



HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE

Members present:

Ms L Linard MP (Chair)
Mr MF McArdle MP
Mr SE Cramp MP
Mrs T Smith MP
Mr AD Harper MP
Mr JP Kelly MP

Staff present:

Ms D Jeffrey (Research Director)
Ms E Booth (Principal Research Officer)

PUBLIC HEARING—INQUIRY INTO THE CHILD PROTECTION (MANDATORY REPORTING— MASON’S LAW) AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 11 MAY 2016

Brisbane

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Committee met at 11.49 am

CADDIE, Ms Sharron, Branch Assistant Secretary, United Voice

CARTER, Ms Jane, General Manager, Children, Youth and Families, Churches of Christ Care

MALZARD, Ms Leah, Branch Executive Member, United Voice

PERRY, Dr Lee-Anne AM, Executive Director, Queensland Catholic Education Commission

SLATTERY, Ms Jane, Executive Officer, Education, Queensland Catholic Education Commission

TIZARD, Mr Michael, Chief Executive Officer, Creche & Kindergarten Association Ltd

WALTERS, Ms Kim, President, Early Childhood Teachers Association Inc., via teleconference

WEGENER, Mr Lindsay, Executive Director, PeakCare Queensland Inc.

CHAIR: Welcome. Thank you very much for coming today. I know our secretariat has mentioned that you can make a brief opening statement. With regard to time, we have received your submissions and we thank you very much for the effort that you have put into those. If there is anything additional, you might like to add to those submissions, and then we will open up for questions.

Ms Slattery: I have nothing really further to add to our submission. We support the amendment going forward. We just have a couple of concerns around training and the timing of commencement. They would be our two issues for discussion.

CHAIR: Did you want to briefly mention what those two issues were and make that your opening statement?

Dr Perry: As you would know, we support the bill. Our concerns are around timing. A 1 January implementation we think would be very challenging for organisations, and that would be based on our experience with schools. The 1 January means that you have to be prepared prior to that. We could talk further to that, but the 1 January we have concerns about. The other area is just ensuring that the training is well thought through, is consistent and is able to be delivered in a variety of providers.

CHAIR: Thank you.

Ms Carter: Churches of Christ Care is uniquely placed in this particular discussion, because we are also quite a major provider of out-of-home care. We are also funded for Family and Child Connect services and Intensive Family Support services, plus we have early childhood. We cover primary, secondary and tertiary. Our view on this is based on many years of working in the sector, both after an event that has caused trauma to a child and before, or trying to identify it as it happens.

The other thing that we feel that we are unique in is the fact that our early childhood services are placed across the state and they are not mainstream, 72-place, 110-place childcare services with lots of support. The view in our submission about the mandatory reporting sitting with the approved provider sits alongside what happens in aged care for similar sorts of critical reporting. It sits very much with where the ACECQA critical incident reporting sits with serious and non-serious incidents.

The other concern that we have is that some of the staff that are certificate III qualified do not have the professional understanding to make those sorts of decisions. What currently happens is that they bring up a concern and they report it to the service manager approved provider. The report is then made with that professional viewpoint of understanding the components.

When you are looking at very small rural communities where you have a 22-place childcare centre with a service manager who left school at 14 and has the minimum qualifications to run a service plus about two staff who work for her, this puts a great deal of pressure on somebody at that certificate III level. The way that we currently do it, by reporting through, removes the pressure from the service around being the one who reports but also it reinforces to the staff that their views are taken but somebody else is doing it for them, which I think gives them a degree of security. That is our view.

The other thing—we think will happen in time—is I do not believe that there is a big enough understanding in the early childhood sector of the role of Family and Child Connect services and how easy it is to report a concern to them rather than ringing Child Safety, because there is a huge fear around this in the community.

CHAIR: Thank you very much. Michael?

Mr Tizard: Thank you for the opportunity to speak to the committee. I confirm that C&K supports the implementation of mandatory reporting for the early childhood education and care sector. We think it is an important part of the statutory child protection system.

