

Child Safe (Responding To and Reporting Child Abuse)

Procedure

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Related policies and documents:	Child Safe Policy, Responding to Suspected Child Abuse Record Template, Records Management for HPRM (formerly TRIM) Users Procedure, Welfare and Accommodation Arrangements for International Students Under the Age of 18 Procedure

Purpose

To ensure that the Institute:

- provides a safe place where children are protected to the best of the Institute's ability and enables them to actively participate in Institute activities; and
- complies with its legal obligations to report incidents, disclosures and suspicions of child abuse (including allegations of historical child abuse) to the appropriate authority and to create and maintain records for current or future sexual abuse allegations (including incidents of inappropriate behaviour).

Procedure

This procedure applies to circumstances where:

- child abuse is disclosed by a child;
- child abuse is suspected where a reasonable belief is formed that child abuse is occurring;
- an incident involving alleged child abuse occurs, or
- allegations arise against a staff member or volunteer, including those that relate to historical child abuse, whether or not they provide services to children or the allegations arise outside of employment.

Note that in all states TAFE teachers, and in some cases managers and general staff, have mandatory reporting obligations if they form a reasonable belief or suspicion of child abuse. The obligation of these individuals to mandatorily report child abuse and penalties for failure to report are outlined in law. Staff should ensure they refer to Appendix 1 *Mandatory Reporting of Child Abuse and Neglect* to identify the requirements for the state in which they work. Note that the individual's obligation to mandatorily report remains even if their view is not shared by others (for example, their manager) or where another mandated reporter has undertaken to make the report.

Note that, in some cases child abuse can result in a criminal offence. For example in Victoria these include

- grooming a child aged under 16 years for sexual conduct,
- sexual abuse of a child aged under 16 years
- physical abuse of a child aged under 16 years
- failure to disclose a reasonable belief of sexual offence against a child aged under 16 years committed by an adult, and
- failure of a person who knew of the risk of child sexual abuse within an organisation and had authority to protect a child aged under 16 years but did not act to protect the child.

In addition to the above, where harmful behaviour is occurring that would not be considered child abuse in the first instance, but is still detrimental to the welfare of a child, this should also be reported to the relevant Department Manager and appropriate action put in place to protect the child and prevent further harmful behaviour. This may include detrimental behaviour between a staff member and a student or between students.

Reporting to the Victorian Commission for Children and Young People

In addition, in Victoria the Reportable Conduct Scheme requires the CEO to notify a 'reportable allegation' to the Commission for Children and Young People regardless of how long ago the alleged conduct occurred. Initial notification is required within 3 days of becoming aware of reportable conduct, followed by detailed reporting within 30 days and a final report on the conclusion of the allegations being investigated. A 'reportable allegation' is a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child under 18 years;
- behaviour causing significant emotional or psychological harm to a child under 18 years; or
- significant neglect of a child under 18 years,

or misconduct involving any of the above, whether or not the person the allegations relate to provides services to children, and even if the allegations arise outside the person's employment.

Full and accurate records relating to incidents of inappropriate behaviour or allegations of child abuse and any subsequent investigations must be kept and retained for at least 45 years. Records must be clear, objective and thorough, be created as close as possible to the time an incident occurred and show the author and date created.

Reporting allegations of historical child abuse to the Victorian Commission for Children and Young People

From 1st July 2017, an obligation exists in Victoria for allegations of child abuse that are either made or remade (repeated) after that date, to be reported by WAI to the Victorian Commission for Children and Young People. Note that allegations made prior to 1st July 2017 are not captured by the reporting requirement.

In relation to allegations of historical child abuse, an allegation is considered to be made when either

- the allegation is conveyed or communicated to another person or organisation, or
- the head of an organisation forms a reasonable belief that reportable conduct or misconduct that may involve reportable conduct has occurred, including by having personally witnessed relevant conduct.

Allegations remade after 1st July 2017 may need to be reported to the Commission even if the allegation concerns the same or substantially the same conduct as was alleged before the reporting requirement commenced. If the organisation is satisfied that the matter has already been properly investigated and findings made, these may be submitted to the Commission. However, if new evidence comes to light, the organisation should seek advice from the Commission about the need for a fresh investigation.

The reporting obligations do not exist in relation to workers whose employment ceased prior to 1st July 2017. However in relation to employment after that date, reporting is required even if the person has resigned or been dismissed.

Confidentiality

Information related to allegations of child abuse must be handled sensitively and with due regard to confidentiality and fairness to all parties. Records must be kept in a secure location and information is to be shared on a 'need to know basis' only.

The requirement for confidentiality does not outweigh the need to protect the child and should therefore not prevent action being taken in relation to actual or suspected child abuse.

Responding to a disclosure from a child

Making a disclosure about child abuse can be difficult and confronting for both the child and the individual to whom the disclosure is made. It is important that the child feels they are supported.

Key steps are:

- Allow the child to talk about their concerns in their own time and own words. Give them your full attention, time and a quiet space to do so.
- Listen while being supportive and reassuring.
- Tell the child it is not their fault and that telling you is the right thing to do.
- Let the child know that you will act on the information they have provided and that you will need to let other people know.
- Do not make any promises other than to do your best to keep the child safe.
- Follow the reporting process below to report the information to the relevant authority and the appropriate contact within the Institute to enable appropriate in-house action to be initiated.
- As soon as possible, make an accurate record (using the child's own words where possible) using the *Responding to Suspected Child Abuse Record Template* (Appendix 3), including any supporting information, and store it securely.

