

Mandatory reporters

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Some people because of their work or role need to make a report to Child Safety if they believe a child is unsafe or at risk.

Who is a mandatory reporter?

You need to report any risk that you become aware of if you are any of the following:

- a medical practitioner
- a nurse
- a midwife
- a dentist, dental therapist/hygienist or oral health therapist
- a psychologist
- a police officer
- a probation officer
- a principal or teacher
- a childcare provider
- a person involved in the management of a childcare centre or education provider
- any person who volunteers or works for an organisation that receives government funding and provides health, welfare, education, childcare or residential services to young people.

What do I have to report?

You must report if you believe that an unborn baby, child or young person has suffered abuse or is at risk of:

- being abused, physically or sexually
- being neglected
- being threatened with death, abuse or neglect.

You also have to report if you believe that there is a risk that the child's parents or guardians are:

- unable or unwilling to maintain the child
- unable or unwilling to adequately supervise the child
- dead or have abandoned the child
- will not protect them from abuse or neglect.

You also must report if a person under 16 is not attending school without a good reason.

Who should make a report?

You should make a report as soon as you believe a child is at risk of abuse, neglect or serious harm.

It is against the law for mandatory reporters to fail to notify authorities about possible risks to a young person or unborn baby.

Who do I need to report to?

You can report to [Strong Families Safe Kids](#) either through their website or their hotline on 1800 000 123.

It will not be sufficient to simply tell your manager or supervisor as the law requires you to make the report yourself.

What if there is an immediate risk to a young person?

If you believe that the young person is at immediate risk it is best to make a report to the police as soon as possible to protect the young person from immediate harm.

If it is not a situation where you believe there is an immediate risk then you should make a report to [Strong Families Safe Kids](#).

What should I include in my report?

It is important that you record as much information as possible.

- Why you believe there is a risk
- When you became aware of the risk
- How you came to be aware of the situation
- Who else is involved (other potential witnesses)
- Who is the report relating to (is it about a brother, sister, stepparent, etc)
- What are the specific risks that the child may be facing.

You should write a detailed file note and date it. The reason for this is that if a matter ever comes to court you will be able to show when you became aware of the situation and you won't have to rely only on your memory.

What are the types of situations I need to report?

- If a child tells you they have suffered a non-accidental physical injury or makes a disclosure to you about being neglect, sexual abuse or emotional trauma
- Someone tells you that they believe or have information suggesting that the child is suffering abuse or neglect but they will not report it (say a parent or sibling) obviously you should encourage that person to make a disclosure but sometimes that is not possible or safe. Even though you don't have firsthand information you must still make a disclosure
- If you observe that the young person has suffered a non-accidental injury or are being neglected, abused or suffering trauma.

Can I make a notification anonymously?

No, you will be required to identify yourself if you are a mandatory reporter but you are entitled to have your identity treated as confidential unless the information becomes relevant to a later prosecution.

Will my details be passed on to the family or child?

You have a right to confidentiality and your name and details will not be provided to the family of the child or the child themselves unless it is required. It may be given to other people within the reporting system, so if they need to discuss the matter in the course of the investigation, they may give your information to other people who are also involved but not outside parties.

The identity of a person who makes a report cannot be released under a right to information request.

It is a criminal offence to disclose who made a report and it has a possible penalty of 12 months in prison.

Can the family or child work out who made the report?

Even though you are entitled to have your details kept confidential the young person or their family may be able to figure out who made the report based on the information provided.

Do I need to speak to the family first before making a report?

No, there is no requirement for you to raise that you are going to make a disclosure with the family or young person beforehand and it may be beneficial to avoid doing so if you believe that serious offence has been committed.

What should I do if I am not sure if I should make a report?

You are not liable for any negative outcomes that may happen if it turns out your belief or suspicions were not right or were based on a misunderstanding or incorrect information.

It is always in your interest and the young person's interest for you to report your suspicions and beliefs. Even if nothing comes of it there will be a record that a disclosure was made and that a risk was identified.

What can happen if I do not report a risk?

There are possible consequences for you if you fail to report a risk you are aware of:

You may be fined up to 20 penalty units (\$3,460 at Dec 2021)

You may be charged with failing to report the abuse of a child (s105A of the Criminal Code 1924) which has a potential penalty of 21 years in prison.

What are my responsibilities after I make a report?

After you make a report, you may be called as a witness if the matter goes to court. You would receive a summons stating when and where you will be required to attend court.

This requirement will continue after you cease employment or change roles.

What if I suspect that there is also family violence occurring?

There are separate reporting obligations under the *Family Violence Act 2004* which require you to report if you believe that a child is being exposed to family violence.

You must make a report to the police. This does not remove your responsibility to make a report under the *Young People And Their Families Act*. This means you may need to make multiple reports because of a single incident.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.