

From: [REDACTED]
To: [Health and Ambulance Services Committee](#)
Subject: RE: Submission - Mandatory Reporting
Date: Friday, 8 April 2016 2:45:51 AM

To Deborah Jeffrey,

Thank you for the clarification.

Yes, we would like our paper to be submitted as a submission.
We fully support the Child Protection (Mandatory Reporting - Mason's Law)
Amendment Bill 2016, introduced by the Member of Aspley.

Sincerely,

John and Susan Sandeman

[REDACTED]

From: [REDACTED]
To: [Health and Ambulance Services Committee](#)
Subject: Submission - Mandatory Reporting
Date: Monday, 4 April 2016 7:32:04 PM
[REDACTED] [REDACTED]

To the Health, Communities, Disability Services and Domestic and Family
Violence Prevention Committee

hcdsdfvpc@parliament.qld.gov.au

Submission

Child Protection (Mandatory Reporting – Mason’s Law) Amendment Bill 2016

We, John and Susan Sandeman, are the grandparents of Mason
Parker.

We would like to inform the committee that a detailed submission
paper of ours was sent to the Queensland Law Reform Commission.

Please refer to this submission which is attached to this email.

We are somewhat puzzled by the mixed messages we are receiving.

Firstly, a quote from the Bulletin: **“Child Safety Minister Shannon
Fentiman said the State Government supported the Law Reform
Commission recommendations and was working to implement them.”**

March 18, 2016 8:42am
RACHEL RILEY Townsville Bulletin

<http://www.townsvillebulletin.com.au/news/child-safety-overhaul-one-step-closer/news-story/2328d6e6a008cc281e61e7a42f6307bf>

And secondly, the committee requesting submissions to further
analyse the Law Reform Commissions recommendations.

We trust the right decision will be made to protect our most

vulnerable. For further information please do not hesitate to contact us.

Sincerely,

John and Susan Sandeman

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Queensland
Law Reform Commission

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

Discussion Paper

WP No 73
July 2015

SUBMISSIONS

This document contains the questions posed by the Commission in its Discussion Paper and on which it invites submissions. Respondents are invited to use this document as a template for submissions on any or all of the issues raised in the Discussion Paper.

Submissions should be sent to:

Email: **lawreform.commission@justice.qld.gov.au**

Facsimile: (07) 3247 9045

The Secretary
Queensland Law Reform Commission
PO Box 13312
George Street Post Shop Qld 4003

An appointment to make an oral submission may be made by telephoning:
(07) 3247 4544

Closing date: 30 September 2015

PRIVACY AND CONFIDENTIALITY

Any personal information you provide in a submission will be collected by the Queensland Law Reform Commission for the purposes of its review of child protection mandatory reporting laws for the early childhood education and care sector.

Unless clearly indicated otherwise, the Commission may refer to or quote from your submission and refer to your name in future publications for this review. Further, future publications for this review will be published on the Commission's website.

Please indicate clearly if you do not want your submission, or any part of it, or your name to be referred to in a future publication for the review. Please note however that all submissions may be subject to disclosure under the *Right to Information Act 2009* (Qld), and access applications for submissions, including those for which confidentiality has been requested, will be determined in accordance with that Act.

Chapter 8

Questions for Discussion

8-1 What considerations should be taken into account in determining whether the mandatory reporting requirements under the *Child Protection Act 1999* (Qld) should be extended to apply to the ECEC sector?

We must take into account how our society as a whole has changed and is continually changing. Children are now likely to be cared for by non-family members outside the family home before they reach school age. Our lifestyle, family unit and economy today does not replicate the way Australian families used to utilise the extended family to help with the rearing of young children.

Meanwhile it has become obvious that more appropriate facilities were required to accommodate children in need of care whilst parents and guardians required to work in order to support the family. And so more and more ECEC sectors were and still are being established to cater for the growing demand.

Today children and babies are now exposed to the wider world through enrolment in ECEC sectors. This allows outsiders to become aware of problems that may exist in families through the child that otherwise would go undetected. This is a good thing since more ECEC sectors are being established and in turn may expose what once was hidden within families and therefore detecting abuse or neglect was very difficult or never exposed for many years.