Our policies very much represent or mirror mandatory reporting approaches anyway, but I agree that there is additional work to be done in terms of the training of staff around specific mandatory reporting provisions. In order to avoid issues of overreporting and to take a whole systems approach, it needs to be not just about mandatory reporting but, as Jane mentioned, there are services like Family and Child Connect. It needs to be a whole-of-system approach to the training of staff to avoid the overreporting.

CHAIR: Thank you very much. Lindsay?

Mr Wegener: I am probably the person who is going to give a different perspective to some of this debate. Within PeakCare's submission we noted 2013-14 data reported by the Australian Institute of Health and Welfare about child protection investigations by the source of notifications. This data showed that, across Australia, 1.1 per cent only of investigations were undertaken following reports by childcare personnel. In Queensland, childcare personnel were identified as the notifier in relation to around 1.1 per cent—the same as the national figure. In New South Wales and Victoria—the two largest jurisdictions and the ones in which early childhood education and care sector works are mandated reporters—childcare personnel were identified as a notifier in 1.5 per cent and 0.9 per cent of investigations respectively.

The committee's attention is drawn to updated data for 2014-15, recently released by the institute. The national figure of 1.1 per cent of investigations being undertaken following reports by childcare personnel has remained the same. In relation to Queensland, the figure fell slightly—from 1.1 per cent to 0.7 per cent. In relation to New South Wales, where mandatory reporting exists, the figure fell very slightly—from 1.5 per cent to 1.4 per cent. In Victoria—also where there are mandatory reporters—there was a decrease from 0.9 per cent to 0.6 per cent. The updated data continues to suggest that reporting by Queensland's early childhood education and care sector remains comparable to other jurisdictions irrespective of differences that apply across the states in relation to mandatory reporting provisions.

Within PeakCare's submission, we acknowledge that available literature about mandated reporting obligations for particular professionals and the effectiveness of mandatory reporting in protecting children is relatively limited. We make reference to some literature, however, and highlight both the perceived advantages and disadvantages of mandatory reporting. In particular, we note the identified benefits of mandatory reporting, such as government signalling that it takes child abuse seriously, the raising of awareness of how to tackle child abuse, the encouragement that mandatory reporting provides to notifiers to make early reports and an increase in reports being received by child protection agencies.

Our submission also identified disadvantages, including the overburdening of child protection agencies with an overreporting of concerns that do not meet the threshold for undertaking an investigation, resources being directed to processing reports and undertaking often unnecessary investigations in preference to constructive engagement and earlier voluntary interventions with children and families, and an adverse impact on self-referrals for help in a dynamic of professionals passing the buck once they have fulfilled their responsibilities to report in preference to sharing responsibility to the challenges that families and children face.

As highlighted within our submission, PeakCare is especially concerned about the inadvertent effects of the proposed expansion of mandatory reporting in driving away some families from allowing their children to access early education and care due to a fear of being reported. This is a concern

held especially in relation to Aboriginal and Torres Strait Islander families due to the history of distrust that contributes to the underrepresentation of Aboriginal and Torres Strait Islander children in early education and their overrepresentation within the child protection system.

As noted within our submission, almost 100 per cent of non-Indigenous Queensland children are enrolled in an early childhood education and care program compared with only 65 per cent of Aboriginal and Torres Strait Islander children. PeakCare holds similar concerns in relation to children from culturally and linguistically diverse communities, those whose parents have a disability and those whose families have experienced or are experiencing domestic and family violence.

PeakCare submission notes, and it is understood that submissions by other organisations have highlighted, the high cost of training, insurance, staff recruitment and other human resource management activities and report writing that would accompany the introduction of the proposed expansion of mandatory reporting which may end up needing to be passed on to customers.

Finally, I wish to highlight PeakCare's concerns about the timeliness of the bill. PeakCare recognises that there are legitimate issues to be raised on each side of the mandatory reporting argument, and there is only a small amount of guidance to be found within the literature that provides a clear way forward. It is important to note, however, that amendments to the mandatory reporting obligations of designated professionals were only recently reviewed, amended and consolidated under the Child Protection Act. That act is currently subject to a significant review which makes the timing of these deliberations to expand mandatory reporting obligations ill-advised.

