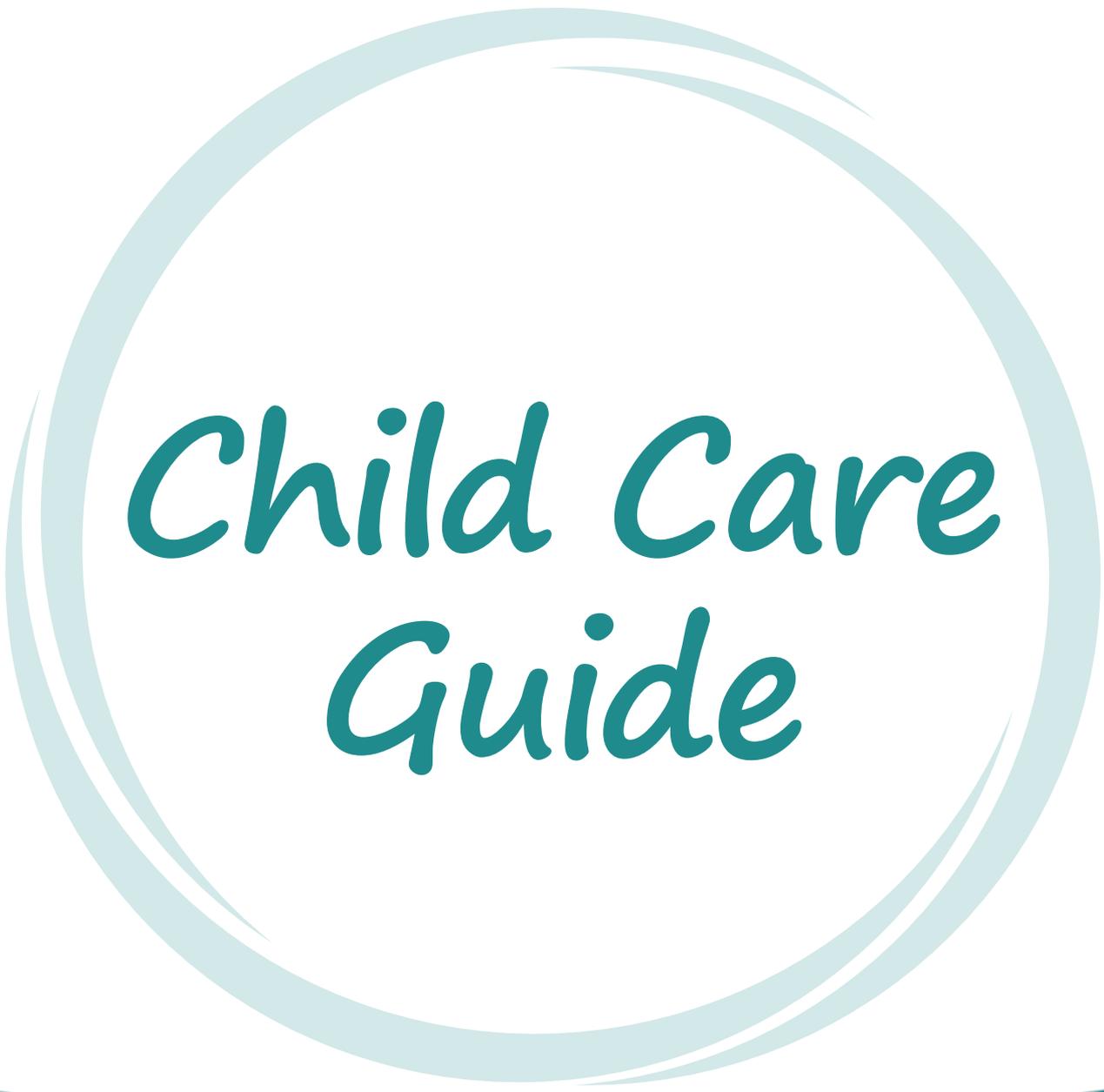


Guide to mandatory
reporting in child care



*Child Care
Guide*

New South Wales: Mandatory reporting of child abuse

Who is obliged to report? When are they obliged to report? How to make a report

Teachers and paid child care workers.

Children and Young Persons (Care and Protection) Act 1998 (NSW), s. 27

Reporting is required if in the course of employment or paid work an individual 'has reasonable grounds to suspect that a child or young person is at risk of significant harm'.

