



Australian Centre for Health Law Research



Research Program | Children's Health and the Beginning of Life

The Australian Centre for Health Law Research is the country's leading health law research centre and is located at Queensland University of Technology (QUT) in Brisbane, Australia. The Centre undertakes pioneering empirical, theoretical and doctrinal research into complex problems that arise at the interface of law, health, ethics, technology, governance and public policy. Children's Health and the Beginning of Life is one of the Centre's three research programs.

Our interdisciplinary researchers have a strong track record of collaboration. They have attracted significant national and international funding for children's health and beginning of life research, including funding from the Australian Research Council (ARC), the Australian Government, and governments and institutions in other jurisdictions. Our academics have published in leading national and international journals and books.

We aim to translate our research into change that has real impact. Our findings have been cited and approved by governments, regulators, courts and law reform bodies, and have informed improvements to law, governance, public policy and regulation.

The Children's Health and Beginning of Life research program explores legal, ethical and policy issues including:

- Child abuse and neglect
- Conception, pregnancy and birth
- Assisted reproductive technology and embryo selection technologies
- Ethics and regulation of embryonic stem cell research
- End of life issues for infants and children
- Consent to treatment
- Surrogacy
- Abortion
- Disability discrimination against children in education
- Tissue transplantation and organ donation
- Gender dysphoria
- Cultural violence against children, especially female genital cutting, and other sexual violence.

Professor Ben Mathews



Ben is a Senior Research Fellow in the QUT Faculty of Law and co-leader of the Children's Health and Beginning of Life research program in the Australian Centre for Health Law

Research (ACHLR). He is also a Professorial Fellow to the Australian Government Royal Commission into Institutional Responses to Child Sexual Abuse. Ben's current research areas involve four key topics concerning law and children: Law and child abuse and neglect (mandatory reporting laws, systemic responses to child maltreatment, civil liability and legal remedies for child abuse, institutional child abuse, sexual abuse, redress schemes, statutes of limitation); Children and medical law (children's health generally, consent to treatment, medico-legal issues); Children's rights (generally, and including cultural violence eg female genital mutilation); and law in school contexts. Ben has undertaken major national and international studies in the law, theory and practice of mandatory reporting laws. He has been a Chief Investigator on major empirical studies and ARC research projects, some of which have influenced changes to Queensland legislation, policy and teacher training in three states. He has advised multiple government and non-government stakeholders in Australia and overseas. He has published over 60 scholarly works, including co-editing *Mandatory Reporting Laws and the Identification of Severe Child Abuse and Neglect* (Springer, 2015) with ACHLR Adjunct Professor Donald Bross. He is a member of the editorial board of *Child Abuse and Neglect* and *Child Abuse Review*.

Dr Malcolm Smith

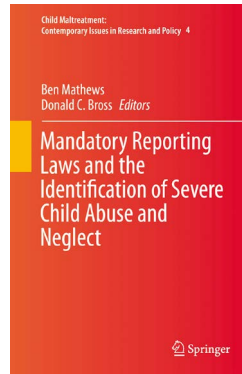


Malcolm is co-leader of the Children's Health and Beginning of Life research program in the Australian Centre for Health Law Research. Malcolm's research focuses on the law relating to

children and medical treatment and the legal and ethical issues associated with assisted reproductive technology (ART), particularly embryo selection technologies. Malcolm's current research project examines the regulation of cross-gender hormone therapy for the treatment of childhood gender dysphoria. Malcolm has published extensively in the area of children's health and ART. His doctoral thesis examined the regulation of assisted reproductive technologies in Australia and the UK and considered whether families wishing to utilise in vitro fertilisation and pre-implantation tissue-typing for the creation of 'saviour siblings' should be free to do so. This research is explored further in his book *Saviour Siblings and the Regulation of Assisted Reproductive Technology: Harm, Ethics and Law*, published by Ashgate in 2015.

Publications

Our researchers have published extensively in the field of children's health and the beginning of life. Publications include:



Mandatory Reporting Laws and the Identification of Severe Child Abuse and Neglect

Ben Mathews and Donald Bross (eds)

Dordrecht: Springer, 2015



Saviour Siblings and the Regulation of Assisted Reproductive Technology: Harm, Ethics and Law

Malcolm Smith

Ashgate, United Kingdom, 2015

Our Research

Mandatory reporting laws for child sexual abuse in Australia: A legislative history

Royal Commission into Institutional Responses to Child Sexual Abuse

This project explored the initiation and development over time of mandatory reporting laws for child sexual abuse in every jurisdiction in Australia from inception to 2013. It also explored the context of child sexual abuse and the recommendations of government inquiries nationwide regarding child sexual abuse and mandatory reporting.

Chief Investigator: Professor Ben Mathews.

Child abuse and neglect: A socio-legal study of mandatory reporting in Australia

Commonwealth of Australia

This landmark national study (conducted in 2013-2014) analysed 10 years of child abuse and neglect reporting data in each Australian jurisdiction, with comparison against different legislative frameworks and evaluation over time of reporting trends and outcomes. This project identified the reporting practices of different reporter groups, both mandated and non-mandated, for each type of child abuse. A nine volume national report was produced and is in press.