Reporting incidents, disclosures and suspicions of child abuse

The following are reporting requirements in priority order to follow when a staff member receives a disclosure of child abuse, develops a suspicion or reasonable belief that child abuse is occurring or becomes aware of an incidence of child abuse:

Step 1

If a child is at immediate risk of harm, immediate action must be taken to ensure their safety by

- a. Separating the alleged victims and others involved
- b. Administering first aid where required
- c. Calling 000 for urgent medical and/or police assistance
- d. Notifying the relevant department manager for future liaison with Police
- e. Maintaining the integrity of the potential crime scene and preserve evidence, where applicable.

If the child is not at immediate risk of harm proceed to Step 2.

Step 2

Make a report to the relevant child protection authority in line with mandatory reporting requirements (refer to Appendix 2 *Reporting Child Abuse and Neglect*) **and** the relevant department manager within the Institute.

The relevant department manager will offer support (where applicable) and liaise with authorities as appropriate. The department manager will also notify the relevant Executive Member and keep them informed of progress.

Support may be sourced via the WAI Counselling Service, WAI International Office (e.g. for international students), the Indigenous Liaison Officer (for indigenous students) or a person of the individual's choice.

The department manager will advise the relevant Executive and CEO to ensure WAI fulfils its obligation to notify the Victorian Commission for Children and Young People, where appropriate.

Step 3

Following consultation with the relevant Child Protection Agency or Police about

- the appropriateness of contact (e.g. if the parent/carer is alleged to be engaged in abuse) and
- what information can be shared,

the relevant manager will contact the child's parent or carer, where advised by the authorities that this is appropriate.

Step 4

Maintain records of the report and follow up action using a *Responding to Suspected Child Abuse Template* (Appendix 3), including any supporting information, and store in a secure location. Full and accurate records relating to incidents of inappropriate behaviour or allegations of child abuse and any subsequent investigations must be kept and retained for at least 45 years. Records must be clear, objective and thorough, be created as close as possible to the time an incident occurred and show the author and date created.

Step 5

The relevant manager will put appropriate ongoing support in place for the child for their ongoing safety and welfare. This may include developing a safety plan for the child and referral to wellbeing professionals.

Where appropriate, the relevant department manager will initiate an in-house investigation and/or take appropriate action in relation to:

- Any inappropriate staff or student conduct that may have been identified as a result of the case;
- Note that in-house investigations of individual behaviour should not occur when investigations by external authorities are being undertaken so as not to compromise those investigations.
- Any risks to child safety in the Institute's operations that have arisen as a result of the case.
- Undertaking appropriate reporting to the Victorian Commission for Children and Young People on the progress and completion of any investigation.

Responsibilities

Staff will

- Ensure they are aware of and follow the mandatory reporting requirements for child abuse for the state in which they work.

Managers will

- Ensure compliance with child abuse reporting requirements.
- Coordinate the reporting process (Steps 1 to 5 above) when they become aware of an incidence of child abuse or a reasonable belief or suspicion of child abuse, and keep the relevant Executive Member/CEO informed of progress.
- Take in-house action to ensure appropriate staff or student conduct in relation to children. This includes investigating and acting on inappropriate conduct.
- Take action in relation to any risks to child safety in the Institute's operations that they become aware of including as a result of a complaint.
- Ensure full and accurate records relating to incidents of inappropriate behaviour or allegations of child abuse and any subsequent investigations must be kept and retained in accordance with Institute procedures.

The CEO will

- Ensure reporting to the Victorian Commission for Children and Young People is completed as appropriate.

Definitions

Department Manager means the manager of the area responsible for the child, e.g. Centre Manager Tourism and Hospitality in relation to a student in a Tourism or Hospitality course.

Reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example:

- A child states that they have been physically or sexually abused
- A child states they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone who knows the child states that the child has been physically or sexually abused
- Signs of abuse lead to a belief that a child has been physically or sexually abused
- A child exhibits sexually abusive or age-inappropriate behaviours.



Mandatory reporting of child abuse and neglect

CFCA Resource Sheet — June 2020



If you require assistance or would like to talk to a trained professional about the issues described in this resource sheet, please call [Kids Helpline](http://www.kidshelpline.com.au) (www.kidshelpline.com.au) on 1800 55 1800 or [Lifeline](http://www.lifeline.org.au) (www.lifeline.org.au) on 13 11 14. If you believe a child is in immediate danger call Police on 000.

This resource sheet is provided as a guide only, and is current at the date of publication.

Changes to mandatory reporting laws are currently being considered in various jurisdictions. Individuals are encouraged to contact the relevant department or organisation to clarify requirements in their jurisdiction, or in relation to legislation. For more information and contact details, see the CFCA Resource Sheet [Reporting child abuse and neglect: Information for service providers](http://aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect) (aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect).

Overview

This resource sheet provides members of the community with information on mandatory reporting laws, which require specified people to report suspected abuse and neglect to government child protection services in Australia.¹ It provides answers to common questions asked about mandatory reporting, outlines the challenges and benefits of mandatory reporting and covers the various mandatory reporting legislation across all Australian jurisdictions.

¹ There are legal requirements for various professionals to report other child-related conditions to various authorities (i.e. certain diseases, the occurrence of injuries in children attending schools or child care, and incidents of domestic violence related to adult victims). This resource sheet does not relate to those circumstances but is specific to the reporting of child abuse and neglect to government authorities.