The Queensland government has made and is continuing to make substantial changes to Queensland's child protection system in response to recommendations from the Carmody inquiry including a significant investment in establishing the Family and Child Connect program. Many of these changes are based on a notion of enabling earlier and easier access by families to the right services at the right time and by the right service provider in unburdening child safety service centres from the demand of processing unwarranted reports.

PeakCare's concern is that it is still relatively early days in relation to implementing the 10-year road map recommended by the Carmody inquiry. PeakCare's concern is the expansion of mandatory reporting laws at this stage may be counterproductive to the planned changes to Queensland's child and family sector or at the least of being prematurely considered in the absence of sufficient time having been given to evaluating the impact of the current program of reforms.

PeakCare's conclusion is that, to protect children from harm, the real issue is not about the expansion of mandatory reporting laws. The real issues are providing initial and ongoing support, resourcing, training and education to early childhood and education care workers and fostering collaborative relationships between the sector, Child Safety, family support services and other helping agencies. What is needed is more awareness raising, staff training, support and supervision of those workers to enable full appreciation of the need to raise concerns with parents and carers and how to do this effectively, rather than mandatory reporting to the statutory child protection agency. Thank you for the opportunity to present our views.

CHAIR: Thank you, Lindsay.

Ms Caddie: I am the assistant secretary of the Queensland branch of United Voice. Leah Malzard is an educator with 30 years experience who works for a reputable key provider in Queensland and is also a member of our union executive representing ECEC workers.

United Voice represents thousands of workers across the early years sector in both the profit and not-for-profit sectors. We have a state convening group that brings together leaders from across the state and from a range of occupational groups across the sector. It was that state convening group that initially pulled together our submission to the law reform inquiry into mandatory reporting. It was that group of key leaders who also informed our submission in relation to this bill.

The view of the workers we represent is that they support the extension of mandatory reporting under the Child Protection Act to this sector, but, as outlined in our submission, the key concerns that we have in relation to the bill as currently drafted relate to the commencement date of 1 January 2017 not allowing sufficient time for effective implementation and training on a range of issues including who has responsibility to report, what is a suspicion that needs to be reported, what are the processes for reporting et cetera.

We think the legislation is not clear enough about who will have responsibility to undertake the reporting because it links to qualifications rather than the roles that are currently undertaken in the sector. For example, why should a person who has a teaching qualification be required to report but someone who is progressing towards a teaching qualification not have a similar reporting obligation?

We concur with the other comments made by the sector that the implementation date as it currently stands is not sufficient time for all of those arrangements to be worked through, to be properly communicated and for training to be rolled out.

CHAIR: Thank you.

Ms Walters: I am the President of the Early Childhood Teachers' Association. ECTA is a Queensland based association of early childhood professionals formed in 1973, and our membership of 550 individuals and 250 organisations allows us to speak on behalf of thousands of early childhood professionals who work across all sectors of early childhood education and care.

The Early Childhood Teachers' Association submission was based on a member survey conducted by ECTA which resulted in just under 100 responses. Our members overwhelmingly support the introduction of mandatory reporting for all early childhood settings including family day care and outside-school-hours care.

In regard to which individuals should report, the majority of ECTA members identified approved providers, supervisors and those with a teaching, diploma or a certificate qualification should be mandated to report. ECTA therefore recommends that all supervisors, providers and educators with a qualification of a certificate III or higher should be mandated to report. This will bring parity to our members currently teaching in a school setting.

The current legislation requires a minimum qualification of a Certificate III in Early Childhood Education and Care for all educational staff working in early childhood centres. A core unit in the Certificate III in Early Childhood Education and Care course is identify and respond to children and younger people at risk. All staff therefore should have training in identifying and reporting children at risk of harm already.

We recommend that the unit be provided as part of the first areas of study for those working towards qualifications so they have the necessary knowledge required as soon as possible. Our members also overwhelmingly highlighted the need for annual refreshing training for all staff to ensure they maintain the knowledge and understanding they require.

Our members believe the safety of children is paramount and making reporting in early childhood education and care setting mandatory formalises what in most cases is current policy and practice in early childhood settings now. Mandatory reporting would increase early childhood education and care staff's professional alertness and sense of responsibility in relation to child protection and would send a clear and consistent message to early childhood professionals and the community.