Abusive adults knew then and now by having the child at home gives them every opportunity to do as they please with them without being caught out. At the same time the child had no opportunity to reach out for help or be identified as a possible case of neglect or abuse because they were kept at home hidden away from public view.

All Australian children are protected under the United Nations Convention of The Rights of the Child. Denying their right to be protected from harm and/or abuse goes against Australia's commitment in protecting our children no matter where it may stem from; the home or at the care or educational service they are attending.

A zero tolerance attitude to prevent and stop this criminal act of violence against children needs to be implemented. The ECEC sector of the Queensland community take on a hands on approach in dealing with children. They are the most important link in the network between the individual child, the child's family and what is happening in the child's life. ECEC sector are in the best position to make informed, timely intervention if they suspect a child is in danger or has been harmed. They have access to the child to see if there are signs of bruising, cuts or cigarette burns for example on the child's body. Physical evidence does not lie. To ignore the child's injuries is a crime and morally unethical. As was in our case.

Generally, ECEC sectors take on a holistic approach towards child education. This includes their social, emotional, physical and cognitive development, social and communication skills. This is where mandatory reporting becomes so important. These children do not have the advanced skills to verbally disclose the danger they

are in or skills to demonstrate what may be happening to them. The child may present physical signs of abuse or behaviour that suggests to an adult something may not be quite right. It is the adult that takes on the responsibility and role to advocate for the child. The adult understands and can react accordingly to protect the child from further harm. The child is dependent on responsible adults to keep them safe. If this cannot be done by family members the best people to take on a role of responsibility are those the child has contact with; The ECEC sector.

Our own personal tragedy will demonstrate a real life situation how several adults failed to keep a child from ultimate death because mandatory reporting was not in place in QLD ECEC sector

The staff at [REDACTED] in which our 17 month old grandson, Mason John Parker, attended were the only people who had contact with Mason after his mother broke up with his father and distanced herself from all family ties.

Shortly after the break-up, Mason's mother formed a new relationship with a man she met through online dating. Mason and Mason's mother both moved in with this new person she only knew for a short time. Gradually, we and other family members saw less and less of Mason. We had no idea he was being looked after by this 'unknown' person whilst Mason's mother worked her night shifts. We had no idea how many hours Mason's mother worked let alone working at night.

To our horror and shock during the trial, we discovered our own daughter demonstrated irresponsible decisions relating to the welfare of our grandson. If we had known we would have intervened somehow and would be in a different situation now.

Furthermore, no other family members had contact with Mason for several months before his death. Meanwhile, the new partner was abusing, torturing and harming Mason and had many opportunities in doing so. At the same time Mason was attending two separate Day Care Centres in which documentation of injuries were kept. Unfortunately, not one responsible, educated and some well experienced in the industry did not have the common sense to report the suspected abuse. Why? Only they can answer our question but no explanation or excuse would be acceptable in this case.

This is our tragic story which resulted in a child who was tortured for months and finally brutally murdered. There were physical signs of abuse, discussions between staff at [REDACTED] occurred about the situation but the child's welfare and safety was not paramount in the decision made not to report. As a result Mason sustained a 17cm fractured skull, had more than 60 bruises on his body, mainly on his abdomen and a perforated bowel causing peritonitis.

Specific adults and the current mandatory reporting laws failed this child, our grandchild. His mother failed him, both Child Care Centres Mason attended failed him and the Queensland government failed him.

Crime prevention in child abuse draws on individuals and groups of people who are involved with and care for children in one form or another. Child abuse is widespread and is a much hidden criminal act. It is one of the most difficult crimes to detect

because disclosure by young children is difficult especially those that are preverbal and the chances of a perpetrator disclosing themselves is unlikely.

These issues alone places Queensland ECEC sector in a unique position being perhaps the largest group of people and profession that care for our youngest, most vulnerable citizens outside the child's immediate family. The ECEC sector are therefore in a privileged position of having a close relationship with a young child and who are trained to observe, interact with and engage in both verbal and non-verbal communication. Early, timely intervention will make a difference to a child's life if all QLD ECEC sector are mandated to report suspected child abuse.

