

REPORTING CHILD ABUSE SOUTH AUSTRALIA



LEGISLATION: Mandatory Reporting in South Australia falls under The Children and Young People (Safety) Act 2017 (SA)

The health, safety and wellbeing of children is paramount in all organisations providing services to children across Australia. The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the need for improvement in the processes and outcomes of reporting child abuse. This fact sheet provides information on mandatory reporting, also known as mandatory notifying, in South Australia.

In June 2022 South Australia legislated two offences under the Criminal Law Act 1935 (SA) related specifically to sexual abuse of a child: Failure to Report and Failure to Protect. The offences refer to a 'prescribed person'.

A prescribed person is:

- an adult who is an employee of an institution which includes a person who is self-employed who carries out work for the institution;
- OR a person who carries out work under a contract of services for the institution;
- OR a person who undertakes practical training with the institution or carries out work as a volunteer for an institution.

FAILURE TO REPORT

A prescribed person is guilty of an offence if they fail to report to police that they know or suspect that another person (the abuser) is an employee of the school, student exchange organisation, service or provider of services for children and is, has, or is likely to sexually abuse a child.

FAILURE TO PROTECT

A prescribed person is guilty of an offence if:

- They know there is a substantial risk that another person, who is an employee of the provider, service, school, or student exchange organisation will engage in the sexual abuse of a child; and,
- The prescribed person has the power or responsibility to reduce or remove that risk but negligently fails to do so.

Both Failure to Report and Failure to Protect carry a penalty of imprisonment.

If a child is in imminent danger, call 000; otherwise contact your local police station

WHO ARE MANDATORY REPORTERS?

South Australia has an extensive list of mandatory reporters including, but not limited to:

- doctors, pharmacists, dentists and registered or enrolled nurses
- psychologists
- police officers
- community corrections officers
- social workers
- ministers of religion
- person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes
- teachers including pre-school and kindergarten
- employee of, or volunteer in, or in a management position of an organisation that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children or young people.

REPORTING CHILD ABUSE SOUTH AUSTRALIA



WHAT REQUIRES REPORTING?

As a mandatory notifier you must make a report as soon as you know, believe or suspect on reasonable grounds that a child or young person is or might be at risk of harm.

Reasonable grounds to report risk of harm may include your own observations of the child or caregiver or information a child or another person has told you.

You do not need proof of abuse or harm to make a report.

HOW DO I MAKE A REPORT?

All serious concerns must be reported via CARL (Child Abuse Report Line) on **13 14 78**

Serious concerns include serious harm, serious injury, chronic neglect or the abuse of a child in the care of the department.

If you believe a child is at imminent risk of harm or in immediate danger, call 000.

Reports of less serious concerns can be made via eCARL, the online reporting system, which can be found [here](#).

WHAT HAPPENS AFTER A REPORT IS MADE?

The staff on the Child Abuse Report Line will inform you of the next steps to be taken. Organisations must maintain records of all reports made regardless of the outcome of the report. This should be reported as an incident in SMO (Safety Management Online).

WILL THE CHILD OR FAMILY BE INFORMED THAT I HAVE MADE A REPORT?

All mandatory notifiers are legally entitled to confidentiality excluding the following circumstances:

- the notifier consents to their details being disclosed;
- a court of law requests the information as it is deemed of critical importance;
- it is reasonably necessary to prevent further harm to a child or young person;
- it is reasonably necessary for the person's statutory duties to be fulfilled.

WHAT ARE THE CONSEQUENCES FOR NOT REPORTING CONCERNS ABOUT THE SAFETY, WELFARE AND WELLBEING OF A CHILD?

If you are a mandatory reporter, you are legally bound to report any concerns you have regarding the safety, welfare and wellbeing of a child.

Mandatory reporting is a legal requirement for organisations providing services directly to children in South Australia. Mandatory reporting should be included in child safeguarding policies and procedures including the Code of Conduct. Failing to report regarding concerns about the welfare, safety and wellbeing of a child will also lead to disciplinary action within an organisation.

Further information regarding mandatory reporting in South Australia can be found on the South Australian Government Department for Child Protection website:

[The role of mandated reporters | Department for Child Protection](#)