Early intervention makes a significant difference to the lives of children, and their safety and wellbeing should be our priority. ECTA thanks you for the opportunity to submit to the inquiry on behalf of our members.

CHAIR: Thank you, everyone, for your opening statements. I will open it up to the committee to ask questions. I have a question for you, Lee-Anne. The main thing you mentioned in your comments earlier was in regard to 1 January being too soon. You heard the comments by Tracy, the member who introduced the private member's bill. She made an argument as to why that is not too soon. You feel that it is. I am interested in your views on that.

Dr Perry: Our practical experience is that many of our staff are working in kindergartens which operate on school term times which start towards the end of January. Many of them are not employed until then. A 1 January start date implies that you will have done your training in December. That is a very difficult time of year to do any training or staff professional development. It is not an optimal time, particularly as you are not picking up any new staff who will start at the beginning of the next year. The practice would normally be to start at the beginning of a school term, so towards the end of January. To have a 1 January start date would make that extremely difficult to do.

CHAIR: So you are proposing a late January start date? What is your optimum proposal?

Dr Perry: To give some flexibility to providers to say that by this date you will have completed the training that is required. I think 1 January gives no flexibility. There are different starting dates with different providers, but if it is to be done well—and that is the critical issue—the training needs to be done well, it needs to be well prepared, well delivered and consistently delivered. You need to have the flexibility to do that. For those working in a school related setting, it is likely to be the end of January, but our view would be to give a little bit of flexibility while having an expectation that it will be implemented by a particular date. I am not sure of the particularities of it. You may put into effect 1 January but give some flexibility so that staff will be required to be trained within X months of the starting date.

CHAIR: Thank you. I have a question with regard to training. I do not work in the sector. My only experience is having two children under five so I engage with the sector quite regularly. With training, there is currently a reporting requirement or responsibility, even if it is not mandatory. There is inherent training already in the policies and practices around the codes that the industry is working under. How significant is the need to move from the training that has already been done and the discipline around what is required of people moving to a mandatory reporting requirement? Is it a significant jump? Everyone has raised training. I am trying to cut through that and understand.

Dr Perry: Having worked in the schooling sector and lived through that change, teachers obviously reported previously. Introducing mandatory reporting adds quite a different level of expectation. People obviously always took it seriously. Mandatory reporting puts another level on that. If you do not want overreporting, it is really important that people understand what the terms mean, what is a reportable submission, parent willing and able—there is a whole lot of terminology which is quite new to people. The role of Family and Child Connect, which many people have mentioned, is not familiar to many people. If you want to ensure they are trained appropriately and they do not overreport, the training becomes quite critical.

Mr Tizard: In terms of C&K, we support 186 community kindergartens that are affiliate services. I have just completed with my general manager of children's services parent management committee forums, and part of that is child protection awareness and training about their responsibilities. That is rolled out at the start of the year. We have online training for all of our staff. That takes up to two hours. That has just been rolled out for the year.

The other requirement will be to revise policies and procedures. We have 136 branch kindergartens, 28 long-day-care centres, family day care programs, in-home-care programs. There is a significant number of services where training will have to be revised, policies updated and the information got out in terms of time frames.

CHAIR: Michael, what are your views on a more optimal time or process? Leanne has outlined what one could be. Do you have any thoughts on that?

Mr Tizard: Probably by the middle of next year in terms of the requirement for us to get to parent management committees, to get to staff and to change the policies and procedures.

CHAIR: My colleague just raised a good point. If you want to take that on notice and send something to the committee afterwards on what you think the optimal timing would be, we can consider that as one of the matters that the committee will naturally consider around timing, given that you have raised it. I appreciate that not everyone can go into the depth of that now. Sorry, I interrupted you, Sharron.

Ms Caddie: I agree with what has already been said. We are talking about an additional level of accountability if we are moving to a mandatory reporting regime; otherwise, why do it? There is a significant amount of work involved in making sure that the policies are updated, that people understand clearly who has a responsibility to report and what is the threshold to be met in relation to that reporting. Keep in mind that we are talking about very diverse services and service settings. In terms of the time frame, I think in our submission we referred to a meeting of stakeholders that has occurred and there has been very preliminary discussion about the impact of the bill. The time frame that was discussed, which would concur with what Michael has said, is about a 12-month period, which would take us to the middle of next year.