A child or young person is considered to be 'at risk of significant harm' if there exists concern for their safety, welfare or wellbeing due to the significant presence of one or more of the following circumstances:

- The basic physical or psychological needs of the child or young person are not being met or are at risk of not being met.
- The child or young person has suffered or is at risk of suffering from 'serious psychological harm' due to the behaviour of parents or carers.
- The parents or caregivers of the child or young person 'have not arranged and are unable or unwilling to arrange' the necessary medical care for the child.
- The child or young person 'has been, or is at risk of being physically or sexually abused or ill-treated'.
- The child or young person is at 'risk of serious physical or psychological harm' due to 'living in a household where there have been incidents of domestic violence'.
- The child was subject to a pre-natal report under the Act and 'the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report'.
- The child or young person is 'required to attend school in accordance with the *Education Act 1990* (NSW)', and the parents or caregivers 'have not arranged and are unable or unwilling to arrange' the child receiving an education in accordance with that Act.

Children and Young Persons (Care and Protection) Act 1998 (NSW), ss 23, 27

For emergency and life threatening concerns phone **000** to contact emergency services.

Reports are to be made to the Child Protection Helpline on: **133 627**

For further information, see the Resources for Mandatory Reporters webpage: www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html

It is required to report as soon as practicable, and to provide the name or description of the child, and the grounds for forming the suspicion.

A mandatory report can be made about a class of children, rather than the children individually, provided that sufficient information is provided to 'identify all the children who constitute the class' and the grounds for suspecting that the class of children is at risk of harm.

For more information see:

- Australian Children's Education and Care Quality Authority: <http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction: www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Family and Community Services – Resources for Mandatory Reporters: www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html

Australian Capital Territory: Mandatory reporting of child abuse

Who is obliged to report? When are they obliged to report? How to make a report

Teachers, paid teachers' aides and assistants, people paid to provide care at childcare centres, including aides and assistants.

Children and Young People Act 2008 (ACT), s. 356

Mandated reporters are required to make a report, if they come to believe, in the course of their work, 'on reasonable grounds that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury'.

A child is somebody who is 12 years or younger, and a young person is someone who is aged between 12 and 18 years.

Children and Young People Act 2008 (ACT), ss 356, 357

For emergency and life threatening concerns phone **000** to contact emergency services.

Mandated Reporters can report on: **1300 556 728**

As part of the report, it is required to provide the name of the child and a description, and the reasons for the belief that the child or young person is or has experienced sexual abuse or non-accidental physical injury.

It is not required to report if it is reasonably believed that someone else has already made a report on the matter, and they made the report on the same reasons for belief.

A report is also not required where the child has suffered non-accidental physical injury as a result of the actions of another child or young person, and those with parental responsibility for the child are 'willing and able to protect the injured person from further injury'. An example may be a schoolyard fight, where the teacher believes that the child's parents are willing and able to protect the child from further harm, by discussing with the school 'strategies for preventing further fights'.

For more information see:

- Australian Children's Education and Care Quality Authority: <http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction: www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Australian Capital Territory Community Services – Care and Protection Services: www.dhcs.act.gov.au/ocyfs/services/care_and_protection

Tasmania: Mandatory reporting of child abuse

Who is obliged to report?	When are they obliged to report?	How to make a report
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- Teachers and principals at any educational institution, including kindergartens.
- Any person who provides child care or child care service for 'fee or reward'.
- 'A person concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania), or a child care service licensed under the Child Care Act 2001.'

Children, Young Persons and Their Families Act 1997 (Tas), s. 14

- If a prescribed person in the course of their official duties or work (be it paid or voluntary) 'believes, or suspects, on reasonable grounds, or knows':
- that 'a child has been or is being abused or neglected', or 'whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence';
 - that 'there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides';
 - while a woman is pregnant, 'that there is a reasonable likelihood that after birth of the child', it will 'suffer abuse or neglect' by a person with whom it is likely to reside';
 - while a woman is pregnant, 'that there is a reasonable likelihood that after birth of the child' it will 'require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child',

then they are required to make a report to the Department of Health and Human Services.

Children, Young Persons and Their Families Act 1997 (Tas), s. 14

Family Violence Act 2004 (Tas), s. 4

For emergency and life threatening concerns phone **000** to contact emergency services.

For urgent notifications, phone the Child Protection Services on: **1300 737 639**

Reports can be made to Child Protection Services or to Gateway Services.

Gateway Services can be contacted on: **1800 171 233**

Child Protection Services can be contacted on: **1300 737 639**

Reports can also be lodged online at: www.dhhs.tas.gov.au/children/child_protection_services

Reports are required to include 'the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge' is based.

A report may not be required if it is honestly and reasonably believed that another person has already provided the Department of Human Services with all the information upon which the particular belief or suspicion is based.

