



Fact Sheet 1 - GENERAL INFORMATION

What is mandatory reporting?

Mandatory reporting legislation requires specific people or professionals to report concerns of child abuse to child protection agencies.

In Western Australia the legislation covering mandatory reporting of child sexual abuse is the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008*.

Mandatory reporting of child sexual abuse will commence on 1 January 2009.

Mandatory reporters in Western Australia

- Doctors
- Nurses and midwives
- Teachers
- Police officers

What does the legislation mean to mandatory reporters?

This legislation focuses on child sexual abuse. Other forms of abuse (physical, emotional and neglect) should continue to be reported, but there is no penalty if the report doesn't occur.

The legislation requires mandatory reporters to report suspected child sexual abuse if they form this belief, based on reasonable grounds, in the course of their paid or unpaid work.

Definition of 'child'

A child is defined in the *Children and Community Services Act 2004* as 'under 18 years of age, and in the absence of positive evidence of age, means a person apparently under 18 years of age'.

Definition of child sexual abuse

'Sexual abuse', in relation to a child, includes sexual behaviour in circumstances where:

- (a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or
- (b) the child has less power than another person involved in the behaviour; or
- (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

How to make a report

Once a mandatory reporter forms a belief, on reasonable grounds, that child sexual abuse has occurred or is occurring, they must make a report to the Department for Child Protection's Mandatory Reporting Service on 1800 708 704 or online at www.mandatoryreporting.dcp.wa.gov.au.

A verbal report can be made, but this must be followed by a written report as soon as is practicable, preferably within 24 hours.

The reporter's organisation may have internal reporting procedures, and it is important that reporters check this with their organisation.

What happens after a report is made?

The Mandatory Reporting Service will:

- Acknowledge receipt of the report.
- Provide the Western Australia Police with a copy of every written report.
- Make enquiries and an assessment, then take the necessary action.
- Assist the Western Australia Police, who may undertake a separate investigation.

What happens if a mandatory reporter doesn't make a report?

Failure to make a report can result in a fine of up to \$6,000. A person can be prosecuted within three (3) years after failing to make a report. After that, it is at the Attorney General's discretion.

Failure to make a written report can result in a fine of up to \$3,000.

Further information

Mandatory Reporting Service
Department for Child Protection
Telephone: 1800 708 704
Fax: 1800 610 614
Web: www.mandatoryreporting.dcp.wa.gov.au
Email: mrs@dcp.wa.gov.au
Post: PO Box 8146
PERTH BC WA 6849

The Mandatory Reporting Service operates 24 hours a day, seven days a week.



Fact Sheet 2 - BACKGROUND INFORMATION - CHILD ABUSE AND NEGLECT

Understanding child abuse and neglect

Child abuse and neglect affects a small but very significant proportion of children in society at any given time. Often child protection agencies distinguish between forms of abuse: physical abuse, emotional abuse, sexual abuse and neglect.

Physical abuse occurs when a child or young person has experienced severe and/or persistent ill-treatment through behaviours such as beating, shaking, inappropriate administration of alcohol and drugs, attempted suffocation or excessive discipline or physical punishment.

Emotional and psychological abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement.

Sexual abuse includes sexual behaviour where: a child or young person is subject to coercion, a threat, exploitation or violence; the child has less power than another person involved in the behaviour; and there is significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

Neglect is when a child is not provided with adequate food or shelter, effective medical, therapeutic or remedial treatment, and/or care, nurturance or supervision to a severe and/or persistent extent.

Prevalence of child abuse and neglect

The incidence of child abuse and neglect in society is hard to measure and information relating to child sexual abuse is difficult to access. Neglect is the most common concern reported to child protection agencies in Australia, Canada and the United States of America.

Recent research findings in the United Kingdom indicate that 1 in 6 children will have suffered sexual abuse before they reach 16 years of age.

(Source: www.stopitnow.com)

Research undertaken in Australia in 2003 found that at least 12% of women and 4% of men experienced sexual abuse before the age of 16 years of age. (Dunne, M., Purdie, D., Cook, M., Boyle, F., & Najman, J. Is child abuse declining? Evidence from a population-based survey of men and women in Australia. *Child Abuse and Neglect*, 27:141)

Reporting and child protection

Reporting of child protection concerns to child protection agencies across the western world has increased significantly in recent years and continues to increase. This does not mean that more children are being abused. It is likely that this reflects that society is more aware of child abuse and neglect and are raising their concerns with the appropriate agency.

Concerns raised in relation to children are said to be 'substantiated' when it is determined that the child has been subjected to abuse or harm.

Western Australian figures

The Department for Child Protection receives thousands of notifications of concerns for the safety and wellbeing of children every year. All the notifications are assessed by trained professionals in child protection and roughly half progress to the investigative stage. For example, in 2007/08 the Department received 8,896 concerns for children and investigated 4,233 of these concerns.

Source: Department for Child Protection, Annual Report 2007-2008.