



Anglican Church Diocese of Sydney

St Andrew's House
Sydney Square
New South Wales
Australia

PO Box Q190
QVB Post Office NSW 1230

Telephone: 61 2 9265 1555

Facsimile: 61 2 9261 4485

Child Protection Legislation #5 Reporting Children and Young People At Risk of Harm - 16 January 2001

Summary

On 18 December 2000 further child protection legislation came into effect, namely the [Children and Young Persons \(Care and Protection\) Act 1998](#) (the "Act"). The Act sets out the circumstances in which reports should be made to the Department of Community Services ("DoCS") about children and young persons who may be at risk of harm.

The Act significantly extends the previous categories of person who must make a report about a child to DoCS. In a parish, the persons who are now subject to mandatory reporting generally include the following:

- (a) any person who is paid to deliver health care, welfare, education, children's services, residential services, or law enforcement to children,
- (b) the minister, whenever the minister appoints another person to provide any of these services to children,
- (c) a duly authorised delegate of the minister, whenever the delegate appoints another person to provide any of these services to children, and
- (d) the churchwardens, whenever they employ a person to provide any of these services to children.

A person must make a report to DoCS as soon as practical if a person who is subject to the mandatory reporting obligation has reasonable grounds to suspect that the child is at risk of harm and those grounds arise during the course of or from the persons work.

In addition to mandatory reporting, any person with reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are at risk of harm may make a voluntary report to DoCS under the Act.

A person who has information in relation to the abuse or suspected abuse of a child or young person should take care not to disclose the information to another person who does not have a need to know the information.

The Act provides certain protections to persons who in relation to a child or young person, make a report in good faith to DoCS or to a person who has the power or responsibility to protect the child or young person. This includes protection against an action for defamation.

In addition to reporting children and young people to DoCS, consideration should also be given to other reporting obligations in the context of child protection including reporting under the Archbishop's protocol of reporting sexual abuse by church workers, reporting to the police, and reporting to the Commission for Children and Young People.

ROBERT WICKS
Legal Officer