For more information see:

- Australian Children's Education and Care Quality Authority: <http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction: www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Department of Health and Human Services – Child Protection: www.dhhs.tas.gov.au/children/child_protection_services

Victoria: Mandatory reporting of child abuse

Who is obliged to report?	When are they obliged to report?	How to make a report
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- Registered Teachers, or people granted permission to teach under the *Education and Training Reform Act 2006* (Vic).
- Principals of Government or non-Government schools.

Children, Youth and Families Act 2005 (Vic), s. 182

If in the course of their work, an individual 'forms the belief on reasonable grounds that a child' (a person under 18 years of age):

- 'Has suffered or is likely to suffer significant harm as a result of physical injury', where the child's parents have not (or are unlikely to) protect the child.
- 'Has suffered or is likely to suffer significant harm as a result of sexual abuse', where the child's parents have not (or are unlikely to) protect the child.

In this context 'harm' can be inflicted by an action, omission or through particular circumstances.

Children, Youth and Families Act 2005 (Vic), s. 182, s. 162

For emergency and life threatening concerns phone **000** to contact emergency services.

For after hour reporting phone: **131 278**

Otherwise contact local DHS: www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/child-protection-contacts

Reports must be made as soon as practicable after forming the belief, and must be made on forming any subsequent grounds for belief.

In addition to reporting the abuse or suspected abuse, it is required to report the basis for forming this belief.

A report may not be required if the person honestly and reasonably believes that 'all of the reasonable grounds' for the belief have already been reported by another person.

For more information see:

- Australian Children's Education and Care Quality Authority: <http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction: www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Department of Human Services – Child Protection: www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection

Northern Territory: Mandatory reporting of child abuse

Who is obliged to report?	When are they obliged to report?	How to make a report
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All people are subject to mandatory reporting obligations in the Northern Territory.

Care and Protection of Children Act (NT), s. 26

Any person is required to report, if they believe on reasonable grounds that:

- A child's physical, psychological or emotional wellbeing or development will or is likely to suffer a significant detrimental effect. This could include, for example, exposing the child to violence or sexual material.
- A child has or is at risk of sexual abuse or exploitation.
- A child less than 14 years has been or is likely to be a victim of a sexual offence.
- An adult is, or is likely to engage in sexual intercourse or an act of gross indecency with a child over the age of 16 who is under that adult's special care.

Care and Protection of Children Act (NT), ss 15, 16 and 26

Criminal Code Act (NT), s. 128

For emergency and life threatening concerns phone **000** to contact emergency services.

Reports are made by phoning: **1800 700 250**

Reports are to be made as soon as possible after forming the belief.

It is required to report the belief, the grounds upon which it is based, and any supporting factual circumstances.

For more information see:

- Australian Children's Education and Care Quality Authority: <http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction: www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Northern Territory Office of Children and Families – Child Protection: http://childrenandfamilies.nt.gov.au/Child_Protection/index.aspx

South Australia: Mandatory reporting of child abuse

Who is obliged to report?	When are they obliged to report?	How to make a report
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- Teachers and kindergarten teachers.
- Approved family day care providers.
- Employees and volunteers of government or non-government organisations who provide 'health welfare, education, sporting or recreational' child-care or residential services 'wholly or partly for children', who is engaged in actual delivery or management.

Children's Protection Act 1993 (SA), s. 11

It is obligatory to report if a person in one of mandatory categories, in the course of their work (volunteer or paid), 'suspects on reasonable grounds' that a child has been or is being 'abused or neglected'.

'Abuse or neglect' includes sexual abuse, physical or emotional abuse, or neglect of the child to the extent that the child's physical or psychological development is in jeopardy or the child has or is likely to suffer physical or psychological injury. It also includes 'a reasonable likelihood' that the child will be 'killed, injured, abused or neglected by a person with whom the child resides.'

- A child is a person under 18 years of age.

Children's Protection Act 1993 (SA), ss 6, 10 and 11

For emergency and life threatening concerns phone **000** to contact emergency services.

To report, phone: **131 468**

In making a mandatory notification, a statement must be made of the 'observations, information and opinions' on which the suspicion has been formed.

You will also need to provide:

- the name, address and age of the child,
- the child's current situation,
- where the child, parents, caregivers and alleged abuser are, and
- your name and contact details, and your relationship to the child.

Priests and ministers of religion are not required to communicate information divulged to them in the course of confession.

