In July 2015, the QLRC released a Discussion Paper and sought public submissions on whether the mandatory reporting obligation under the CPA should apply to the ECEC sector, and related issues.⁵ Submissions closed on 30 September 2015. The QLRC received 29 submissions from a wide range of stakeholders, including 13 from peak bodies in the ECEC sector, as well as the Queensland Family and Child Commission (QFCC), Queensland Council of Social Service, PeakCare, Department of Justice and Attorney-General and DET. In addition, the Commission held consultation meetings with a number of key stakeholders including DCCSDS, DET, and representative bodies of the ECEC sector.

The majority of submissions supported extending child protection mandatory reporting obligations to the ECEC sector.⁶ The QLRC reported that some submissions raised concerns that the extension of mandatory reporting to the ECEC sector may lead to over-reporting of cases that do not meet the statutory threshold for child protection intervention, thereby placing an unsustainable demand on the child protection system and affecting its capacity to respond to cases of significant harm.⁷ However, the QLRC also noted that submissions acknowledged the ECEC sector is uniquely positioned to observe and report physical and sexual abuse to young children and that a clear legislative basis for reporting accompanied by appropriate training and education could overcome any existing barriers to reporting concerns.⁸

QLRC report - *Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector*

On 25 February 2016, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills tabled the QLRC's report, *Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector* (the QLRC Report) in Parliament.

In its report, the QLRC noted that the general principles behind mandatory reporting laws include that child abuse and neglect can occur in private settings and the harm is unlikely to be brought to the attention of agencies with child protection responsibilities. In response, governments enact laws which draw on the capacity of professionals who typically deal with children in the course of their work and can encounter cases of child abuse and neglect.⁹ The primary aim of mandatory reporting provisions is to protect children from harm. However, there has been some debate about the benefits and disadvantages of mandatory reporting laws. The QLRC Report noted the benefits of such schemes include that they:

- enable the timely detection of child abuse and the provision of assistance;
- require certain professionals to detect child abuse;
- raise public awareness; and
- recognise and protect children's rights.¹⁰

⁵ QLRC Report p. 5

⁶ QLRC Report p. 101

⁷ QLRC Report p. 102-103

⁸ QLRC Report p. 102

⁹ QLRC Report p. 157

¹⁰ QLRC Report p. 82-83

The QLRC Report also noted the criticisms of mandatory reporting schemes include that they:

- may lead to over-reporting;
- shift the focus and resources within the child protection system to an investigative role;
- negatively impact on relationships between professionals and children and their families;
- be overly broad in scope; and
- not address the underlying socio-economic problems that contribute to the causes of child abuse and neglect.¹¹

QLRC Recommendations

The Report made three recommendations in regards to expanding mandatory reporting provisions under the CPA to individuals in the ECEC sector:

No.	Recommendation
8-1	Subject to recommendations 9-1 and 9-2, the mandatory reporting provisions in Chapter 2, Part 1AA, Division 2 of the <i>Child Protection Act 1999</i> (Qld) should be expanded to apply to the ECEC sector.
9-1	The mandatory reporting obligation under section 13E of the <i>Child Protection Act 1999</i> (Qld) should apply to approved education and care services under the <i>Education and Care Services National Law (Queensland)</i> , and approved Queensland education and care services under the <i>Education and Care Services Act 2013</i> (Qld).
9-2	<p>The mandatory reporting obligation under section 13E of the <i>Child Protection Act 1999</i> (Qld) should be extended to apply to the following individuals:</p> <ul style="list-style-type: none"> a) an approved provider, nominated supervisor, or family day care coordinator of an approved ECEC service as defined under the <i>Education and Care Services National Law (Queensland)</i> or the <i>Education and Care Services Act 2013</i> (Qld) b) a person employed by an approved ECEC service who has an: <ul style="list-style-type: none"> i. approved early childhood teaching qualification; ii. approved diploma level education and care qualification; or iii. approved certificate III level education and care qualification, as defined under the <i>Education and Care Services National Law (Queensland)</i> or the <i>Education and Care Services Act 2013</i> (Qld).