Introduction

Mandatory reporting laws aim to identify cases of child abuse and neglect, and to assist the individual children in these cases (Royal Commission into Institutional Responses to Child Sexual Abuse, [Royal Commission], 2017). They were first developed in response to the largely hidden nature of child physical abuse and neglect, with the purpose of bringing cases to the attention of child welfare agencies (Mathews, 2014a). They require selected groups of people to report suspected cases of child abuse and neglect to government authorities.

In Australia, the first laws were introduced in South Australia in 1969, and these laws have since been introduced in all Australian jurisdictions (Mathews, 2014b). However, the laws are not the same across all jurisdictions. Differences exist in who has to report, what types of abuse and neglect have to be reported, the 'state of mind' that activates the reporting duty (i.e. having a concern, suspicion or belief on reasonable grounds) and who the report is made to. These differences are described and discussed in this resource sheet.

Common questions

Who has to report?

Mandatory reporting legislation generally contains lists of particular occupations that are mandated to report cases of suspected child abuse and neglect. The groups of people mandated to report range from persons in a limited number of occupations (Qld) to a more extensive list (Vic. and WA), to a very extensive list (ACT, NSW, SA and Tas.), through to every adult (NT). The occupations most commonly named as mandated reporters are those who deal frequently with children in the course of their work: teachers, early childhood education and care practitioners, doctors, nurses and police.

What types of abuse and neglect have to be reported?

Differences exist in the types of abuse and neglect that must be reported. In some jurisdictions (e.g. NSW and NT) it is mandatory to report suspicions of all five recognised types of abuse and neglect (i.e. physical abuse, sexual abuse, emotional abuse, neglect, and exposure to family violence). In other jurisdictions it is mandatory to report only some of the abuse types (e.g. WA, Qld, Vic. and ACT).

In most jurisdictions the legislation generally specifies that, except for sexual abuse, it is only cases of *significant* abuse and neglect that must be reported. As sexual abuse should always create a suspicion of significant harm, in practical terms all suspicions of sexual abuse must be reported. While not required by the legislation, suspicions of less severe child abuse and neglect may still be referred to child and family welfare agencies.

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

What protections are given to mandatory reporters?

In all jurisdictions, the legislation protects the mandatory 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 proceedings.

How does mandatory reporting legislation define a child?

Legislation in all jurisdictions except New South Wales and Victoria requires mandatory reporting in relation to all young people up to the age of 18 years. In New South Wales, the duty only applies to situations involving children aged under 16 years. In Victoria, the duty only applies to situations involving children under 17 years of age.

How does this type of mandatory reporting co-exist with other types of reporting laws?

This form of mandatory reporting is one of several different legal domains that require designated people to report specified types of child abuse. The reporting duties discussed here are located in child protection legislation in each jurisdiction. They are the major form of reporting duty – being primarily directed towards situations of multiple types of abuse and neglect by parents and caregivers (although, operationally, situations of non-familial sexual abuse will be subsumed under the reporting duty).

Accordingly, other types of reporting laws co-exist with the child protection reporting laws. These other laws appear most prominently in criminal laws and most often require reports of child sexual abuse, although they sometimes extend to serious physical abuse. These criminal law reporting duties do not exist in every jurisdiction,



and where they do exist (e.g. in NSW, Vic., the ACT and NT) they have slightly different scope and details, although all require reports to be made to police.

The criminal law reporting duties require all adults in the jurisdiction to report the specified type of abuse. Other types of reporting duty are aimed at identifying institutional sexual abuse. All these different duties are discussed in recent research (Mathews, 2019).

Which mandated reports can child protection services act on?

A common assumption is that mandatory reporting requirements, the legislative grounds for child protection services intervention, and research classifications of abusive and neglectful behaviour are the same. In fact, mandatory reporting laws define the types of situations that must be reported to statutory child protection services. Legislative grounds for government intervention define the circumstances and, importantly, the threshold at which the statutory child protection service is legally able to intervene to protect a child.

Researchers typically focus on defining behaviours and circumstances that can be categorised as abuse and neglect. These differences arise because each description serves a different purpose; the lack of commonality does not mean that the system is failing to work as policy makers had intended.

As such, not all reports of child abuse and neglect lead to immediate action from child protection services.

A single report may not meet the threshold for intervention; however, this report grouped with other information on file (or that is yet to be collected) may meet the threshold and result in action being taken. Reports are not looked at in isolation, instead they work to form a body of information that determine if and how child protection services are legally able to intervene.

Can voluntary reports be made about abuse and neglect, even if not required by the legislation?

Any person is lawfully entitled to make a report if they are concerned for a child's welfare, even if they are not required to do so as a mandatory reporter. Anyone making a voluntary (non-mandated) report is also protected with regard to confidentiality and immunity from legal liability as outlined above.

In addition to the mandatory reporting legislation, certain professional groups (such as psychologists) and government agencies (such as education departments) may have their own occupational reporting protocols outlining the moral, ethical, professional or organisational responsibility to report. These policy-based reporting duties may be narrower, broader or the same as those officially mandated under legislation. For example, in Queensland, teachers are required to report all forms of suspected significant abuse and neglect under school policy but are only mandated to report sexual abuse and physical abuse under the legislation.

Challenges with the introduction of mandatory reporting

The introduction of mandatory reporting increases awareness of child abuse and neglect, which can result in a substantial increase in the number of reports being made to child protection services, especially in the short term (Mathews, Lee & Norman, 2016). There need to be adequate resources available to respond to any increased demand for staffing and services. Reporting trends generally stabilise several years after the introduction of a mandatory reporting duty (Mathews, Bromfield, Walsh, & Vimpani, 2015).