For comprehensive information on reporting, see the Department website: www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse

For more information see:

- Australian Children's Education and Care Quality Authority: <http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction: www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Department for Education and Child Development: www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse

Western Australia: Mandatory reporting of child abuse

Who is obliged to report? When are they obliged to report? How to make a report

Different categories of people are subject to different mandatory reporting requirements – see below

- Teachers

Children and Community Services Act 2004 (WA), s. 124B

A report must be made if in the course of their work, an individual forms a belief on reasonable grounds that a child:

- has been subject to sexual abuse, or
- is currently subject to ongoing sexual abuse.

Children and Community Services Act 2004 (WA), s. 124B

For emergency and life threatening concerns phone **000** to contact emergency services.

Reports can be made by phoning the Department of Child Protection on:

1800 708 704

Reports may be made orally or in writing, but if made orally must be followed up with a written report.

A written report must contain:

- Name and contact details of the person making the report
- Name of the child, or a description where the name is not known
- If known, the child's date of birth, information about where it lives, and the names of its parents
- The basis for the believe that the child has been subjected to sexual abuse
- If known, or to the extent known, the name and contact details of the person allegedly responsible for the abuse, and their relationship to the child.

Written reports should be sent by post or fax:

Mandatory Reporting Service
PO Box 8164
Perth BC WA 6849
Ph: 1800 610 614

Reports are not required to be made if it is honestly and reasonably believed that a report had already been made about the incident.

Forms to assist with lodging the report are available from:
<http://mandatoryreporting.dcp.wa.gov.au/Pages/MakeaReport.aspx>

Western Australia: Mandatory reporting of child abuse (continued)

Who is obliged to report? When are they obliged to report? How to make a report

- Licensed providers of care services, including child care, family care and outside school hours care.

Child Care Services (Family Day Care) Regulations 2006, s. 19

Child Care Services (Outside School Hours Care) Regulations 2006, s. 21

Child Care Services (Outside School Hours Family Day Care) Regulations 2006, s. 20

Child Care Services (Rural Family Care) Regulations 2006, s. 20;
Child Care Services (Child Care) Regulations 2006, s. 20

The following situations require reports to be made by Licensed Centres:

- Any serious injury resulting in hospitalisation, or death of a child during a care session
- Any allegations made against the Centre, a supervising or managerial officer, a usual occupant of the place, staff member or a volunteer of 'abuse, neglect or assault, including sexual assault' of a child during a care session.

Child Care Services (Family Day Care) Regulations 2006, s. 19

Child Care Services (Outside School Hours Care) Regulations 2006, s. 21

Child Care Services (Outside School Hours Family Day Care) Regulations 2006, s. 20

Child Care Services (Rural Family Care) Regulations 2006, s. 20

Child Care Services (Child Care) Regulations 2006, s. 20

For emergency and life threatening concerns phone **000** to contact emergency services.

Notifications are to be made to the Department of Child Protection, in Perth phone:

(08) 9214 2444

For the contact numbers for other reasons, please consult:

http://mandatoryreporting.dcp.wa.gov.au/Pages/DCP_District_Offices.aspx

Or phone: **(08) 9222 2555**

After Hours: **(08) 9223 1111**

Notifications must be made within one working day of the alleged incident, and include details of the circumstances.

For more information see:

- Australian Children's Education and Care Quality Authority:
<http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction:
www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Western Australia Department for Child Protection and Family Support:
www.dcp.wa.gov.au/Pages/Home.aspx

Queensland: Mandatory reporting of child abuse

Who is obliged to report?

Teachers and child care workers are not subject to State-based mandatory reporting obligations aside from those in the National Law.

However, optional referrals can be made.

When are they obliged to report?

How to make a report

For emergency and life threatening concerns phone **000** to contact emergency services.

Child Safety Services can be contacted on the following numbers:

For business hours, in the Brisbane area: **1300 682 254**

For regional offices please check: www.communities.qld.gov.au/childsafety/about-us/contact-us/child-safety-service-centres/regional-intake-services

For after hours, in all areas: **1800 177 135**

For more information see:

- Australian Children's Education and Care Quality Authority:
<http://acecqa.gov.au/>
- Table of Mandatory Reporting Obligations by jurisdiction:
www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html
- Queensland Government Child Safety Services:
www.communities.qld.gov.au/childsafety/child-safety-services

If you have any queries, please do not hesitate to contact:

Tamir Katz, Senior Associate

T: 03 9810 6745

E: tkatz@meridianlawyers.com.au

Kellie Dell'Oro, Principal & Practice Group Leader

T: 03 9810 6775

E: kdelloro@meridianlawyers.com.au

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