

CHANGES TO MANDATORY REPORTING

FACTSHEET

Ministers of religion now mandated reporters

Under new laws coming into effect on **1 September 2019** ministers of religion, religious leaders and members of the clergy of a church or religious denomination will be mandated reporters. The laws have been introduced in response to recommendations made by the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

What is a mandated reporter?

Mandated reporters are groups of professionals who, because of their work, have unique access to children and expertise to identify abuse more readily than the general community. These groups are mandated under law to report their concerns regarding physical or sexual abuse when they come across it in their day-to-day business.

When do I have to make a report?

You must make a report if, through the course of your work, you believe on reasonable grounds that a child or young person:

- > Is being or has been sexually abused, or
- > Is experiencing or has experienced non-accidental physical injury (physical abuse).

The information supporting your belief must be obtained by you in the course of your work.

There are certain situations where mandated reporters are not required to make a report. These are when you believe:

- > the same abuse has already been reported for the same reasons

- > the abuse was by another child
- > the allegation relates to injuries caused by a child or young person, where the parents are willing and able to protect the child from further injury.

Who do I make a report to?

Reports are made to Child and Youth Protection Services (CYPS).

How do I make a report?

To make a report, use the online portal at:

- > <https://form.act.gov.au/smartforms/index.htm>

You can also make a report using the contact details below:

- > Mandated reporters 24-hour line: 1300 556 728
- > childprotection@act.gov.au
- > <https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services>

What if the information was disclosed during a religious confession?

The same mandatory reporting obligations apply irrespective of whether the information was disclosed in a religious confession.

Do I also have to make a report to police under the new failure to report offence?

If you are a mandated reporter, and you have made a mandatory report about child sexual abuse to CYPS, you **do not** have to report the same information to police under the Failure to Report offence. CYPS will pass relevant information onto the police.

However, you should be aware that if the information is not subject to a mandatory report, or is obtained outside the course of your employment, you will need to make a report to the police under the Failure to Report law.

Do I have to make a report to the ACT Ombudsman under the Reportable Conduct Scheme?

Making a mandatory report does not displace any obligations your organisation already has under the Reportable Conduct Scheme. If your organisation is required to report under that scheme, it should still make a report.

To find out more about the Reportable Conduct Scheme and whether you have any obligations under the scheme please visit:

- > <http://ombudsman.act.gov.au/reportable-conduct-scheme>

Where can I find out more about my obligations as a mandated reporter?

If you are a mandated reporter, you should spend some time familiarising yourself with your

obligations under the law. If you would like to learn more about your obligations, you can read the 'Keeping Children and Young People Safe Guide' available at the following link:

- > <https://www.communityservices.act.gov.au/oc-yfs/keeping-children-and-young-people-safe>

Why were these changes made?

These changes were made following the Commonwealth *Royal Commission into Institutional Responses to Child Sexual Abuse*. The Royal Commission made a number of recommendations regarding reporting laws. One of the recommendations was to add ministers of religion as mandated reporters under state and territory mandatory reporting schemes.

This expansion recognises that ministers of religion typically deal with children in the course of their work and are therefore in a position to protect children from abuse.