On 17 March 2016, the Child Protection (Mandatory Reporting – Mason’s Law) Amendment Bill 2016 was introduced into the Queensland Parliament by Ms Tracy Davis MP, Member for Aspley. The Bill seeks to implement the QLRC recommendations in full.

3. Queensland Government response to the QLRC report

On 9 May 2016, the Queensland Government publicly released a formal Queensland Government response to the QLRC recommendations. The Government response accepts all three recommendations made by the QLRC - two in full (Recommendations 8-1 and 9-1) and one in principle (Recommendation 9-2). The Queensland Government response is available on the DCCSDS website at: <https://www.communities.qld.gov.au/childsafety/protecting-children/about-child-protection/mandatory-reporting>. A link to the response is also provided on the DET website.

In relation to Recommendation 9-2, the response notes the Queensland Government will work with the ECEC sector stakeholders to enable amendments to be made to the CPA that are practical and workable and that support all educators who work with children and their families to appropriately report a child protection concern to DCCSDS. This would be in accordance with the current reporting ‘standard’ in the CPA.

¹¹ QLRC Report p. 83-84

4. Implications of the QLRC report recommendations

Recommendation 8-1

Recommendation 8-1 proposes amendments to the CPA to include certain professionals working in the ECEC sector services as mandatory reporters for child protection matters under section 13E.

Recommendation 9-1

Recommendation 9-1 proposes the expansion of child protection mandatory reporting requirements in the CPA to apply to approved education and care services under the Education and Care Services National Law (Queensland) and approved Queensland education and care services under the *Education and Care Services Act 2013 (Qld)*.

This will capture over 2,800 approved services including family day care, kindergarten, limited-hours, long day care and outside school hours care. The recommendation does not capture stand-alone care services, nannies or playgroups.

Recommendation 9-2

The QLRC was of the view that the mandatory reporting obligation should capture staff working in ECEC sector services who have direct and frequent contact with children and their families and to staff in roles of responsibility with relevant qualifications.¹²

Recommendation 9-2(a) proposes the extension of mandatory reporting obligations to approved providers, nominated supervisors or family day care coordinators of an approved ECEC service as defined under the Education and Care Services National Law (Queensland) or the *Education and Care Services Act 2013 (Qld)*.

Implementation of this recommendation would result in ECEC professionals who hold supervisory or management roles being subject to a legislative mandatory reporting requirement regardless of whether they have direct or frequent contact with children and their families.

Recommendation 9-2(b) extends mandatory reporting obligations to persons employed by an approved ECEC service who hold relevant approved qualifications. These qualifications include either a certificate III or diploma level education and care qualification or early childhood teaching qualification. DET 2014 census data reported that 21, 144 centre-based educators and 3 035 family day care educators held a relevant qualification (certificate III or above).

Implementation of this recommendation would result in legislative mandatory reporting requirements not applying to persons who may be actively working towards a qualification. The majority of educators working with children are required to hold a qualification or be actively working towards obtaining a qualification. This is particularly relevant for family day care. DET 2014 census data indicates that 1580 educators were actively working towards a qualification.

5. Practical Implications of the Private Member's Bill

When rolling out changes to mandatory reporting requirements in 2015, DCCSDS developed a comprehensive suite of information and training modules to support professionals to understand their obligations so they would be able to appropriately report child protection concerns. In particular, DCCSDS revised the Child Protection Guide (the Guide). A lead-in period of approximately 12 months, from the development of the Child Protection Reform Amendment Bill 2014 in early 2014 and the commencement of the provisions on 19 January

¹² QLRC Report p. 139

2015, was required in relation to the current legislative mandatory reporting requirements. A commencement date was chosen that enabled training and information to be provided at a suitable time within the professional sectors impacted by the provisions.

