

26 April 2016

Your ref Child Protection (Mandatory Reporting – Mason's Law) Amendment Bill 2016

Our ref Children's - 44

Research Director
Health, Communities, Disability Services and
Domestic and Family Violence Prevention Committee
Parliament House
George Street
Brisbane Qld 4000

By post and by email hcdfsdfvpc@parliament.qld.gov.au

Dear Research Director,

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

Thank you for the opportunity to provide feedback on the *Child Protection (Mandatory Reporting – Mason's Law) Amendment Bill 2016*.

This letter has been written with the assistance of the Queensland Law Society's Children's Law Committee.

The Society is a strong advocate of evidenced-based policy and notes that the Bill has been introduced following the referral and Report from the Queensland Law Reform Commission (QLRC). To that end, the Society is supportive of the general principles underpinning the Bill, which proposes amendments to the *Child Protection Act 1999* so that the mandatory reporting requirements apply to certain persons identified in the ECEC (Early Childhood Education and Care) sector. We also note the Queensland Law Reform Commission's Report of December 2015 recommended that the Act be amended to expand mandatory reporting to the ECEC sector.

We now provide our feedback on the Bill.

1. Clause 4 – Amendment of s13E (Mandatory reporting by persons engaged in particular work)

The Society supports the proposed amendments in clause 4 as persons in the ECEC sector are at the frontline of care of children. With the increase of families utilising the ECEC sector this presents a stronger argument that persons in the ECEC sector should not be excluded from mandatory reporting if they have a reportable suspicion

about a child of if they consider a child is likely to become a child in need of protection. We note the QLRC’s recommendations and agree that “any potential adverse consequences of expanding mandatory reporting to the ECEC sector can be addressed through appropriate training and education.”¹

We also note the recent Melbourne case of Sanaya Sahib. It was reported that paramedics treated the 15 month old little girl one week before her death and the paramedics were reportedly concerned that the little girl’s seizures may have been caused as a result of smothering.² Little Sanaya Sahib’s death will now be investigated by the Victorian government.³ We highlight this case for consideration as to whether paramedics in Queensland should also be included in the class of persons of which mandatory reporting is required. The Society considers that there be research and further investigation on this issue.

Recommendation

The Society recommends that there be an inbuilt mechanism in the Act for there to be a 2 year review of the classes of persons who are required to undertake mandatory reporting, with the view to possibly expanding the classes of persons to paramedics, following the relevant research and consultation.

The Society is of the view that amendments to the Bill should be complemented with an extensive education drive to those in the ECEC sector and the general public about identifying a child who is likely to be in need of protection as well as providing mental health facilities and support to all families and carers. We also consider that sufficient resources should be dedicated to Child Safety so that they may adequately investigate and arrange for appropriate child protection measures in a timely way.

Thank you again for the opportunity to provide feedback.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Policy Solicitor, Ms Louise Pennisi on [REDACTED]

Yours faithfully



Bill Potts
President

¹ Paragraph [7], QLRC Report no 73 “Review of Child Protection Mandatory Reporting Laws for the ECEC sector.”

² “Paramedics treated murdered toddler Sanaya Sahib a week before death” (11 April 2016) <http://www.heraldsun.com.au/news/law-order/paramedics-treated-murdered-toddler-sanaya-sahib-a-week-before-death/news-story/dc80cb991351f812e52aa876bbd6e63e>

³ “Victorian government to launch full investigation into Sanaya Sahib’s death” (15 April 2016) <http://www.heraldsun.com.au/news/law-order/victorian-government-to-launch-full-investigation-into-sanaya-sahibs-death/news-story/bbed0c9395969ab18379a5d2717d0ab1>