It is important that mandated reporters receive multidisciplinary training and accurate information to ensure that they know what cases they have to report, how to make a report containing the details needed by the child welfare agency intake team, and what cases they should not report. This training should occur pre-service and in-service. Since non-mandated reporters make a large proportion of all reports, it is also important for the public to be made aware of the appropriate extent of their responsibility. It is also essential that child and family support services be adequately resourced to respond to children and families in need of protection and assistance.

Benefits of mandatory reporting requirements

As a public policy, mandatory reporting aims to protect children from child abuse and neglect. Mathews and Bross (2008) argue that a society without a mandatory reporting system will be far less able to protect children and assist families, as many cases of child abuse and neglect will remain hidden. Comparative studies between countries with and without a mandatory reporting system have found that substantially more cases of child sexual abuse are identified in countries with a mandatory reporting system (Royal Commission, 2017). Studies in Australia support this finding (Lamond, 1989; Mathews, 2014a; Mathews, Bromfield, Walsh, Cheng, & Norman, 2017; Mathews et al., 2016). Reports by mandated reporters identify large proportions of maltreated children and result in the provision of services to many more children and families (Drake & Jonson-Reid, 2007).



Mandatory reporting also aims to increase the awareness of child abuse and neglect in professionals who work with children and overcome any reluctance to report this abuse (Cashmore, 2002). Mandatory reporting laws set acceptable standards of behaviour for the community (Australian Law Reform Commission [ALRC], 2010), affect the policies and practices of child protection services (Tomison & Tucci, 1997), and make the protection of children from abuse and neglect a professional responsibility.

Mandatory reporting legislation

Commonwealth legislation

The *Family Law Act 1975* (Cth) creates a mandatory reporting duty for personnel from the Family Court of Australia, the Federal Circuit Court of Australia, the Family Court of Western Australia and other designated practitioners. This includes registrars, deputy registrars, family consultants, family counsellors, family dispute resolution practitioners, arbitrators, and lawyers independently representing children's interests. Section 67ZA(1) and (2) require that when these persons have reasonable grounds for suspecting that a child has been abused, or is at risk of being abused, and this suspicion is developed in the course of performing their duties or functions, or exercising powers, they must, as soon as practicable, notify a prescribed child welfare authority of their suspicion and its basis.

Under section 4, 'abuse' is effectively defined as including: (a) assault, including a sexual assault; (b) sexual abuse; (c) serious psychological harm, including but not limited to harm caused by the child being subjected to, or exposed to, family violence; or (d) serious neglect.

State and territory legislation

The following part sets out the various mandatory requirements for all Australian jurisdictions.

- [Australian Capital Territory](#)
- [New South Wales](#)
- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

Further details and information about mandatory reporting can be obtained from the relevant statutory child protection authority in each jurisdiction. Contact and other details for each state and territory office can be found in the CFCA Resource sheet: [Reporting child abuse and neglect: Information for service providers](#) (aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect).



Australian Capital Territory

The Australian Capital Territory's mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Section 356 of the <i>Children and Young People Act 2008 (ACT)</i>
Who is mandated to report?	A person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; a psychologist; a teacher at a school; a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the <i>Education Act 2004</i> ; a police officer; a person employed to counsel children or young people at a school; a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor; a public servant who, in the course of employment as a public servant, works with, or provides services personally to children and young people or families; the public advocate; an official visitor; a minister of religion, religious leader or member of the clergy of a church or religious denomination; a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.
What must be reported?	A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the reasons for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid)
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> • Physical abuse • Sexual abuse

New South Wales

New South Wales' mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Sections 23 and 27 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>
Who is mandated to report?	<p>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.</p> <p>A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children.</p> <p>A person in religious ministry, or a person providing religion-based activities to children.</p> <p>A registered psychologist providing a professional service as a psychologist.</p> <p>Note: Children's services means either or both of the following (subject to the regulations): (a) an education and care service within the meaning of the Children (Education and Care Services) National Law (NSW); (b) a State regulated education and care service within the meaning of the <i>Children (Education and Care Services) Supplementary Provisions Act 2011</i>.</p>
What must be reported?	Suspicion on reasonable grounds, obtained during the course of or from the person's work, that a child is at risk of significant harm because of the presence to a significant extent of circumstances of: neglect, physical abuse, sexual abuse, psychological abuse, risk of harm through exposure to domestic violence, and failure to engage with services after a pre-natal report.
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> • Physical abuse • Sexual abuse • Emotional/psychological abuse • Neglect • Exposure to domestic violence



Northern Territory

The Northern Territory's mandatory reporting laws apply to any person, with additional provisions covering health practitioners. The details of these reporting requirements are provided in the table below.

Legal provisions	Sections 15, 16 and 26 of the <i>Care and Protection of Children Act 2007</i> (NT)	Section 26(2) of the <i>Care and Protection of Children Act 2007</i> (NT)
Who is mandated to report?	Any person	A health practitioner or someone who performs work of a kind that is prescribed by regulation
What must be reported?	A belief on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation	Reasonable grounds to believe a child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and offender is greater than 2 years
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> Physical abuse Sexual abuse or other exploitation of the child Emotional/psychological abuse Neglect Exposure to physical violence (e.g. a child witnessing violence between parents at home) 	<ul style="list-style-type: none"> Sexual abuse

Queensland

Queensland has three separate pieces of mandatory reporting legislation, each covering different occupational groups and having their own reporting requirements. The details of these pieces of legislation are provided in the table below.

