

Queensland Government response to the Queensland Law Reform Commission report *Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector*



In Queensland, a range of professionals who work and interact with children are mandated by law to report child safety concerns to the Department of Communities, Child Safety and Disability Services. Early childhood education and care (ECEC) professionals are not mandatory reporters under current legislation.

Queensland's mandatory reporting laws were extensively considered by the 2013 Queensland Child Protection Commission of Inquiry. Changes were made to improve mandatory reporting obligations as part of the *Child Protection Reform Amendment Act 2014*. The Act implemented recommendation 4.2 of the Commission of Inquiry's final report by amending the *Child Protection Act 1999* to consolidate and clarify existing mandatory reporting requirements for all professionals and allow families to be directly referred to support services.

Since then, the Queensland Law Reform Commission has considered whether child protection mandatory reporting laws should apply to the ECEC sector. In its review undertaken in 2015, the Queensland Law Reform Commission received 29 submissions from a wide range of stakeholders. The overwhelming majority of submissions supported the position that ECEC professionals should be mandated by legislation to report child safety concerns.

The Attorney-General and Minister for Justice and Minister for Training and Skills tabled the Queensland Law Reform Commission report in Parliament on 25 February 2016 in which it is recommended that mandatory reporting provisions under the *Child Protection Act 1999* be expanded to individuals in the ECEC sector.

Queensland Government response

The table below provides the Queensland Government's response to specific recommendations made by the Queensland Law Reform Commission in its report *Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector*.

No.	Queensland Law Reform Commission Recommendation	Queensland Government Response
8-1	Subject to recommendations 9-1 and 9-2, the mandatory reporting provisions in Chapter 2, Part 1AA, Division 2 of the <i>Child Protection Act 1999</i> (Qld) should be expanded to apply to the ECEC sector.	<p>ACCEPTED</p> <p>The Queensland Government supports expanding mandatory reporting provisions under the <i>Child Protection Act 1999</i> to apply to the ECEC sector.</p>
9-1	The mandatory reporting obligation under section 13E of the <i>Child Protection Act 1999</i> (Qld) should apply to approved education and care services under the <i>Education and Care Services National Law (Queensland)</i> , and approved Queensland education and care services under the <i>Education and Care Services Act 2013</i> (Qld).	<p>ACCEPTED</p> <p>The Queensland Government supports amending section 13E of the <i>Child Protection Act 1999</i> to include all approved Queensland education and care services under the <i>Education and Care Services Act 2013</i> (Qld) and <i>Education and Care Services National Law (Queensland) Act 2011</i> as mandatory reporters.</p>
9-2	<p>The mandatory reporting obligation under section 13E of the <i>Child Protection Act 1999</i> (Qld) should be extended to apply to the following individuals:</p> <p>(a) an approved provider, nominated supervisor or family day care co-ordinator of an approved ECEC service as defined under the <i>Education and Care Services National Law (Queensland)</i> or the <i>Education and Care Services Act 2013</i> (Qld); and</p> <p>(b) a person employed by an approved ECEC service who has:</p> <p>(i) an 'approved early childhood teaching qualification';</p> <p>(ii) an 'approved diploma level education and care qualification'; or</p> <p>(iii) an 'approved certificate III level education and care qualification;</p> <p>as defined under the <i>Education and Care Services National Law (Queensland)</i> or the <i>Education and Care Services Act 2013</i> (Qld).</p>	<p>ACCEPTED IN PRINCIPLE</p> <p>The Queensland Government accepts the intent of this recommendation, noting that given the diversity of service types in the ECEC sector, it is critical that individual professionals are appropriately captured under new legislative provisions.</p> <p>The Queensland Government will continue to work with the ECEC sector to enable amendments to be made to the <i>Child Protection Act 1999</i> that are practical and workable. We will support all educators who work with children and their families to appropriately report a child protection concern to DCCSDS. Children's health, safety and well-being are the Government's key consideration.</p> <p>The Department of Communities, Child Safety and Disability Services, in collaboration with the Department of Education and Training, will develop targeted training and resources to support professionals in understanding reporting obligations under any new laws. The ECEC sector will be a partner in the development of training and resources.</p>