Mr McARDLE: Thank you kindly for being here today and for your submissions both verbal and written. I assume that all organisations that you represent already have in place practices for reporting cases of child abuse or suspicion of child abuse. You would already have in place policies, requirements and reporting pathways, I would have thought. Would that be a fair assumption?

Mr Tizard: Yes.

Ms Carter: Yes.

Mr McARDLE: What additional steps would you need to take to comply with the bill as it currently sits, over and above what you have in place now? Can you run down the line one after another, if you do not mind?

Ms Slattery: I think there is some terminology in the Child Protection Act—the threshold for reasonable suspicion that has been talked about that educators would really need to unpack. Even as Lee-Anne indicated, when the changes were made, teachers who had been working in this space for a good while were still grappling with, and were nervous quite often about, 'Would I report or not report? What would be a reasonable circumstance where I would?' I know there are a lot of great resources there—the flow chart—to know when they might make a report. I think there still would be

a lot of nervousness amongst a lot of educators, so they would want to have time to unpack this. Even though they would, as you say, have policies, I think any change—which this will be—is going to need to be unpacked. I also think the reference to the Family and Child Connect services and the tiers of support within the child safety area need to be unpacked a lot more for the sector.

Ms Carter: The honourable member Tracy Davis talked about the professionalism of the sector. Those of us who have been around in the sector for many years have seen a journey, but it is generally recognised that the biggest barrier in this sector is the childcare workers' view of themselves. They will start a conversation with 'I am just a'. It is not, 'I'm an educator. I teach child.' It is, 'I am just a childcare worker.' I think that is a barrier when you are asking them to professionally report. I think there is a piece of work around giving them the self-respect and knowledge that their view is valuable. That is an ongoing battle in the sector right across-the-board for all childcare workers. Yes, we have policies and procedures, but it is the self-perception as being professional enough to actually do it.

Mr Tizard: I would agree with what Jane said, certainly in terms of understanding what is my responsibility, what is different in terms of the legislative requirements and who is responsible for reporting in terms of the categories that are nominated. I think we have been doing a lot of work on building an understanding of the services like Family and Child Connect. Understanding that the mandatory reporting responsibility is for physical abuse and sexual abuse and not necessarily for emotional abuse and neglect is really important. I think there will be a desire to want to report everything because they will feel that there is an obligation on them to report everything now.

We know from the research that the outcomes for families that are funnelled in through the front end of the system, the statutory system, are not as good in terms of engagement with support services. Once that has happened they tend to move away from the system and are very fearful of the system. If we have a result which means everything gets reported and families who just have additional needs and challenges that they need support for are being reported then I think that is a poor outcome for those families.

Mr McARDLE: Lindsay, on the question of process.

Mr Wegener: The other speakers are probably better at answering this than me. What I would suggest is that, in addition to the training, because it is then mandated it significantly alters internal procedures within organisations. Because not all people would be mandated who work within the sector, it would mean what internal reporting they would need to undertake within their own organisations to then report. That would be some shift from current practice, I imagine. There would also be restructuring of employment contracts—position descriptions et cetera—and procedures for what would occur if someone fails to report either internally within the organisation or to the statutory agency or whatever. I think it is the unpacking of all of those internal management systems as well as training that would be impacted. Other speakers could speak to that better than I could.

Ms Caddie: And that all of the issues have been addressed.

Ms Walters: Mainly it is about education with the new guidelines once they are passed just so everybody knows exactly what the requirements are and who is required to do them. That is about education, and a consistent message from the government—something online—that covers all of that should be fine. Most of our members already voluntarily report anyway. I am not sure it will have a huge impact.