Mandatory reporters can access the online Guide to support decision making about whether their concern about a child warrants a report to Child Safety. The Guide has been developed in consultation with government and non-government representatives to ensure it is accessible and user friendly to a broad range of reporters. The Guide asks a series of 'yes or no' questions about the concerns and provides a recommended 'decision point', based on the answers provided. It may, for example, recommend that the threshold has been reached and advise the professional to make a report to Child Safety or, alternatively, that a referral to Family and Child Connect or other support services is more appropriate.

DCCSDS and DET are well placed to draw upon the experience of implementing the current legislative mandatory reporting requirements in the CPA during the implementation of any further amendments that apply within the ECEC service sector.

The Queensland Government response to the QLRC report commits DCCSDS, in collaboration with DET to develop targeted training and resources to support professionals in understanding reporting obligations under any new laws. The early childhood education and care sector will be a partner in the development of training and resources.

DET has existing mechanisms to engage with the sector including for example, the A to Z of Early Childhood, a regular e-newsletter to the sector and the facilitation of ongoing meetings with peak bodies.

The Guide will be reviewed and updated, if necessary, so that it is appropriate for use by the diverse range of professionals engaged in the ECEC sector. Additional resources may also be developed to support the impacted professionals working within the ECEC sector to understand any new obligations and to access and use the Guide. These could include train-the-trainer workshops, face-to-face training sessions and webinars, access to a test site, scenario based activities, a fact sheet and an online module.

The delivery methods will be supported by a broader communications campaign to raise awareness about the changes and the resources and training available.

Issues raised in written submission on the Child Protection (Mandatory Reporting – Mason’s Law) Amendment Bill 2016

The Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee was provided with 11 submissions from:

1. Queensland College of Teachers
2. Protect All Children Today Inc
3. John and Susan Sandeman
4. Queensland Catholic Education Commission
5. Early Childhood Teachers’ Association Inc
6. Churches of Christ Care
7. United Voice, Industrial Union of Employees, Queensland
8. PeakCare Queensland Inc
9. Queensland Family and Child Commission
10. The Creche and Kindergarten Association Limited
11. Queensland Law Society

John and Susan Sandeman, Early Childhood Teachers’ Association Inc, United Voice and Creche and Kindergarten Association Limited have also provided a copy of the submission they submitted to the Queensland Law Reform Commission.

Note: The submission numbering above reflects the numbering of the submissions as provided by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Issue No.	Submitter No. and Submitter	Clause	Submission Key Points	Department of Community Services, Child Safety and Disability Services response
The Bill				
1. Lead-in time to commence legislation	4. Queensland Catholic Education Commission (QCEC) 5. Early Childhood Teachers' Association Inc. (ECTA) 7. United Voice, Industrial Union of Employees, Queensland (United Voice) 10. The Creche and Kindergarten Association Limited (C&K)	Clause 2	<p>The QCEC and ECTA submissions referred to the need for sufficient lead-in time and proper planning and implementation before any legislative changes come into effect.</p> <p>The submission from United Voice states that commencement on 1 January 2017 does not allow sufficient time to ensure appropriate information and training and reporting processes to be developed.</p> <p>Other submissions also mentioned that sufficient lead-in time is needed before the changes take effect.</p> <p>C&K's submission noted that several reforms are underway which will have a significant impact on the early childhood education and care sector.</p>	<p>DCCSDS and DET experience implementing the current mandatory reporting requirements in the CPA was that a period of at least 12 months engagement with relevant impacted service sectors was required.</p> <p>There are a significant number of concurrent reforms occurring in the early childhood education and care sector at a national level which are likely to result in additional changes to services. These include proposed changes to the Commonwealth Child Care Assistance Package (CCAP) under the <i>Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2015</i> (Cwlth).</p> <p>As a result, training will be particularly important to avoid confusion with new reporting obligations under the CCAP which is proposing to require early childhood education and care workers to report children that they have assessed to be 'at risk' to a 'relevant State or Territory body'. A review of the National Quality Framework for Early Childhood Education and Care, which is awaiting completion, may result in additional changes to the sector.</p> <p>Changes to mandatory reporting requirements and the sequencing of any training and support to the sector should be considered within the broader reform environment.</p>
2. Deciding which individuals should be mandatory reporters	4. Queensland Catholic Education Commission (QCEC) 5. Early Childhood Teachers'	Clause 4	<p>The QCEC submission states that mandatory reporting requirements should apply to approved providers, nominated supervisors, educators with approved early childhood teaching qualification, diploma level or Certificate III qualifications in education and care. The submission states other staff members and volunteers should not be required to make a mandatory report.</p>	<p>The Bill implements the recommendations of the Queensland Law Reform Commission report. The Bill extends mandatory reporting obligations to approved providers, nominated supervisors and staff members who hold an "approved qualification".</p> <p>Under the Bill, 'staff members' with approved qualifications who may not work directly with children are considered mandatory reporters.</p>