Chief Investigators: Professor Ben Mathews and Associate Professor Kerryann Walsh (QUT), Professor Leah Bromfield (UniSA) and Professor Graham Vimpani (University of Newcastle).

Dr Elizabeth Dickson



Elizabeth's research focuses on children's health issues including education law and discrimination law, particularly rights and the law in relation to people with disabilities and children. She has

published widely in these areas. Elizabeth is a Chief Investigator on an ARC Linkage Project exploring effective teacher-based assessment adjustments for students with disability. She is a member of the Executive Committee of the Queensland Chapter of the Australia and New Zealand Education Law Association.

Dr Andrew McGee



Andrew's research interests in children's health include the ethics of abortion and the moral status of the embryo, foetus and new born baby; the ethics of withdrawing life-sustaining

treatment from neonates; human enhancement, including gene editing and designer babies; and the ethics of embryonic stem cell research. Andrew has published on these issues in some of the leading international journals in the world, including *Metaphilosophy*, *The Journal of Medical Ethics*, and *Bioethics*, and is currently collaborating with colleagues from Harvard and Oxford universities.

Dr Shih-Ning Then



Shih-Ning's research focuses on artificial reproductive technology; involvement of minors in a health context; use of human tissues and tissue transplantation relating to children; and end of life issues

relating to children and infants, including withholding and withdrawing life-sustaining treatment.

Effective teacher-based assessment adjustments for students with disability

ARC Linkage Project

Teachers are required by legislation to provide assessment that enables students to demonstrate their learning, while at the same time meeting course requirements for student outcomes. This can raise many issues of fairness, equity and quality assessment for both students and teachers. In this project researchers will work with teachers in equitable educational assessment of students with disability in mainstream courses in secondary schools. The project aims to generate a large data set on teacher assessment identity; examine official accounts of achievement standards in curriculum materials (identifying expectations about learning quality in English and science classrooms); investigate learning evidence that teachers collect (deliberately and incidentally) and how they use this to inform instructional decision-making and provide feedback to students; investigate how teachers and students use achievement standards in classroom talk and interactions - connected to curriculum - to generate student accounts as they develop their critical knowledge and apply this to enhance their learning; generate new knowledge of the function of standards in different disciplines (English and science) in both formative (improvement) and summative (reporting) assessment; and develop new theoretical understandings of how standards relate to teachers' knowledge about assessment practices that derive from the nature of English and science as disciplines, and teachers' more general assessment practices.

Chief Investigators: Professor Joy Cumming and Professor Claire Wyatt-Smith (Australian Catholic University), Dr Elizabeth Dickson (QUT), Dr Amanda Webster (Griffith University) and Professor Karen Harris and Professor Steve Graham (Arizona State University).

Oversight and Regulatory Mechanisms Aimed at Protecting Children from Sexual Abuse: Understanding current evidence of efficacy

Commonwealth of Australia

This project explores the nature and effectiveness of approaches in different Australian jurisdictions to oversight and regulatory mechanisms which aim to protect children from institutional sexual abuse. It explores ways in which these mechanisms can be improved to reduce the likelihood of child sexual abuse occurring in institutions, and to boost organisational capacity to prevent and respond optimally to cases of sexual abuse.

Chief Investigators: Professor Ben Mathews.

Our Researchers



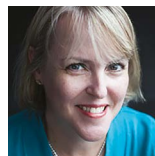
Professor Lindy Willmott

Lindy is a Director of the Australian Centre for Health Law Research. She publishes extensively in the area of health law. Her research interests include withholding and withdrawing life-sustaining treatment from children, consent to treatment by and on behalf of children, surrogacy and abortion.



Professor Ben White

Ben is a Director of the Australian Centre for Health Law Research. His primary area of research interest is end of life decision-making (including in relation to infants and children). Other research interests in the children's health and beginning of life field include consent to medical treatment, surrogacy and abortion.



Professor Belinda Bennett

Belinda is Professor of Health Law in the Law School at QUT. Her research explores issues related to health law and globalisation. Her research also focuses on the development of regulatory responses to new technologies in health care, and the interface between social change, scientific developments and legal regulation.



Pip Trowse

Pip is a lecturer with expertise in surrogacy, children's consent to medical treatment and conception, birth and the law. She is currently completing her PhD on commercial surrogacy.

Higher Degree Research Students

The research of two of our PhD students in the children's health and beginning of life field is profiled here.

Pip Trowse

Pip's research examines and critiques the law and policy underpinning commercial surrogacy in Australia. Commercial surrogacy is prohibited in Australia and, in some jurisdictions, the prohibition applies extra-territorially. One of the arguments in favour of prohibiting commercial surrogacy surrounds the exploitation of the surrogate mother. Pip will apply theoretical approaches to explore the law, policies and values underpinning commercial surrogacy and exploitation of the surrogate mother across the Indian landscape.

Amanda Brown

Amanda's research compares current and past approaches of the Family Court of Australia in dealing with parenting disputes. Her thesis explores child emotional abuse, and whether the current family law system is protecting children from harm, in particular from harm caused by emotionally abusive care-givers.

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