



Information Sheet

Mandatory Reporting Explained

What is Mandatory Reporting?

Mandatory reporting describes the legal obligation of certain professional groups and community members to report incidents of child sexual abuse. These people are called mandated reporters. It is a criminal offence for a mandated reporter to fail to report abuse where they have a reasonable belief that abuse has, or is likely to, occur.

Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description.

The laws are not the same across all jurisdictions. The main differences concern who has to report, and what types of abuse and neglect have to be reported.

Who can make a report?

Mandatory reporting legislation specifies the conditions under which an individual is legally required to make a report of child abuse and neglect to the relevant government authority in their jurisdiction.

Mandatory Reporting legislation requires specific groups of people to report child sexual abuse or neglect to the relevant child protection authority who undertake the governance and guide the process of child protection within that state/territory.

This **does not preclude other non-mandated individuals from making a report** to the child protection authority or the police if they have reasonable concerns for the safety and wellbeing of a child, even if the individual is not compelled by legislation to make such a report.

To make a report:

- You do not have to prove that abuse has taken place. You only need reasonable grounds for your belief.
 - You do not need permission from parents or caregivers to make a report; nor do they need to be informed that a report is being made.
 - Your identity will remain confidential unless you need to give evidence if the matter goes to court. It is rare that this happens.
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What is child abuse and neglect?

Child abuse and neglect refers to any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e., neglect) and commission (i.e., abuse).

Child abuse includes:

- Sexual abuse;
- Physical abuse;
- Emotional maltreatment;
- Neglect; and

- Exposure to family violence.

What protections are given to reporters?

In all jurisdictions, the legislation protects the reporter's identity from disclosure.

In addition, the legislation provides that as long as the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

The same protections apply to non-mandated reporters.

Legislative definition of child and young person

The following table defines the age of a child under which mandatory reporting provisions apply:

Jurisdiction	Age under which provisions apply
NT	Children under age 18
SA	Children under age 18
TAS	Children under age 18
VIC	Children under age 17
WA	Children under age 18
ACT	Children under age 18
NSW	Children under age 16
QLD	Children under age 18

Current mandated reporter groups

The following table details the professional groups who must report under mandatory legislation in their state/territory:

Jurisdiction	Main groups	Other groups <i>(highlighted where there may be relevance to TSA Corps & programs)</i>
NT	Teachers, police, nurses, doctors	All persons
SA	Teachers, police, nurses, doctors	Pharmacists, dentists, psychologists, community corrections officers, social workers, religious ministers, employees and volunteers in religious organisations , teachers in educational institutions; family day care providers; employees and volunteers in organisations providing health, education, welfare, sporting or recreational services to children; managers in relevant organisations.
TAS	Teachers, police, nurses, doctors	Midwives, dentists, psychologists, probation officers, principals and teachers in any educational institution, childcare providers, employees and volunteers in government funded agencies providing health, welfare or education services to children.
VIC	Teachers, police, nurses, doctors	Midwives, school principals
WA	Teachers, police, nurses, doctors	Midwives.
ACT	Teachers, police,	Dentists, midwives, home education

	nurses, doctors	inspectors, school counsellors, childcare centre carers, home based care officers , public servants working in services related to families and children, the public advocate, the official visitor, paid teacher's assistants/aides, paid childcare assistants/aides
NSW	Teachers, police, nurses, doctors	A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services , or law enforcement, wholly or partly, to children (and managers in organisations providing such services)
QLD	Teachers, nurses, doctors	NIL

Key features of reporting requirements

The following table details the key reporting requirements under mandatory reporting legislation.

It is important to note that the duty to report also applies to suspicions that significant abuse or neglect is likely to occur in the future, not only suspected case of significant abuse or neglect that have already happened.

Jurisdiction	What must be reported?	Abuse and neglect types which must be reported	Currency
NT	A belief on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation	Physical abuse Sexual abuse Emotional/psychological abuse Neglect Exposure to physical violence (e.g., a child witnessing violence between parents at home)	Both past and present and future
SA	Suspects on reasonable grounds; Suspicion formed in the course of work	Physical abuse Sexual abuse Emotional/psychological abuse Neglect	Past and present only
TAS	A belief or suspicion on reasonable grounds or knowledge	Physical abuse Sexual abuse Emotional/psychological abuse Neglect Exposure to family violence	Past and present only
VIC	Belief on reasonable grounds	Physical abuse Sexual abuse	Both past and present and future
WA	Belief on reasonable grounds	Physical abuse Sexual abuse	Past and present only
ACT	Belief on reasonable	Physical abuse	Past and

	grounds; A belief arising from information obtained	Sexual abuse	present only
NSW	Suspects on reasonable grounds that a child is at risk of significant harm	Physical abuse Sexual abuse Emotional/psychological abuse Neglect Exposure to domestic violence	Both past and present and future
QLD	Awareness or reasonable suspicion	Physical abuse Sexual abuse	Both past and present and future

Who to report to.

The following table details the child protection authority a report of abuse is to be made to under mandatory reporting legislation.

Jurisdiction	Reporting authority	Contact details
NT	Department of Children and Families	Child Protection Hotline Ph. 1800 700 250 (24 hrs)
SA	Department for Education and Child Development	Child Abuse Report Line Ph. 13 14 78 After hours crisis care Ph. 13 16 11
TAS	Department of Health and Human Services	24 hours contact Ph. 1300 737 639
VIC	Department of Health and Human Services	Child Protection Crisis Line (urgent concerns) Ph. 13 12 78
WA	Department for Child Protection and Family Support	Mandatory reporter Ph. 1800 708 704 <i>Others</i> Ph. 08 9222 2555 or Country Freecall Ph. 1800 622 258 <i>After hours</i> Ph. 08 9223 1111 Country Freecall Ph. 1800 199 008
ACT	Office for Children, Youth and Family Support	Mandated reporters Ph: 1300 556 728 General public Ph. 1300 556 729
NSW	Department of Family and Community Services	Child Protection Helpline Ph. 13 21 11 Urgent reports, mandatory reporters Ph. 13 36 27
QLD	Department of Communities Child Safety and Disability Services	To locate nearest Child Safety Service Ph. 1800 811 810 Child Safety After Hours Service Centre Ph. 1800 177 135

References: Australian Institute of Family Studies (AIFS) Mandatory reporting of child abuse and neglect CFCA Fact Sheet – August 2014. Sourced at

<https://www3.aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

Child Wise. State Legislation and Reporting. Sourced at

<http://www.childwise.net/page/40/state-legislation-reporting>