Issue No.	Submitter No. and Submitter	Clause	Submission Key Points	Department of Community Services, Child Safety and Disability Services response
	<p>Association Inc. (ECTA)</p> <p>6. Churches of Christ Care (CoCC)</p> <p>7. United Voice, Industrial Union of Employees, Queensland (United Voice)</p> <p>10. The Creche and Kindergarten Association Limited (C&K)</p>		<p>ECTA submitted that all workers in services and agencies under the umbrella of care and education of children that are involved with children should be mandatory reporters, including carers, nannies, playgroups, crèches, coaches and instructors, occasional care centre, mobile services, grandparents, special education units and any services relating to in home care. Specifically, in terms of approved services ECTA support approved providers, supervisors, educators, staff and volunteers.</p> <p>CoCC considers the Bill targets mandatory reporting at too low a qualification level, such as Certificate III. The submission recommends that mandatory reporting in the early education and care sector should only extend to approved providers under the <i>Education and Care Services National Law</i>. Approved providers have responsibility for managing services and most would have responsibility for quality compliance. Given the level of responsibility that already sits with approved providers, the submission states that mandatory reporting sits naturally with this role.</p> <p>United Voice submitted that mandatory reporting should be based on a person's role and responsibilities, not based on the qualification they hold. United Voice provided a copy of their original submission to the Queensland Law Reform Commission. The submission states that mandatory reporting should apply to approved providers, supervisors, educators, other staff members and volunteers.</p> <p>C&K does not support mandatory reporting requirements being linked to 'qualifications' as potentially 'qualified' staff may not be working directly with children. The submission recommends that the</p>	<p>Some 'educators' in the early childhood education and care sector who are working directly with children do not have an 'approved qualification' as defined by the Bill and therefore, would not be mandatory reporters under the Bill.</p> <p>The Bill does not apply to volunteers.</p> <p>In relation to the issues raised by CoCC, similar circumstances arise in relation to reporting by school teachers and principals. Section 13H of the <i>Child Protection Act 1999</i> provides for conferrals to occur between mandatory reporters to determine if a report should be made to DCCSDS. If a conferral occurs, there is no need for both parties to make a report (see section 13G(3)(b)). However, a person who has directly observed the impact of significant harm to a child and has particular expertise to identify the potential impacts of the harm is likely to be able to provide relevant and reliable information to DCCSDS.</p>