Legal provisions	Part 1AA, section 13F of the <i>Child Protection Act 1999</i> (Qld)	Part 1AA, section 13E of the <i>Child Protection Act 1999</i> (Qld)	Sections 364, 365, 355A, 366, 366A of the <i>Education (General Provisions) Act 2006</i> (Qld)
Who is mandated to report?	An authorised officer, a public service employee employed in the department, a person employed in a departmental care service or licensed care service	Doctors; registered nurses; teachers; a police officer who, under a direction given by the commissioner of the police service under the <i>Police Service Administration Act 1990</i> , is responsible for reporting under this section; a person engaged to perform a child advocate function under the <i>Public Guardian Act 2014</i> ; early childhood education and care professionals.	School staff
What must be reported?	A reasonable suspicion that a child in care (a child placed in the care of an entity conducting a departmental care service or a licensee) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse	A reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm	Awareness or reasonable suspicion that a child has been or is likely to be sexually abused; and the suspicion is formed in the course of the person's employment
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> Physical abuse Sexual abuse 	<ul style="list-style-type: none"> Physical abuse Sexual abuse 	<ul style="list-style-type: none"> Sexual abuse



South Australia

South Australia’s mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Sections 17, 18, 30 and 31 of the <i>Children and Young People (Safety) Act 2017 (SA)</i>
Who is mandated to report?	Medical practitioners; pharmacists; registered or enrolled nurses; dentists; psychologists; police officers; community corrections officers under the <i>Correctional Services Act 1982</i> ; social workers; ministers of religion; employees of, or volunteers in, an organisation formed for religious or spiritual purposes; teachers employed as such in a school (within the meaning of the <i>Education and Early Childhood Services (Registration and Standards) Act 2011</i>) or a preschool or kindergarten; employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who – (i) provides such services directly to children and young people; or (ii) holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people
What must be reported?	Reasonable grounds to suspect a child or young person is, or may be, at risk; and the suspicion was formed in the course of the person’s employment
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> • Physical abuse • Sexual abuse • Mental or emotional abuse • Neglect

Tasmania

Tasmania’s mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Sections 3, 4 and 14 of the <i>Children, Young Persons and Their Families Act 1997 (Tas.)</i>
Who is mandated to report?	Medical practitioners; registered or enrolled nurses; persons registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery, dental (dentists, dental therapist, dental hygienist or oral health therapist) or psychology professions; police officers; probation officers; principals and teachers in any educational institution including kindergartens; persons who provide child care or a child care service for fee or reward; persons 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 <i>Child Care Act 2001</i> ; a member of the clergy of any church or religious denomination; a member of the Parliament of this State; any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.
What must be reported?	<p>Knowledge, or a belief or suspicion on reasonable grounds that: a child has been or is being ‘abused’ or ‘neglected’ or is an affected child within the meaning of the <i>Family Violence Act 2004</i> (a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence); or there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or while a woman is pregnant, that there is reasonable likelihood that after the birth of the child: the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside; or that the child 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.</p> <p>Note on extent of harm required to activate the duty (section 3(1) definition of ‘abuse and neglect’: for all forms except sexual abuse, reports must be made where: (i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person’s wellbeing; or (ii) the injured, abused or neglected person’s physical or psychological development is in jeopardy. All instances of suspected sexual abuse must be reported.</p>

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Legal provisions	Sections 3, 4 and 14 of the <i>Children, Young Persons and Their Families Act 1997</i> (Tas.)
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> Sexual abuse (any) Physical abuse Emotional/psychological abuse Neglect Exposure to family violence

Victoria

Victoria’s mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Sections 182(1), 184 and 162(1)(c)–(d) of the <i>Children, Youth and Families Act 2005</i> (Vic.)
Who is mandated to report?	Registered medical practitioners, nurses, midwives, a person registered as a teacher or an early childhood teacher under the <i>Education and Training Reform Act 2006</i> or teachers granted permission to teach under that Act; principals of government or non-government schools within the meaning of the <i>Education and Training Reform Act 2006</i> ; police officers, a person in religious ministry, out-of-home care workers (excluding voluntary foster and kinship carers), early childhood workers, youth justice workers and registered psychologists.
What must be reported?	Belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(1)(c) or 162(1)(d), formed in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> Physical injury Sexual abuse <p>Note that technically, under s. 162, the duty is limited to instances of physical injury and sexual abuse where ‘the child’s parents have not protected, or are unlikely to protect, the child from harm of that type’.</p>

Western Australia

Western Australia has two separate pieces of mandatory reporting legislation, each covering different occupation groups and having their own reporting requirements. The details of these pieces of legislation are provided in the table below.

