

The Australian College of Children and Young People's Nurses
Coordinated submission to the
Queensland Parliament Health and Community Services Committee
On the
Child Protection Reform Amendment Bill 2014

15 April 2014

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The Australian College of Children and Young People's Nurses (ACCYPN) provides this submission on behalf of its members and colleagues to the Queensland Health and Community Services Parliamentary Committee.

The ACCYPN wishes to provide comment on the Child Protection Reform Amendment Bill 2014 and in particular, amendment of the Child Protection Act 1999 s 6 Division 2 13F (2) that states "a **reportable suspicion** about a child in care is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse."

ACCYPN members and colleagues are of the view that mandatory reporting requirements should include reporting of neglect and emotional abuse. The following is a collated summary of the feedback provided by ACCYPN members and colleagues.

The impact of neglect and emotional abuse:

Children still die from neglect. The Commission for Children and Young People and Child Guardian 2013 reportⁱ reported 16 fatalities and 2 of the 16 (13%) were related to neglect. The exclusion of both child neglect and emotional abuse in the proposed changes (Section 13E(2)(b)- in Clause 6 of the Child Protection Reform Amendment Bill 2014) is of concern to members.

The impact of child abuse is often referred to as complex trauma i.e. the experience of multiple and/or chronic and prolonged, developmentally adverse traumatic events which has its most pervasive impact during the first decade of life and that emotional abuse and neglect does as much, if not more, damage than physical abuse.

In 2002 and 2003 two Queensland Ombudsman reports highlighted system failure to keep children safe^{ii,iii} despite all services being aware of children at risk. Any diminution of the reporting on child abuse and neglect legislation has the potential to have cases like this reoccur.

Parental responsibility:

Parents have the primary responsibility for caring for their children and protecting them from harm. Child Safety's role is to intervene only as a last resort. A child is in need of protection when they have suffered, are suffering or at an unacceptable risk of suffering harm and do not have a parent who is able and willing to protect them from the harm. In order to reinforce Child Safety's role as a last resort, the Bill amends section 10 of the CPA to state that 'a child in need of protection is a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm' (recommendation 4.1). The Bill does not alter other factors about a parent's willingness or ability to protect a child from harm. These factors must still be considered when determining if a 'child is a child in need of protection'.

Inconsistencies in the Bill:

On reviewing the Child Protection Reform Amendment Bill 2014, I need to point out inconsistencies. On Pg 12, paragraph 13C 2 (a), it states

"The matters that the person may consider include—

- (a) whether there are detrimental effects on the child's body or the child's psychological or emotional state"

However, when describing how a person comes to the decision to report Pg 16, paragraph 13H 1a states' for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;'

This is not consistent. It is known that psychological injury caused in the first 12 months increases a child's risk of being diagnosed as having a mental illness by the age of 7 years. This illness is also likely to be ongoing for the rest of their lives.

Sharing of confidential information

There is a concern related to the sharing of confidential health information (Clause 22 of the Child protection Reform amendment bill 2014- with amendments being made to both section 159C related to relevant information and the amendment to paragraph (b) about the offer to help..... to stop the child becoming in need of child protection, and Clause 6 section 13B – which relates to giving information from a prescribed entity to a service provider.

The concern is that these amendments have a significant impact on health privacy of individuals and families. The current act (Child Protection Act 1999) is clear that only relevant health information can be shared with statutory authorities and Non Government Organisations when there is enough concern about the child's welfare to submit a report to the current authority. This current act really does provide a safety net for families and their right to privacy and the need to protect children. Where privacy and confidentiality of information is not clear, there is a concern that families will either not access health services and/or not will not provide relevant information which has the potential to cause further risk to the child.

Further clarification is required:

If this legislation is passed what other mechanisms will be in place for children prior to Child Safety intervention? The explanatory notes and rationale for the reforms discusses the burden placed on Child Safety from receiving too many notifications of children at some risk but not at the risk deemed important enough by Child Safety. There is intent to reduce this burden. ACCYPN asks by whom and how will this burden then be addressed? Who will carry this out and will they be funded?

Neglect and emotional abuse are severely damaging to children and carry life time consequences. There needs to be mechanisms specified to replace Child Safety response to these important issues. The Protection Children Report 2004 proposed a two tier layer of child protection which was never implemented^{iv}. What guarantee can the Government provide that the proposed system will provide the necessary child protection that our children deserve?

Recommendation

ACCYPN does not support the removal of emotional abuse and neglect from the legislation.

ⁱ The Commission for Children and Young People and Child Guardian

2013 http://www.ccypcg.qld.gov.au/resources/publications/fatal-assault-and-neglect-of-Qld-children/Fatal_assault_and_neglect_of_Qld_children_report.pdf

ⁱⁱ Queensland Ombudsman, 2003, http://www.ombudsman.qld.gov.au/Portals/0/docs/Publications/Inv_reports/OMB-3281%20Baby%20Kate%20Report.pdf

ⁱⁱⁱ http://www.ombudsman.qld.gov.au/Portals/0/docs/Publications/Inv_reports/brooke_brennan_report.pdf

^{iv} <http://www.cmc.qld.gov.au/research-and-publications/publications/legislation-review/protecting-children-report-summary.pdf/download>