Mr McARDLE: I think what I am hearing is that we are not starting from ground zero here. We are a long way down this path anyway. I suspect you would all concur with me that you are all professional people with professional bodies and take very seriously the issue of child abuse and the issues around child abuse. What I am hearing is that it is a cultural change in the organisation; it is not a structural change, per se. It is a matter of people understanding their new roles as opposed to new procedures being put in place—overwhelmingly changing the culture as opposed to paperwork. That is what I am hearing from around the table. I accept the issue, Lindsay, of contracts. With respect, that is a secondary issue in regard to the terms of bill and in regard to children between zero and five years of age. Am I right when I make the comment that we are talking here about upgrading current policies and procedures, not creating new ones—they are not new—and we are talking here about a cultural change within the organisation that as leaders you are all required to lead?

Ms Walters: Yes.

Ms Caddie: I think there is a difference between the legislation being passed and there being a mandatory requirement for some workers within the sector to report against very specific definitions of what should be reported and the current situation now which is a voluntary requirement.

Mr McARDLE: Sharron, I would have thought in your organisations it may not be mandatory by law but internally you would say, 'You have to do this. You have to report these things.' It might not be legally so, but ethically you would say to your organisational members, 'You must take this step.'

Ms Caddie: Of course educators in the sector take their broader responsibilities very seriously.

Mr McARDLE: Exactly.

Ms Caddie: In an environment where legislation is being passed by the parliament that prescribes particular authority and requirements, I think it is incumbent upon the stakeholders in the sector to ensure that their policies, procedures and training for staff adequately reflect the new requirements, taking on board the submissions from PeakCare about ensuring we are not creating a situation that has the unintended consequence of issues being reported through a lack of adequate policy procedure and training that in fact disenfranchise families within these services through overreporting.

Mr Tizard: There is a difference in terms of a legislative requirement to report. I think in the sector the people who are not used to dealing with child abuse and neglect on a daily basis find it very anxiety provoking and very stressful. We have a number of workers who are located in isolated locations. In rural communities there are often only two staff there—an educator in a kindergarten and an assistant. It highlights the importance of the training and the support system around them with that difference—'It is now a legal obligation that I must report this'. Even though it might have been a policy responsibility, I think there is a shift for those educators.

Ms Carter: I absolutely agree.

Dr Perry: Most people have said that they actively support this. I do not think we want to be seen to be trying to create problems where there are not any. One of the experiences in the schooling sector is mandatory reporting and then the relationship with accreditation requirements where accreditation requires you to meet the black-letter law of what is in the legislation. All of the schooling sectors—Catholic, independent and state—are going through challenges at the moment ensuring their policies and procedures meet the black letter law. There is still not harmonisation of child protection legislation in the schooling sector. We have made a separate submission to that in the Child Protection Act submission. It does present challenges despite the best intent of everyone involved. You would all be aware of the issues that the state sector had when their reporting system—their electronic online reporting system—had a glitch that caused major difficulties. That is still being worked through in terms of procedure. I do not want to make it a bigger problem than it is, but it is a challenge when you start tying in the legislative requirement, accreditation board requirements and so on. It has presented some significant challenges in addition to the cultural changes.

Mr McARDLE: Thank you very much. I appreciate your commentary.

Mr KELLY: Two submitters—United Voice and C&K—talked about attaching reporting responsibilities to the role and not the qualification. I work in an environment where the responsibilities are attached to a qualification and the qualification drives the role. In a hospital environment I would question why an administrative officer would be in a position to observe things that might be abuse and then why they would not report that to the appropriate person which would be the registered nurse or the doctor in that environment. What is the difference in a childcare setting?

Ms Caddie: The childcare sector is in the process of major transition in relation to the qualifications requirements. There are a range of different categories of worker in an early years setting that might have a particular qualification or be in progress towards achieving that qualification. I think what would enable people operating as educators in those settings to be able to be required to report is the fact that they are responsible for the care and contact of the children that they are working with on a daily basis in their particular setting.

There may be people within a centre who hold a qualification like a teaching qualification who are removed from direct contact with the children by virtue of their qualification. I am not sure there should be a legalised obligation that they mandatorily report. It should really be about the contact that the educators are having with the child which is one of the main reasons I had understood that the Law Reform Commission had come to a view that it was really appropriate that mandatory reporting be broadened to this sector.

