

Mandatory Reporters of Child Abuse

CHILD PROTECTION INFORMATION SHEET

Children's right to protection and safety

- Children and young people have the right to be emotionally and physically safe. All adults in the community share the responsibility for ensuring the safety and wellbeing of the children and young people in their family, neighbourhood and general community.
- This concept of shared responsibility is enshrined in the Tasmanian *Children, Young Persons and Their Families Act 1997* (the Act). Caring for and protecting children in a way that increases their '...opportunity to grow up in a safe and stable environment' is the primary objective of the Act.

Who has responsibility for preventing child abuse?

- Under the Act, **all adults** in the community have a responsibility to take steps to prevent the occurrence or repetition of abusive behaviour to children.
- More specifically, the Act **requires** members of certain professions to report known or suspected abuse or neglect of children to the Department of Health and Human Services (DHHS). These people are 'prescribed persons' under the Act. People more commonly describe these individuals as 'mandated reporters'.

Is it only professionals who are mandated to report?

- **NO**, according to (Part 3 S14 [1]) of the *Children, Young Persons and Their Families Act 1997* the list of prescribed persons (mandated reporters) is extensive. It includes the following groups:
 - a) a registered medical practitioner; and
 - b) a nurse, within the meaning of the *Nursing Act 1995*; and
 - c) a dentist registered under the *Dental Act 1982*; and
 - d) a registered psychologist, within the meaning of the *Psychologists Registration Act 1976*; and
 - e) a police officer; and
 - f) a departmental employee, within the meaning of the *Police Regulation Act 1898*; and
 - g) a probation officer appointed under section 4 of the *Probation of Offenders Act 1973*; and
 - h) a principal and a teacher in any educational institution (including a kindergarten); and

- a person who provides child care, or a child care service, for fee or reward; and
- a person concerned with the management of a child care service licensed under part 6 of the *Child Welfare Act 1960*; and
- 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 funding from the State Government 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.

Is it an offence not to report if I suspect child abuse?

- **YES**, if you believe or suspect on reasonable grounds that a child has suffered abuse or is at risk of abuse, you can be charged with an offence under this legislation.

Can someone else report on my behalf?

- Some organisations have developed internal protocols to govern the manner in which child abuse notifications are made to DHHS. If your agency has an agreed protocol, you follow it and you genuinely believe that a notification was made, then you may have a legitimate defence against any charges for not reporting.

Where can I find out more information?

See the related Child Protection Information Sheets including: ***What is Child Abuse?*** and ***Reporting Child Abuse: Frequently Asked Questions*** or contact the Child Protection Advice and Referral Service (CPAARS) on 1300 737 639 and ask for more information.