Issue No.	Submitter No. and Submitter	Clause	Submission Key Points	Department of Community Services, Child Safety and Disability Services response
			mandatory reporting requirement is linked to roles, namely 'educators' who work with children.	
Implementation and Practical Implications				
3. Training for the early childhood education and care sector	3. John and Susan Sandeman 4. Queensland Catholic Education Commission 5. Early Childhood Teachers' Association Inc. 7. United Voice, Industrial Union of Employees, Queensland 9. Queensland Family and Child Commission 10. The Creche and Kindergarten Association Limited (C&K) 11. Queensland Law Society	N/A	Implementation of the legislation will require effective training of relevant staff across the early childhood education and care sector.	<p>The <i>Child Protection Reform Amendment Act 2014</i> was passed by Parliament in May 2014. That Act consolidated all government policy and legislative mandatory reporting obligations for professionals into the <i>Child Protection Act 1999</i> and applied a single 'standard.'</p> <p>As a result of this consolidation, DCCSDS partnered with other relevant government and non-government agencies to roll out an extensive state-wide training program about mandatory reporting obligations for impacted professionals, including a comprehensive suite of information and training modules to support professionals to appropriately report child protection concerns.</p> <p>The Queensland Government response to the QLRC report recommendations recognises DCCSDS, in collaboration with DET, will develop targeted training and resources to support early childhood education and care professionals in understanding reporting obligations under any new laws. The sector will be a partner in the development of training and resources.</p> <p>Resources, including the Child Protection Guide, may need to be reviewed and updated, if necessary, to tailor information to support the diverse range of early childhood education and care professionals.</p>

Issue No.	Submitter No. and Submitter	Clause	Submission Key Points	Department of Community Services, Child Safety and Disability Services response
4. Risk of over-reporting of child protection concerns	8. PeakCare Queensland Inc. 10. The Creche and Kindergarten Association Limited (C&K)	N/A	Introducing mandatory reporting laws to the early childhood education and care sector has the potential to unnecessarily burden the statutory agency with reports that do not meet the threshold for statutory intervention, as well as unintentionally causing (further) harm to children and families by effectively delaying connecting parents and their children to the right services from the right provider when they need them. If large numbers of notifications are unable to be investigated or substantiated due to resourcing, this then has a significant social cost, as the child protection system is easily overburdened with notifications, a large number of which are unsubstantiated and come at a cost to government and families.	<p>In its final report, the Queensland Child Protection Commission of Inquiry identified the high number of intakes received by DCCSDS as a result of reports about child protection concerns and the need to 'reduce the levels of unsustainable demand on the child protection system'.</p> <p>Risks in relation to over-reporting may be mitigated through appropriate training and information being provided to impacted professionals and promotion of the use of the Guide throughout the service sector.</p>
Other issues raised				
	1. Queensland College of Teachers	N/A	The Bill does not bring approved teachers under the <i>Education (Queensland College of Teachers) Act 2005</i> who work in the early childhood education and care sector within the statutory notification scheme contained at chapter 3 of the <i>Education (Queensland College of Teachers) Act 2005</i> .	<p>The statutory notification scheme in chapter 3 of the <i>Education (Queensland College of Teachers) Act 2005</i> relates to disciplinary action for teachers. Teacher registration is not a mandatory statutory requirement for the early childhood education and care sector. The current notification scheme does not apply to registered teachers who are working in the early childhood education and care sector.</p> <p>This issue is outside the scope of the Bill. It will be considered separately as part of work being undertaken by the Department of Education and Training in terms of exploring options for early childhood teacher registration.</p>

