

## Mandatory reporting in Victoria

Mandatory reporting is a term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities. Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description.

### Who are mandated

- Registered medical practitioners
- Midwives
- Registered nurses
- A person registered as a teacher under the *Education, Training and Reform Act 2006* or teachers granted permission to teach under that Act
- Principals of government or non-government schools
- Members of the police force

Section 327 of the Victorian Crimes Act 1958 states that any person 18 years of age or older who has information that leads them to believe that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person 18 years or older must disclose that information to a police officer as soon as it is practicable to do so.

In addition to state and territory laws, the *Family Law Act 1975* (Cth) creates a mandatory reporting duty for personnel from the Family Court of Australia, the Federal Magistrates Court and the Family Court of Western Australia. This includes registrars, family counsellors, family dispute resolution practitioners or arbitrators, and lawyers independently representing children's interests.

Centres Against Sexual Assault are not forced to report sexual assaults to police. CASA workers however have a duty of care to make a report to the Police or Child Protection if they believe there is an ongoing risk to the safety of a child or young person. Counsellors will generally discuss this with the young person first.

### What must be reported

For people 17 years of age and under there is a community responsibility that if there is knowledge or belief on reasonable grounds that a young person is being sexually assaulted they need to be made safe from further harm.

### Other people who are vulnerable

Police must be notified of any sexual assault that occurs to people while they are living in a psychiatric care setting, or who live in a residential service that is run by the Government.



**CASA Forum**  
Victorian Centres Against Sexual Assault

## References

*Mandatory reporting of child abuse and neglect - Child Family Community Australia - Australian Institute of Family Studies* (report). Retrieved from <http://www.aifs.gov.au/cfca/pubs/factsheets/a141787/>