Mr KELLY: We will not be able to hear from all seven of you. I am sure you have an opinion on that. Could you take it on notice, because I think we need to clarify that particular issue around where the boundary should be? Lindsay, you raised the concern around one of the unintended consequences being overreporting. Again, I just hark back to something I said with the last witness

about systems we have built in hospitals and health care where, while we initially had overreporting of a particular problem, it actually led to early intervention and a reduction of the crisis response. What are your thoughts in terms of, if we are increasing vigilance, if we are increasing reporting, will that lead to early intervention and hopefully an avoidance of more serious harm to children down the track?

Mr Wegener: I think one of the major messages from the Carmody inquiry was to intervene earlier to prevent reports having to unnecessarily go to the statutory agency and the administrative overburdening of that department. I think some of the initiatives that Jane mentioned—the Family and Child Connect services and other initiatives—are about not needing to make those reports there but families accessing services as and when they need them by the right provider and usually in a much easier and accessible manner. I do not think it is quite the same. It is not an apples with apples comparison, I do not think. The difficulty with mandatory reporting, I think, is that people will interpret that obligation of reporting it to the statutory agency.

What we have seen in other states, if we look at other states where the mandatory reporting exists or does not exist, is that the reporting behaviour of people within the early childhood and education care sector is not much different. I think it is to the credit of that sector and the professionalism and those investments that people have made in education and training of their personnel et cetera that they are already probably making appropriate reports because mandatory reporting seems to have made very little difference.

In light of that, it is then about looking at what might be inadvertent consequences. If we know that there is not a lot of difference that mandatory reporting has made to the behaviours of sectors within and across states, then what are the inadvertent consequences and making sure that we guard against those? Certainly, from our perspective, the major caution that we have is the inadvertent consequences that might then play out towards Aboriginal and Torres Strait Islander families because of their historical distrust of mandatory reporters and organisations that provide services to them.

Mrs SMITH: It is good to see you all. Thanks for coming along today. I just wanted to pick up on a couple of the points that Jane and Lindsay made about Queensland with its remote and rural areas and different requirements. Lindsay, you raised concerns about Indigenous families. We have mandatory reporting in the schools anyway. We are just saying that this is an extension from the school area. I question that distrust, because the mandatory reporting is already happening in the school setting, which is just a couple of years later. You also said that in some areas there is only a small service with only a couple of educators. Again, in that school setting we have been able to implement the mandatory reporting and I can see that this mandatory reporting in early childhood would flow through into that. I accept that you all are supportive of moving down this path, but I would like you to add further comment on that. As I said, mandatory reporting is already happening in communities; it is just a couple of years later—a six-year-old going to prep as opposed to a five-year-old going to a childcare centre. There is mandatory reporting in the school setting but not in the childcare centre setting a year earlier. I am just not convinced on that argument.

Ms Carter: Can I address that? Knowing and working out in some of those very small communities, I know that children have to go to school. The big piece of work that we are working with Indigenous communities on is the developmental value of getting your children into education earlier. It is not compulsory. Children do not have to go. Culturally, in a lot of those communities it is not seen as something that they do.

I agree with Lindsay's point. Knowing well the overrepresentation in the sector, you have to step softly and very slowly with Indigenous communities to get them to accept the value of early childhood education and care before you even go down the track of mandatory reporting. It is a very sensitive issue in those sorts of Indigenous communities, because it is not compulsory. That is the difference between school and early childhood.

Mrs SMITH: When we look at attendance rates in the schools and the lack of attendance at school, is that linked with this supposed distrust?

Ms Carter: I do not want the committee for one minute to think that I am against mandatory reporting, because I think it is absolutely vital.

Mrs SMITH: No, I made that comment before.

Ms Carter: That was some of the stuff that I was talking about with the culture of staff and the work that we need to do with staff, because they are the ones who work with parents. When you leave a very small child with a perfect stranger, you have to develop trust. It is how we enable our staff to keep that trust when they are going to be reporting on an issue. Only yesterday a report came across Brisbane

my desk of a childcare service where a report was made about the behaviour of boys in the service. We had made reports in the past, but this particular episode was a community member who had made a report about something that they had seen at home and the department came into the childcare service as a safe place to interview the children with the police. The father later came in and was abusive and was really quite difficult with the staff, so much so that they went into a lockdown. It is a very challenging thing for a childcare service. It is that cultural stuff around supporting staff.