Legal provisions	Sections 124A and 124B of the <i>Children and Community Services Act 2004</i> (WA) ²	Sections 5 and 160 of the <i>Family Court Act 1997</i> (WA)
Who is mandated to report?	Doctors; nurses and midwives; teachers and boarding supervisors; and police officers	The Principal Registrar, a registrar or a deputy registrar; family counsellors; family consultants; family dispute resolution practitioners, arbitrators or legal practitioners independently representing the child’s interests
What must be reported?	Belief on reasonable grounds that child sexual abuse has occurred or is occurring, where this belief is formed in the course of the person’s work, whether paid or unpaid	Reasonable grounds for suspecting that a child has been: abused, or is at risk of being abused; ill-treated, or is at risk of being ill-treated; or exposed or subjected to behaviour that psychologically harms the child
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> Sexual abuse 	<ul style="list-style-type: none"> Physical abuse Sexual abuse Neglect Psychological harm including (but not limited to) harm caused by being subjected or exposed to family violence

² Note: The Western Australian Government has announced its intent for this Act to be amended to introduce mandatory reporting of child sexual abuse for ministers of religion, including where this knowledge is gained through religious confession. These amendments are yet to be enacted (Government of Western Australia, 2019).



Reporting child abuse and neglect

INFORMATION FOR SERVICE PROVIDERS

CFCA Resource Sheet — October 2021



If you require assistance or if you would like to talk to a trained professional about the issues described in this resource sheet, please call [Kids Helpline](tel:1800551800) on 1800 55 1800 or [Lifeline](tel:131114) on 13 11 14. If you believe a child is in immediate danger call the Police on 000.

Overview

This resource sheet provides information to service providers and practitioners working in the child, family and community welfare sector on how to report suspected child abuse and neglect. It defines child abuse and neglect, and provides contact details for the reporting authority in each state and territory.

Introduction

In Australia, state and territory governments are responsible for receiving reports of suspected child abuse and neglect from members of the public. Reporting child abuse and neglect is a community-wide responsibility. Anyone who suspects, on reasonable grounds, that a child or young person¹ is at risk of being abused and/or neglected should report it to the reporting authority in their state or territory.

Certain groups of people are required by law to report any suspicion of abuse or neglect of a child or young person to government authorities. Further information and guidelines regarding mandatory reporting can be found in the CFCA Resource Sheet: [Mandatory Reporting of Child Abuse and Neglect](#).

¹ In Australia, a child is defined as any human under the age of 18 years (AIHW, 2018).



If a child or young person has disclosed abuse or neglect to you, it is important to stay calm and reassure them that you will help them to be safe. For information on how to respond to disclosures of abuse, see the CFCA Practitioner Resource: [Responding to Children and Young People's Disclosures of Abuse](#) and CFCA webinar: [Responding to disclosures of child abuse and neglect](#).

Parents and other family members may disclose to you concerns about not coping with their parenting responsibilities. Listening and providing support and practical help is important, while assessing whether there is a child at risk of abuse or neglect. Contact details and links to helplines and telephone counselling services that provide information, counselling support and service referral can be found in the CFCA Resource Sheet: [Helplines, Telephone and Online Counselling Services for Children, Young People and Adults](#).

Defining child abuse and neglect

Child abuse and neglect refers to any behaviour or treatment by parents, caregivers, other adults or older adolescents that results in the actual and/or likelihood 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) (CFCA, 2018).

Child abuse and neglect is commonly divided into five subtypes:

- physical abuse
- emotional abuse
- neglect
- sexual abuse
- exposure to family violence.

For further information, see the CFCA Resource Sheet: [What is Child Abuse and Neglect?](#).

Contact details for each state and territory

The tables below include the contact details of the reporting authority in each Australian state and territory:

- [Australian Capital Territory](#)
- [New South Wales](#)
- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

Please note that you do not need to be absolutely certain that there has been abuse or neglect of a child or young person to contact these authorities. If you suspect a child is at risk of harm, you should call the authority to discuss your concerns, and they will decide whether an investigation is required.

In each state and territory, all serious concerns should be reported by phone rather than online or via email. Serious concerns include when you suspect a child or young person is in imminent or immediate danger of serious harm, serious injury or chronic neglect.



Australian Capital Territory

Reporting authority	Further services/information	Contact details
Child and Youth Protection Services	<p>Child and Youth Protection Services are responsible for facilitating coordination across government for the care and protection of children and young people in the Australian Capital Territory.</p> <p>If you are concerned about a child and want further information on mandatory reporting, refer to Keeping Children and Young People Safe.</p>	<p>Phone: General public Ph: 1300 556 729 (24 hours) Mandated reporters Ph: 1300 556 728 (24 hours) Online: For less serious concerns, complete an online child concern report. Email: For less serious concerns, contact Child Protection Reports.</p>

New South Wales

Reporting authority	Further services/information	Contact details
Department of Communities and Justice	<p>The Department of Communities and Justice is responsible for handling reports of child abuse and neglect in New South Wales. Information about the process of reporting child welfare concerns can be found on the department's Reporting a Child at Risk webpage.</p> <p>For information about mandatory reporting, refer to the Mandatory reporters webpage.</p>	<p>Phone: Child Protection Helpline Ph: 13 21 11 (24 hours) (TTY/voice calls: 133 677; Speak & Listen: 1300 555 727; SMS: 0423 677 767) Online: Mandatory reporters with less serious concerns can use eReporting.</p>

Northern Territory

Reporting authority	Further services/information	Contact details
Territory Families, Housing and Communities	<p>In the Northern Territory, every person is required to report suspected child abuse and neglect.</p> <p>For further information about the process of reporting concerns about a child's welfare in the Northern Territory, refer to the Report Child Abuse page of the department's website.</p>	<p>Phone: Child Abuse Hotline Ph: 1800 700 250 (24 hours)</p>