- 8-2** If the mandatory reporting requirements under the *Child Protection Act 1999* (Qld) are extended to apply to the ECEC sector, what is the likely impact:
- (a) on the ECEC sector; and
 - (b) on the ability of Child Safety to detect and respond appropriately to children in need of protection?

a) All QLD ECEC sector will be accountable and obligated by law to report suspected abuse. If they neglect to do so they will be answerable in the court of law. Penalties will apply. Protection will apply to those who report suspected abuse and also if an honest error of judgement is made.

There will be an increase in detection and responses towards children in need. Currently, there is no need to report so a blind eye approach can be taken rather than a zero tolerance approach be imposed. The law will make the decision for a report to be made rather than placing the QLD ECEC sector and individuals in a position to make a difficult choice. Mandatory reporting will solve a problematic situation in decision making in many cases. Ultimately the decisions made by ECEC sector has direct consequences on the child's life. It is better to be wrong in reporting suspected abuse than live with the consequences of a dead child which could have been prevented.

Abuse that is stemming from outside ECEC operating hours still has an impact on a child who then attends their child care centre. Staff then have to deal with the emotional, psychological, behavioural and in severe cases physical injuries whilst in their care. The child's development is affected immediately and in turn their progress in ECEC programmes will in turn need to be adapted. So do we adapt or modify to accommodate the effects of the abuse or neglect, or do we support the child and report a suspected abuse? The answer is obvious to us.

Staff will need to be upskilled to better understand child abuse. This will include, signs of neglect and abuse, knowledge of individual's family structure, process and procedures including a zero tolerance attitude when significant and obvious injuries to a child is visible on their body.

Ongoing professional development will be required as new information and instructions come to hand. This commitment is inevitable as there are more and more children attending ECEC services compared to 10 years ago. And the fact is, more and more cases are being exposed and identified, even though years later after the abuse.

Current interest and advocacy to reduce domestic violence is spoken openly and is confronting. We are currently dealing with a national crises in domestic violence now being played out in public. Reality is, people are being murdered and if the ECEC Sector takes on a role that would have significant impact on the lives of children would ultimately benefit the community, the future of Queensland and Australia as a whole.

ECEC sectors being mandated to report suspected abuse ensures early intervention which benefits the child, supports social morality, is a means of crime prevention or continuation, and may reduce the overflow of our current public health system overall in the present and in the future.

Introducing mandatory reporting in the ECEC sector gives the voiceless a voice to protect them from irresponsible adults and closes the gap in our current legal system allowing adults to continue to abuse and neglect the most vulnerable.

Professional development needs to be implemented at every centre and Mandatory Reporting Laws to be included in the course of Early Education Curriculum at Universities and other institutions providing training.

Australia is a country that promotes itself as a safe place to bring up a family. Human rights are imposed and that our children are our future and we need to protect them and provide them with every opportunity to reach their potential in life. This will also need to be highlighted.

Early intervention will reduce long term health issues including mental health in young children. Mandatory reporting is a means of being proactive in reducing crime and preventing death in some cases. Our health system overall will benefit in early intervention or mandatory reporting by catching the problem in a timely manner reducing the possible need to accommodate and support lifelong effects of child abuse.

Being abused as a child is a life long struggle. It changes your perspective on life on who to trust. It causes an assortment of health issues including mental anguish and anxiety. One becomes withdrawn from society, low self-esteem and you question your own self-worth. The list of problems individuals face during and long after being abused is immeasurable. This, I know personally.

b) Child Safety can only detect and respond to children in need of protection when they are informed about a child from members of the community and those mandated to report suspected abuse.

Child Safety and ECEC sector need to work together. This is where communication and information about cases are shared, Child Safety can then detect and respond appropriately with the information provided by the QLD ECEC sector. It needs to be a partnership if not already.

Currently, Child Safety can only act on a reported suspicion of abuse. This is why we require ECEC sector to become mandated reporters, to assist in detection and notify Child Safety in a timely manner if not immediately. Child Safety do not go out looking for cases. They only respond to those that are reported and this is why it is so important we have all Queensland ECEC sector recognised as essential notifiers mandated by our legislation.

ECEC sector would assist early intervention that otherwise would go unreported until the abused child reaches school age or beyond when it is mandatory for teachers to report suspected abuse or the child is able to disclose what is happening to them.

We know through statistics and current reports that child abuse, sexual abuse and neglect is and has occurred at an alarming rate in many settings in which children have been placed to be looked after, educated and kept away from harm. Yet they have been put in a situation in which they were mistreated by those who were supposed to look after them.

8-3 Should mandatory reporting apply to the ECEC sector?

Absolutely. Common sense needs to prevail in this case. The question should be asked, why they should not apply to the ECEC sector when the most vulnerable depend on responsible, educated and informed adults to take care of them. There is no other option but just to leave things the way they are and let other families go through what we have.

The fact remains;

- Children aged between 0 and 5 years are limited if not, are preverbal on their ability to disclose what is actually happening to them is a crime. Mandatory Reporting will assist in alleviating this problem.
- Secondly, Australia has committed herself to protecting and ensuring children's rights are adhered to and to be held accountable for this commitment before the international community.
- A core principle of the convention and in Mission statements from ECEC sector in one form or another emphasises their devotion to best interests of the child.
- The Queensland Government must not discriminate against children who attend ECEC sector by not providing adequate protection through the introduction of Mandatory Reporting, when primary and secondary students are already given that right.
- Domestic violence is at a crises point at present with recent murders being committed in public. It is known that children and babies who do attend ECEC sector are sometimes caught up in domestic violence. It needs to be nipped in

the bud with the help of introducing ECEC sector to be mandated reporters of suspected child abuse.

- 8-4** If yes to Question 8-3, why should mandatory reporting apply to the ECEC sector? If yes to Question 8-3, which particular types of services should mandatory reporting apply to? For example, should it apply to:
- (a) an approved education and care service under the Education and Care Services National Law, such as:
 - (i) long day care services;
 - (ii) family day care services;
 - (iii) kindergarten services;
 - (iv) outside school hours care services;
 - (b) a Queensland education and care service under the *Education and Care Services Act 2013* (Qld);
 - (c) a stand-alone service under the *Education and Care Services Act 2013* (Qld);
 - (d) any other services (please specify)?

All QLD ECEC sector and all of the above services take responsibility of all the children in their care. This includes keeping them safe, guiding them in educational activities, making sure they eat and drink, change their nappies or help them in the toilet, ensure they have a rest when needed, take care of behavioural issues, observe and record children's development, issues and concerns that arise.

This involves all aspects of growth and development, including physical, emotional, cognitive, motor skills and the list goes on. It also includes the welfare of a child, regardless where the problem stems from. If a child loses a leg for example, surely the centre in which the child attends will accommodate the physical challenges the child faces. Just because we cannot see a child being abused, tortured or neglected, the signs are there and in some cases very obvious. So do we ignore this because it happened outside the centre's operating hours or should we accommodate the child's need to be safe and cared for appropriately. Bearing this in mind, all of the fundamentals in raising, caring and educating a child includes keeping them safe and free from harm and neglect. Even when the child's parents or guardians are inflicting the abuse. Someone responsible needs to intervene. The child depends on responsible and caring adults. This is what humanity is about, to stop violence and start to care for one another.

8-5 If yes to Question 8-3, which particular professionals, office holders and workers within the early childhood education and care sector should be required to report? For example, should it apply to:

- (a) approved providers;
- (b) supervisors;
- (c) educators;
- (d) other staff members;
- (e) volunteers?

All of the above. Each and every one of these people employed or who visit an ECEC venue will have contact with and /or may have access to student files, may observe physical signs of abuse or behaviour not normal to a child's development and physical appearance due to trauma or injury.

By ignoring the signs of suspected abuse allows the crime committed on the child to continue. By not reporting, provides opportunity for evil and scum in our world to carry on what is socially unacceptable, immoral and not the type of Australia and its way of life we would like to bring our children into.

Everyone has a role and responsibility in our society to report a crime or suspected criminal act such as abuse and neglect. Albert Einstein quote sums it up nicely, 'The world is an evil place, not because of those that do evil, but by those that look on and do nothing.'

8-6 If no to Question 8-3, why should mandatory reporting not apply to the ECEC sector?

Please give reasons.

This is not applicable.

In conclusion, we would like to thank all involved in the development of this discussion paper and for taking into account our personal tragedy, opinions and views in this matter.

Sincerely,

John and Susan Sandeman