Mr Tizard: Mandatory reporting is not early intervention in any way, shape or form. That is the hard end of the system. It is where the ambulance is. What you want in early childhood universal services is the ability of staff to have a conversation at a very early point in time about the first time that they recognise that this family is encountering some difficulties in their parenting or their disciplining or their care of the children and to have that conversation about how to engage them with additional services and help them link to additional services. If they are not successful in doing that, then their alternative is to report. You get a better outcome if you are able to have a conversation with the family about, 'Look, we've tried everything. We really do need to report you. We haven't got anywhere else to turn at this point in time.'

Mr Wegener: I certainly agree with the comments that Jane has made. The difference is that early childhood is not mandatory. The concern also is that not all forms of child abuse are mandated to be reported. One of the greatest concerns that I have is for children who are chronically neglected. They are children who sometimes will die because of that. They are often from families where the children and the families become hidden. They are the children in families who are not engaged in early childhood or school or who are visiting a doctor—or anyone. This is certainly not going to do anything to assist those families. It is not a panacea. They are the most difficult families to provide an outreach to and to assist, because they become hidden from society and tragedy often occurs with those families.

Mrs SMITH: But this will not change that either way.

Mr Wegener: Let us not regard it as a panacea, because it is not. It is exactly as you are saying: it will not. Our concern is that we make sure that it also does not create a hindrance, or another barrier to those families accessing services, or being able to be accessed by those services that are providing an outreach to them in the way that Michael is talking about. That low-key conversation with the childcare worker, or whomever, can save lives sometimes. It encourages families to not become hidden but to stay engaged in communities. Staying engaged in communities is the biggest safeguard to children's lives.

Mr CRAMP: I want to look at the training issue from another perspective. You are saying that there is some concern around 1 January. Do any of you consider that it is an absolute impossibility if parliament decided that that is the case? Do you see that as an absolute barrier, or it is just possibly a large stumbling block? I am happy even for one-word answers. I am just interested to hear. There has been concern, but is that just a concern that you might not be able to get there or is there this absolute belief as an organisation that 'no, we just cannot do that'.

Ms Slattery: I think for some of the people along here it probably is not such a concern because they have larger systems where you can set in place training packages and bring in teachers. I think the diversity and complexity of this sector needs to be recognised. There is profit and not-for-profit, we have family day care, long-day-care, outside-school-hours care, kindergartens and some are sole providers. I think the diversity needs to be understood. I would say that our Catholic kindergarten teachers already do the same training that the schoolteachers do. For us I could say that it may not be a huge issue, but I think for the sector as a whole it will be.

Mr Tizard: We are a large organisation. We have systems in place. We are used to having things come about where we have to do them quickly, and we could. It is a large workforce. It is around 1,800 staff. This sector also has had an enormous amount of change constantly. More change over the top of change and uncertainty is another issue for the sector.

Ms Carter: I would agree with Michael. I am in the same position as he is.

Mr CRAMP: I appreciate that.

Dr Perry: Could I just add that it depends on whether you want it done well or not. Can it be done? Yes. People will meet their mandated requirements. Will it be done well? I think there would be doubt around that.

Mr Wegener: I think some of the training and system development requirements also will go to those organisations that are receiving the reports. It is also the department of communities, Child Safety, Disability Services, Family and Child Connect services.

Mr CRAMP: There is some responsibility on the departments.

Mr Wegener: They will need also to gear up.

Mr CRAMP: Yes.

CHAIR: Thank you very much. The time allocated for the hearing has expired. On behalf of the committee, I thank you all for coming today for assisting us with our inquiry with your expertise. Kim, I hope that you would have jumped in if there was anything that you wanted to add. We are moving now into a videoconference, so we are restricted by time. On behalf of the committee, can I ask that you take back our thanks to all of your members and service providers for the great work that they do and the vital work that they do. We appreciate what you are doing in the sector. Thank you so much. I declare this hearing closed.

Committee adjourned at 12.40 pm