Queensland

Reporting authority	Further services/information	Contact details
Department of Children, Youth Justice and Multicultural Affairs	<p>Child Safety is the lead child protection agency in Queensland. For information about the process of reporting concerns about a child's welfare in Queensland, refer to the Protecting Children webpage of the department's website.</p> <p>For more information about mandatory reporting, refer to the Mandatory Reporting in Queensland webpage.</p>	<p>Phone: For a list of contact numbers during business hours, go to: Regional Intake Services or call the Child Protection General Enquiries line Ph: 1800 811 810 Child Safety After Hours Service Centre Ph: 1800 177 135</p>



South Australia

Reporting authority	Further services/information	Contact details
Department for Child Protection	<p>The Department for Child Protection works to keep South Australia's children safe by protecting them from abuse and neglect.</p> <p>For information about the process of reporting concerns about a child's welfare in South Australia, refer to the department's Report Child Abuse webpage.</p> <p>The Department for Child Protection provides additional information for mandatory reporting, including Mandated Notifiers and Their Role and Preparing to Report Child Abuse.</p>	<p>Phone: Child Abuse Report Line Ph: 13 14 78 (24 hours)</p> <p>Online: Less serious concerns can also be reported online.</p>

Tasmania

Reporting authority	Further services/information	Contact details
Department of Communities Tasmania	<p>The role of the Child Safety Service is to protect children and young people who are at risk of abuse and neglect in Tasmania.</p> <p>For information about the process of reporting concerns about a child's welfare in Tasmania, refer to the department's Child Safety Service webpage.</p> <p>Information about mandatory reporting and making a notification can be found on the department's Child safety notifications webpage.</p>	<p>Phone: Child Safety Service 1800 000 123 (24 hours)</p> <p>Online: Mandatory reporters with less serious concerns can report online.</p>

Victoria

Reporting authority	Further services/information	Contact details
Department of Families, Fairness and Housing	<p>The Child Protection Service is specifically targeted to those children and young people at risk of significant harm in Victoria.</p> <p>For information about child protection and mandatory reporting requirements in Victoria, refer to the department's Child Protection webpage.</p>	<p>Phone: For a list of regional and metropolitan phone numbers: Child Protection Contacts</p> <p>After hours child protection emergency service Ph: 13 12 78</p>

Western Australia

Reporting authority	Further services/information	Contact details
Department of Communities, Child Protection and Family Support	<p>The Department of Communities, Child Protection and Family Support offers a range of services to support children and families in Western Australia.</p> <p>For further information about the process of reporting concerns about a child's welfare, refer to the department's If You are Concerned About a Child webpage.</p> <p>Information about mandatory reporting in Western Australia can be found on the department's mandatory reporting information webpage.</p>	<p>Phone: Central Intake Team Ph: 1800 273 889</p> <p>After hours Ph: (08) 9223 1111 or Country Freecall: 1800 199 008</p> <p>Online: Mandatory reporters with less serious concerns can use the department's secure Mandatory Reporting Web System.</p>

APPENDIX 3

RESPONDING TO SUSPECTED CHILD ABUSE

RECORD TEMPLATE

WHEN TO USE THIS TEMPLATE?

This template should be used in conjunction with the Institute's Child Safe Procedure - Responding to and Reporting Child Abuse to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused.

Completing this template should not impact on reporting times. **If a child is in immediate danger, staff should report immediately to Police.**

Whilst you may need to gather the information to make a report, remember it is not the role of staff to investigate abuse; leave this to Police and/or the relevant state based child protection authority.

WHO COMPLETES THIS RECORD?

This record form is to be completed by the relevant department manager in consultation with the staff member who reported the incident.

WHY RECORD THIS INFORMATION?

When completing this template your aim should be to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support any decisions.

Note that confidentiality is extended to all parties involved.

It is a requirement under *Ministerial Order No. 870- Child Safe Standards- Managing the risk of child abuse in schools* for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.

RESPONDING TO AN INCIDENT, DISCLOSURE OR SUSPICION OF CHILD ABUSE

PLEASE NOTE: IF YOU ARE MAKING A REPORT TO THE RELEVANT CHILD PROTECTION AUTHORITY OR POLICE YOU MUST SEEK THEIR ADVICE BEFORE CONTACTING PARENTS/CARERS SO AS NOT TO COMPROMISE ANY INVESTIGATION OR PLACE A CHILD AT FURTHER RISK.

DEPARTMENT MANAGER LEADING THE RESPONSE
MANAGER'S NAME:
POSITION:
DEPARTMENT:
EXECUTIVE'S NAME:

STAFF MEMBER WHO REPORTED THE INCIDENT, DISCLOSURE OR SUSPICION
NAME:
POSITION:
DEPARTMENT:
RELATIONSHIP TO CHILD:

CRITICAL ACTION 1: IMMEDIATE RESPONSE TO AN INCIDENT

If anyone is in immediate danger staff should report immediately to Victoria Police on 000.