	8. PeakCare Queensland Inc	N/A	Decisions and policy regarding children's protection and wellbeing should be driven by evidence based research, supported by consideration of the effectiveness and costs of legislative changes. The submission cites research indicating arguments for and against mandatory reporting regimes. The submission states that further attention should be given to examining and understanding the benefits and potential unintended consequences of extending mandatory reporting obligations further.	The Queensland Law Reform Commission considered the arguments for and against mandatory reporting and conducted significant public consultation on the issue. Chapter 6 of the QLRC Report balances the arguments for and criticisms of mandatory reporting laws. The QLRC recommended that mandatory reporting be extended to the early childhood education and care sector. The Bill implements the Commission's recommendations.
	8. PeakCare Queensland Inc	N/A	If mandatory reporting is imposed on the early childhood education and care sector, there is a distinct possibility of families withdrawing from those services, as there is no requirement that children attend. This will severely disadvantage vulnerable children, as participation in quality early childhood programs has been found to provide positive learning outcomes to children that can aid in breaking the cycle of poverty through parental workforce participation and disadvantage children through limited access to social and learning opportunities. Currently in Queensland, almost 100% of non-Indigenous children are enrolled into an ECEC program, compared to 65% of Indigenous children (DET, 2015). With the introduction of mandatory reporting, this disparity could likely rise given the pre-established distrust between groups that are currently under-represented in early education and over-represented in child protection services.	Professionals within early childhood education and care services can already report suspicions that a child is in need of protection to DCCSDS. There is no evidence that families are withdrawing children from early childhood education and care services due to concerns that their children may be reported to DCCSDS.
	8. PeakCare Queensland Inc	N/A	PeakCare's submission notes that amendments to the mandatory reporting obligations of designated professionals were only recently reviewed, amended and consolidated under the <i>Child Protection Act 1999</i> .	Professionals in the early childhood education and care sector will continue to be encouraged to refer families to Family and Child Connect where families require support services or early intervention.

			<p>That Act is currently subject to a significant review, which makes the timing of these deliberations to expand mandatory reporting obligations ill-advised.</p> <p>The substantial changes to Queensland's child protection system will not be fully implemented for almost a decade. Many of the changes seek to address the issues that have been identified as reasons for non-compliance by currently mandated professional groups.</p> <p>The Queensland Government's investment in the Family and Child Connect program is one of the new initiatives currently being implemented and evaluated as part of the response to recommendations from the Carmody Inquiry. The services seek to provide better access for professionals, including from the early childhood education and care sector, to child protection 'consultants', as well as to enhance the opportunity for family members to obtain information and advice about meeting their children's needs, parenting, and available support services.</p>	<p>Mandatory reporting only applies where a reporter forms a 'reportable suspicion' of significant harm.</p> <p>Both these avenues will continue to be available under the provisions of the Bill.</p>
	10. Queensland Family and Child Commission (QFCC)	N/A	<p>The Healthcheck Report undertaken by QFCC identified education professionals expressed concerns that they did not have the expertise to determine whether 'there may be a parent able and willing' to protect a child from harm.</p>	<p>Professionals only need to have a 'reasonable suspicion' that a child does not have a parent able and willing to protect them from harm.</p> <p>Once the matter is reported to DCCSDS, the department undertakes an investigation and assess the risks for a child.</p>
	10. The Creche and Kindergarten Association Limited (C&K)	N/A	<p>Safety concerns may reduce the effectiveness of mandatory reporting, particularly for family day care where educators may be concerned the alleged perpetrators know their address.</p>	<p>The <i>Child Protection Act 1999</i> contains strict confidentiality provisions for information received by DCCSDS that only allow information sharing for particular purposes and with appropriate safeguards. The Act also protects the confidentiality of notifiers in order to ensure individuals aren't deterred from providing information about concerns to the department or to the police (see section 186 of the Act).</p>

	11. Queensland Law Society	N/A	<p>The submission referred to the recent Melbourne case of a 15 month old girl who was treated by paramedics one week before her death. Paramedics were reportedly concerned that the girl's seizures were the result of smothering. The girl's death is being investigated by the Victorian Government.</p> <p>The Society consider there should be further research and investigation on whether mandatory reporting laws should be extended to paramedics. The Society recommend the Act have an inbuilt mechanism for a two year review of the classes of persons required to undertake mandatory reporting, with a view to possibly extend provisions to paramedics.</p>	<p>This issue is outside the scope of the Bill.</p> <p>The <i>Child Protection Act 1999</i> already extends mandatory reporting provisions to certain medical professionals including doctors and registered nurses.</p> <p>DCCSDS will await the outcomes of the review by the Victorian Government in order to consider this matter further.</p>
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