

## Operational Directive: Mandatory Reporting

Reference Number: OD02  
Organizational Unit: All  
Responsible Position: Chief Executive Officer  
Relevant Delegations: NIL  
Effective Date: 3 March 2016  
Review Date: Every two years (3 March 2018)

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### 1. Objective:

All staff are aware of the provisions of the *Domestic and Family Violence Act* in relation to mandatory reporting.

### 2. Scope:

This directive applies to **all staff** employed by the Council.

### 3. Directive:

This directive is derived from two legislative Acts; *the Domestic and Family Violence Act* and *the Care and Protection of Children Act 2007*

In March 2009 new provisions to sections 124 and 125 of the *Domestic and Family Violence Act* require that every adult in the Northern Territory must report to the police, if they believe on reasonable grounds, either, or both of the following:

*"Another person has caused or is likely to cause serious physical harm to someone else, with whom the other person is in a domestic relationship, and/or the life or safety of another person is under serious or imminent threat because domestic violence has been, is being, or is about to be, committed."*

Section 26 (1) of the *Care and Protection of Children Act 2007* imposes a legal responsibility on EVERY PERSON in the Northern Territory to report child abuse and neglect and cases where children have been or are likely to be a victim of sexual offence. The Act states:

*"A person is guilty of an offence if the person believes on reasonable grounds any of the following:*

*a child has suffered or is likely to suffer harm or exploitation;*

*a child aged less than 14 years has been or is likely to be a victim of as sexual offence;*

*a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code*

*and does not as soon as possible after forming that belief, report (orally or in writing) to the CEO or a police officer:*

*that belief; and*

*any knowledge of the person forming the grounds for that belief; and*

*any factual circumstances on which that knowledge is based."*

Both *the Domestic and Family Violence Act* and *the Care and Protection of Children Act 2007* make it clear that any reporting of abuse, neglect or violence is NOT a breach of confidentiality or professional ethics.

#### 4. Background

The following information is provided to assist staff in understanding their requirements under the *Domestic and Family Violence Act* and the *Care and Protection of Children Act 2007*.

### Domestic and family violence

#### *What should I report?*

It includes all forms of violence between intimate partners and violence between members of a family, household or community.

This violence may include; physical abuse, sexual assault, threats, intimidation, emotional abuse, social isolation, property damage, financial deprivation and spiritual abuse. It also includes child abuse and neglect.

#### *What about women abusing men?*

The legislation is not gender specific about who is the victim or the offender and does not discriminate between men and women. All suspected abuse or known abuse should be reported.

#### *Who needs to report?*

Anyone 18 years of age or older.

#### *Who do I make the report to?*

Call Police on **000** for emergencies or [131 444](tel:131444) where an emergency response is not needed.

#### *What if I think the safety of my client/patient, myself or colleagues may be compromised by making a report to the police?*

Immediate response is not necessary. Report the offense to police when it is practical and safe to do so.

#### *Am I required to give my personal details to the Police when making a report, given there is a fine for not reporting?*

The legislation does not explicitly state that reporter's name must be provided to the police. However, if you are making a report in a professional capacity, it is in your interest to report your name and contact details as a record of your actions.

#### *Does an offense of failing to report domestic and family violence to the police appear on a security check for employment?*

It is a criminal offense not to report serious physical harm, so conviction for committing this offense will appear on criminal history checks (i.e. security checks for employment).

#### *If a person hears about an incident through hearsay and it meets the definition of serious physical harm, are they mandated to make a report to the police?*

If a person believes that serious physical harm has occurred or is about to occur, or there is a serious or imminent threat to life and safety, they are mandated to make the report to the police.

*\*All staff working with children should be familiar with the NT Government 'Stop Domestic Violence' and the 'Department of Children and Families' web sites.*

<http://www.stopfamilyviolence.nt.gov.au/>

[http://www.childrenandfamilies.nt.gov.au/Domestic\\_and\\_Family\\_Violence/Contact\\_Us/index.aspx](http://www.childrenandfamilies.nt.gov.au/Domestic_and_Family_Violence/Contact_Us/index.aspx)

## Child Protection

In the Northern Territory, any person who believes a child is being, or has been, abused or neglected is required by law to report their concerns.

### *What should I report?*

Broadly speaking, child abuse is about an adult harming a child. In the NT, the law states that a child is a person under the age of 18 years.

Child abuse can occur through someone doing something harmful or by someone not doing something to provide for, or to protect a child.

Child abuse includes;

- **Physical**- hitting, beating, shaking, biting, burning or any actions which result in the child's body being harmed,
- **Emotional**- constantly criticising, teasing, belittling or 'putting down', constantly shouting and screaming at a child, ignoring and refusing to help, threatening, withdrawing love and affection or threatening to do so.
- **Neglect**- When a child does not have enough food, clothing is not clean, doesn't have a place to live, is not provided with medical, dental and health care (including not providing medication for health conditions); when young children are left alone, not properly supervised, when parents do not watch kids closely in a dangerous environment, constantly ignoring a child's need for attention, not sending a child to school/not providing learning opportunities for them or abandoning a child.
- **Sexual Abuse**- sexual suggestions, exhibitionism, showing pornography or inappropriate touching.

Reports should be made to:

**Centralised Child Intake service - 1800 700 250**

Information asked:

- The child's name, age, address and present location.
- The nature of the suspected abuse or neglect
- What you have heard or observed
- Information about the immediate danger of the child
- Any other information you think may help, e.g. whether you know of any other agencies involved with the family.

In most cases where abuse or neglect has been confirmed, the child's family will be offered services to help them to improve the way their child is cared for. In a minority of cases where a child's parents are unable or unwilling to protect their child from harm, alternative arrangements will be made for the care of the

child. If this happens preference is given that the child is placed in the care of a suitable family member where possible.

**If you do not have all of this information, you should still report the information you have.**

## Harm and Sexual Offenses;

### *What should I report?*

Any child less than 18 years that has suffered or is likely to suffer harm or exploitation.

Any child aged less than 14 years that has been or is likely to be a victim of sexual offense (includes being sexually active under the age of 14).

Any child aged less than 18 years has been or is likely to be a victim of a sexual offense occurring in the context of a special care relationship.

### *How do I make a report?*

Reports should be made to:

**Centralised Child Intake service - 1800 700 250**

### *What is 'Harm to a child'?*

Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on;

- The physical, psychological or emotional wellbeing of the child; or
- The physical, psychological or emotional development of the child.

### *What is 'Exploitation of a child'?*

It includes sexual and any other forms of exploitation of the child. Sexual exploitation of a child includes;

- Sexual abuse of the child; and
- Involving the child as a participant or spectator in any of the following;
- An act of a sexual nature;
- Prostitution;
- A pornographic performance.

Any sexual activity with a person under 16 years is an offence, as persons under 16 years can not lawfully consent to sexual activity. It is an offence regardless of whether both persons are under the age of 16 years.

### *Special Care Relationship*

It is an offence for an adult who has a relationship of special care with a person under the age of 18 years to engage in sexual intercourse with that person. This includes step-parents, guardians, foster carers, school teachers, persons providing religious, sporting, work or musical tuition, correctional services officers and health professionals.

## 5. Change and Approval History

Date	Comments
27 October 2011	Originally adopted
16 September 2015	Reviewed – moved to new template
3 March 2016	Reviewed and updated.