RESPONDING TO AN EMERGENCY
DID THE CHILD REQUIRE FIRST AID? PROVIDE DETAILS IF 'YES'.
WHO ADMINISTERED THIS? (NAME AND TITLE)
DID THE CHILD REQUIRE FURTHER IMMEDIATE MEDICAL ASSISTANCE?
CURRENT LOCATION AND SAFETY STATUS: <i>E.G. ARE ALL IMPACTED STUDENTS SAFE AND NOT IN ANY IMMEDIATE DANGER? IF A CHILD IS IN IMMEDIATE DANGER STAFF SHOULD REPORT IMMEDIATELY TO VICTORIA POLICE ON 000</i>

CHILD'S INFORMATION

PERSONAL DETAILS	
NAME:	GENDER:
COURSE/STUDENT NUMBER:	DATE OF BIRTH:
RESIDENTIAL ADDRESS:	
PARENT/CARER NAME/S:	
PARENT/CARER CONTACT DETAILS:	
LANGUAGE(S) SPOKEN BY CHILD:	
DISABILITIES, MENTAL OR PHYSICAL HEALTH ISSUES:	

CHILD'S BACKGROUND
CULTURAL STATUS AND RELIGIOUS BACKGROUND <i>IF THE CHILD IS OF ABORIGINAL OR TORRES STRAIT ISLANDER BACKGROUND, ADVISE THE INDIGENOUS LIAISON OFFICER ON EXT. 2469. IF THE CHILD IS AN INTERNATIONAL STUDENT CONTACT MANAGER INTERNATIONAL OFFICE ON EXT 2139 OR MANAGER INTERNATIONAL MARKETING ON EXT 2580.</i>
ANY KNOWN PREVIOUS HISTORY OF SUSPECTED ABUSE (PRIOR TO THIS INCIDENT, DISCLOSURE OR SUSPICION OR INVOLVEMENT WITH AGENCIES):

--

FAMILY BACKGROUND

FAMILY COMPOSITION (IF KNOWN):

LIST PARENTING OR CARE ARRANGEMENTS AND SIBLING NAMES AND AGES

ANY OTHER PEOPLE LIVING WITH THE CHILD (IF KNOWN):

DISABILITY, MENTAL OR PHYSICAL HEALTH ISSUES IN FAMILY (IF KNOWN):

LIKELY REACTION OF PARENTS/FAMILY TO A REPORT BEING MADE (IF KNOWN):

DETAILS OF THE INCIDENT, DISCLOSURE OR SUSPICION

GROUNDS FOR YOUR BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF ABUSE

INDICATORS OR INSTANCES WHICH LED YOU TO BELIEVE THAT A CHILD/CHILDREN ARE SUBJECT TO CHILD ABUSE, OR AT RISK OF ABUSE:

DETAIL ANY DISCLOSURES OR INCIDENTS OR SUSPICIONS (INCLUDING NAMES, TIMES AND DATES DOCUMENTING A CHILD'S EXACT WORDS AS FAR AS POSSIBLE). INCLUDE SPECIFIC DETAIL HERE ON WHAT LED YOU TO FORM A REASONABLE BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF BEING ABUSED

ANY PHYSICAL INDICATORS OF ABUSE:

ANY BEHAVIOURAL INDICATORS OF ABUSE:

ANY PATTERNS OF BEHAVIOUR OR PRIOR CONCERNS LEADING UP TO AN INCIDENT, DISCLOSURE OR SUSPICION:

--

DETAILS OF PERSONS ALLEGED TO HAVE COMMITTED THE ABUSE (IF KNOWN)	
NAME:	
GENDER	DATE OF BIRTH:
RELATIONSHIP TO CHILD:	
ADDRESS:	
CONTACT DETAILS:	

NOTE THAT CONFIDENTIALITY IS EXTENDED TO ALL PARTIES INVOLVED.

CRITICAL ACTION 2: REPORTING

REPORTING TO AUTHORITIES

TICK THE AUTHORITIES YOU HAVE REPORTED TO:

- POLICE
- CHILD PROTECTION AUTHORITY
- DECISION NOT TO REPORT

IF YOU'VE DECIDED NOT TO REPORT, LIST YOUR REASONS HERE. ALSO INCLUDE ANY FOLLOW-UP ACTIONS UNDERTAKEN BY YOU BELOW:

DATE:

TIME:

OUTCOME FROM THE REPORT

CRITICAL ACTION 3: CONTACTING PARENTS/CARERS

ACTIONS TAKEN

PROVIDE DETAILS OF YOUR DISCUSSION WITH PARENTS/CARERS (IF APPROPRIATE):

STAFF MUST CONSULT WITH VICTORIA POLICE AND/OR DHHS CHILD PROTECTION TO DETERMINE IF IT IS APPROPRIATE TO CONTACT PARENTS, IF IT IS, PARENTS MUST BE CONTACTED AS SOON AS POSSIBLE (PREFERABLY ON THE SAME DAY OF THE INCIDENT, DISCLOSURE OR SUSPICION).

HAVE YOU SOUGHT ADVICE FROM DHHS CHILD PROTECTION OR VICTORIA POLICE?

- NO
- YES

IS IT APPROPRIATE TO CONTACT PARENT/CARER

- NO
- YES

LIST REASONS IF IT IS NOT APPROPRIATE TO CONTACT PARENT/CARER:

IF CONTACTING PARENT/CARER, PROVIDE THE FOLLOWING DETAILS:

NAME OF STAFF MEMBER MAKING THE CALL:

NAME OF PARENT/CARER RECEIVING THE CALL:

DISCUSSION OUTCOMES:

CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT

PLANNED ACTIONS	
INCLUDE DETAIL ON WHAT FOLLOW-UP ACTIONS HAVE OCCURRED TO SUPPORT THE STUDENT (FOR EXAMPLE, REFERRAL TO WELLBEING PROFESSIONALS AND OTHER SPECIALISED SERVICES, THE DEVELOPMENT OF SUPPORT PLANS):	
FOLLOW UP ACTIONS:	
SUPPORT:	
REFERRALS:	

MANAGER'S SIGNATURE	
NAME:	
SIGNATURE:	DATE: