



Speech By  
**Tracy Davis**


**MEMBER FOR ASPLEY**

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Record of Proceedings, 17 March 2016

**CHILD PROTECTION (MANDATORY REPORTING-MASON'S LAW)  
AMENDMENT BILL**

**Introduction**

 **Ms DAVIS** (Aspley—LNP) (11.36 am): I present a bill for an act to amend the Child Protection Act 1999 for particular purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Violence Prevention Committee to consider the bill.

*Tabled paper:* Child Protection (Mandatory Reporting—Mason's Law) Amendment Bill 2016 [\[387\]](#).

*Tabled paper:* Child Protection (Mandatory Reporting—Mason's Law) Amendment Bill 2016, explanatory notes [\[388\]](#).

I am pleased to introduce the Child Protection (Mandatory Reporting—Mason's Law) Amendment Bill 2016—a bill that expands the mandatory reporting provisions to certain individuals employed in the early childhood education and care sector, which I will refer to as the ECEC sector. Mandatory reporting laws are an important component of the Queensland child protection system that assist in the detection of serious cases of abuse of children that might otherwise go unnoticed or remain hidden.

Each Australian jurisdiction has established mandatory reporting laws; however, Queensland and Western Australia are the only two that do not extend mandatory reporting to the ECEC sector. Currently, the Child Protection Act 1999 in Queensland identifies mandatory reporters to be: a doctor or a registered nurse; a teacher; a police officer who works in child protection; and a person engaged to perform a child advocate function under the Public Guardian Act 2014.

We know that previous reviews into the child protection system in Queensland have looked at the mandatory reporting provisions, but have not recommended they be expanded to include the ECEC sector. The most recent inquiry, initiated by the LNP when in government, into the child protection system recommended that mandatory reporting requirements be consolidated into one provision and that a consistent approach to reporting child protection concerns be established. These new laws commenced after a period of training and education on 1 January 2015.

In mid-2014 I met an amazing North Queensland couple named John and Sue Sandeman. I flew to Townsville to discuss with them the issue of mandatory reporting laws. I know that John and Sue are watching this live today. John and Sue are the maternal grandparents of Mason Parker who, at just 16 months of age, was murdered by his mother's then partner in 2011. Mason attended a local childcare centre. Eight days before his death, the childcare staff had observed and taken photographs of extensive bruising on his little body.

John and Sue firmly believe that had immediate action been taken by the childcare staff to notify authorities then this may have made a difference in this case. John and Sue have led two petitions that have been lodged with the Queensland parliament requesting that Queensland childcare services and centres become mandatory reporters. The first petition had 711 signatures and was tabled in the House

on 11 February 2014. A second petition with 160 signatures was tabled on 30 October 2014. The member for Hinchinbrook sponsored these petitions and has strongly advocated on behalf of John and Sue, and I know that his advocacy has been greatly appreciated.

It was the LNP in government who made the decision that an independent review was needed on whether the ECEC sector should become mandatory reporters following John and Sue's representations. On 6 November 2014, the former attorney-general asked the Queensland Law Reform Commission to undertake this review and provide a report back to government by 31 December 2015. I wish to thank the commission for the manner in which the review was conducted and the thorough examination it gave to this very important issue.

The overwhelming majority of respondents and submissions received by the commission supported extending the mandatory reporting obligation under the Child Protection Act to apply to the ECEC sector. The commission recognised the protective role of the ECEC sector in relation to children aged zero to five years who are particularly vulnerable. They noted that staff employed in ECEC services are in regular and direct contact with children and their families and are well placed to observe and report concerns that children are at risk of significant harm, thereby enabling timely intervention and the protection of children from harm.

They also noted that ECEC services are already subject to child protection obligations. They have internal policies and procedures in place and can, and do, voluntarily report concerns to Child Safety. The commission considered that the expansion of the mandatory reporting obligation to the ECEC sector aligned with these existing obligations. It also aligned with the increasing regulation of ECEC services and the professionalisation of the workforce that has taken place in recent years.

The Queensland Law Reform Commission report titled *Review of child protection mandatory reporting laws for the early childhood education and care sector* was presented to government in December last year. Only a few weeks ago the Attorney-General tabled this report, but it was only following pressure by the LNP to do so—to do the right and just thing by the Sandemans and those in the ECEC sector to whom the report is about—that she did.

Since then we have not heard any mutterings of a response from this government to the key recommendations that were made; namely that the mandatory reporting provisions in Queensland be expanded to apply to the ECEC sector. There is no logical reason for this—no logical reason why this government would delay a response to something as important as protecting children from harm. The collective wisdom of the ECEC sector in the main believe these laws should apply, and the longer it takes for this government to respond the longer it will be before the mandatory reporting process can begin.

We are putting the wheels in motion because again we see this government is frozen at the wheel—but this time on something as important as protecting little children. It seems to be the case that it will be the LNP who consistently sets the agenda for protecting children in this state.

The bill I introduce today directly responds to the commission's recommendations in the absence of this government stepping up to the plate. The bill amends the Child Protection Act 1999 to include three additional categories of mandated reporters under chapter 2, part 1AA, division 2, section 13E. I note that the exact phraseology used in the commission's report is not reflected in this bill, as the wording needs to reflect Queensland's current drafting practices and account for the various defined terms used in the act and the Education and Care Services National Law (Queensland) Act 2011.

The commission's report identifies in the list of recommendations that mandatory reporting is only to apply to individuals where it sets out 'which individuals should the mandatory reporting obligation apply to'. The amendment is therefore reflected as an individual who is a Queensland approved provider under the Education and Care Services Act or an approved provider under the education and care services national law; a supervisor for, or a staff member who holds an approved qualification of, a Queensland education and care service under the Education and Care Services Act 2013; or the nominated supervisor, or a staff member who holds an approved qualification, of an education and care service under the Education and Care Services National Law (Queensland) Act.

The addition of section 13E(1), paragraph (f) will limit the application to 'an individual who is' an approved provider. The word 'person' is defined in the Acts Interpretation Act 1954, as including corporations. It is therefore appropriate to only apply the mandatory reporting obligation to approved providers who are individuals and not corporations. The insertion of section 13E(1), paragraphs (g) and (h) are intended to cover all persons employed—that is, family day care coordinators, family day care educators et cetera—provided those persons hold the relevant approved qualification.

The commission was clear that neither volunteers nor staff members who do not meet the minimum professional qualification requirements above would be subject to the mandatory reporting obligation. The commission found that extending the mandatory reporting obligation to the ECEC sector could be adequately addressed through appropriate training and education about the scope and content of the reporting obligation and the provision of adequate support and resourcing to the ECEC sector to fulfil the obligation.

Implementing this bill will provide for sufficient time for the department of education to prepare for a comprehensive training and education program about the scope of the reporting obligation prior to proclamation on the operation of the legislation on 1 January 2017. We also believe that the cost of implementing mandatory reporting to the ECEC sector can be met from contingency allocations to the Queensland child protection reform. The LNP made sure that there was financial allocation for this reform through contingency for any unforeseen or unexpected circumstances that arise—and this is a perfect example of the responsible planning that we took to ensure that issues like this were covered.

In closing I would like to thank all those who put in submissions to the QLRC and those who attended meetings to ensure that Queensland gets this important reporting function correct. There were 29 organisations and individuals who responded to the QLRC review discussion paper. These submissions came from many and varied fields including the legal fraternity; education unions and other unions; early learning centres; kindergartens, including the Aspley East Kindergarten and Preschool Association in my very own electorate; teachers' associations; state peak bodies; government departments and commissions; academics; and, of course, John and Sue Sandeman.

The extension of mandatory reporting to the ECEC sector in Queensland through this bill is a step towards national consistency and a huge leap forward towards protecting our most precious resource—our children. We all have a responsibility to protect children from harm. May the 16 months that little Mason Parker lived his life serve to remind us all in this House that whatever we get fired up about in politics, whatever it is that riles us, nothing is more important than the safety and wellbeing of our children.

### **First Reading**

**Ms DAVIS** (Aspley—LNP) (11.48 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee**

**Mr DEPUTY SPEAKER** (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

### **Portfolio Committee, Reporting Date**



**Ms DAVIS** (Aspley—LNP) (11.48 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee report to the House on the Child Protection (Mandatory Reporting—Mason's Law) Amendment Bill by 8 June 2016.

Question put—That the motion be agreed to.

Motion agreed to.