

Appendix 1

Legislation relevant to child abuse and neglect 1995–96

The following legislation relates to child protection in Australia:

Commonwealth

Family Law Act 1975

New South Wales

Children (Care and Protection) Act 1987

Victoria

Children and Young Persons Act 1989

Queensland

Children's Services Act 1965

Health Act 1937

Western Australia

Child Welfare Act 1947

Community Services Act 1972

South Australia

Children's Protection and Young Offenders Act 1979

Children's Protection Act 1993

Tasmania

Child Welfare Act 1960

Child Protection Act 1974

Child Protection Amendments Act 1986, 1987 and 1991

Alcohol and Drug Dependency Act 1968

Australian Capital Territory

Children's Services Act 1986

Northern Territory

Community Welfare Act 1983

Appendix 2

Mandatory reporting requirements in each State and Territory

New South Wales

Since 1977 medical practitioners have been required by law to report physical and sexual abuse. Under the *Children (Care and Protection) Act 1987* teachers are required to report suspected cases of child sexual abuse. This includes principals, deputy principals, teachers, school social workers and school counsellors. The Department of School Education policy also requires teachers to notify suspected physical and emotional abuse and neglect. The police service and Department of Health workers are also required, under their own departmental guidelines, to report abuse.

Victoria

In 1993 the Victorian Government proposed legislative changes to the *Children and Young Persons Act 1989* which would mandate specific professional groups to notify suspected cases of child physical and sexual abuse. The professional groups targeted through legislation include medical practitioners, psychiatrists, nurses, police, primary and post-primary teachers, principals, registered psychologists, social workers, youth and welfare workers, and other workers in related community and welfare services fields. The government adopted a phased implementation of mandatory reporting legislation to enable adequate professional education of these groups on issues of mandatory reporting and child abuse.

Doctors, nurses and police were mandated on 4 November 1993 to report child physical and sexual abuse. Primary and secondary school teachers and principals were mandated on 18 July 1994.

Queensland

Under the *Health Act 1937*, medical practitioners are required by law to notify the Director-General, Queensland Health, of all cases of suspected maltreatment of a child. Queensland Department of Education guidelines state that teachers are required to advise their principal of suspected cases of child abuse, but there is no legislation or policy that requires reporting to child protection authorities.

Western Australia

In Western Australia, referrals about possible harm to children are facilitated by a series of reciprocal protocols that have been negotiated with key government and non-government agencies, rather than by mandatory reporting. Community awareness programs and education of professional groups also contribute to identification of possible maltreatment, and action to prevent further harm from occurring.

South Australia

Under the *Children's Protection Act 1993*, the following persons are required to notify the Department for Family and Community Services when they suspect on reasonable grounds that a child is being abused or neglected: medical practitioners, nurses, dentists, psychologists, police, probation officers, social workers, teachers, family day care providers, and employees of, or volunteers in government departments, agencies or local government or non-government agencies that provide health, welfare, education, child care or residential services wholly or partly for children.

Tasmania

In Tasmania it is mandatory for the following professionals to report suspected cases of child abuse to the Child Protection Board: medical practitioners, registered nurses, probation officers, child welfare officers, school principals, kindergarten teachers, welfare officers appointed under the *Alcohol and Drug Dependency Act 1968*, guidance officers and psychologists.

Australian Capital Territory

There is currently no mandatory reporting of child abuse in the Australian Capital Territory (ACT). Although the *Children's Services Act 1986* contains a provision that certain specified professionals (including medical practitioners, dentists, registered nurses, police officers and others) be required by law to report suspected cases of child abuse, this provision did not take effect when the Act came into operation. The Australian Capital Territory Community Law Reform Committee, which published its findings in November 1993, was asked by the Australian Capital Territory Government to consider enacting this provision. Consequently, in 1995 the Australian Capital Territory Government announced its intention to introduce mandatory reporting from 1 June 1997, in a graduated approach involving the training of professionals in one region, allowing the assessment of the impact on services to be made before full implementation. The groups to be mandated from 1 June 1997 are doctors, dentists, nurses, police officers, teachers, school counsellors, public servants working in the child welfare field and licensed child care providers.

Northern Territory

It is mandatory for any person who believes that a child is being, or has been, abused or neglected to make a report either to a Family and Community Services office of Territory Health Services or to the police, who will then notify a Family and Community Services office.

Appendix 3

Related AIHW publications

Child Welfare Series

Number 1: *Adoptions Australia, 1990–91*

Number 2: *Child Abuse and Neglect Australia, 1990–91*

Number 3: *Children under Care and Protection Orders Australia, 1990–91*

Number 4: *Adoptions Australia, 1991–92*

Number 5: *Child Abuse and Neglect Australia, 1991–92*

Number 6: *Children under Care and Protection Orders Australia, 1991–92*

Number 7: *Adoptions Australia, 1992–93*

Number 8: *Child Abuse and Neglect: Reporting and Investigation Procedures in Australia, 1994*

Number 9: *Child Abuse and Neglect Australia, 1992–93*

Number 10: *Children under Care and Protection Orders Australia, 1992–93*

Number 11: *Adoptions Australia, 1993–94*

Number 12: *Children under Care and Protection Orders Australia, 1993–94*

Number 13: *Child Abuse and Neglect Australia, 1993–94*

Number 14: *Adoptions Australia, 1994–95*

Number 15: *Children under Care and Protection Orders Australia, 1994–95*

Number 16: *Child Abuse and Neglect Australia, 1994–95*

Other publications

Australia's Welfare: Services and Assistance 1993

Australia's Welfare: Services and Assistance 1995

Appendix 4

Abbreviations

ABS	Australian Bureau of Statistics
ACOSS	Australian Council of Social Services
ACCA	Aboriginal Child Care Agencies
AIHW	Australian Institute of Health and Welfare
CCR	Child Concern Report
CMA	Child Maltreatment Allegation
CYFSB	Children's, Youth and Family Services Bureau (Australian Capital Territory)
DCHS	Department of Community and Health Services (Tasmania)
DCS	Department of Community Services (New South Wales)
DFCS	Department for Family and Community Services (South Australia)
DFYCC	Department of Families, Youth and Community Care (Queensland)
DHS	Department of Human Services (Victoria)
FCS	Family and Children's Services (Western Australia)
FYCS	Family, Youth and Children's Services (Northern Territory)
JIT	Joint Investigative Teams
NCPC	National Child Protection Council
SCAN	Suspected Child Abuse and Neglect

Glossary

Aboriginal or Torres Strait Islander

A person of Aboriginal or Torres Strait Island descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community with which he or she is associated. Following investigation of a notification of child abuse or neglect, a subject child is recorded as Aboriginal or Torres Strait Islander when the child identifies as such, or when that child's principal caregiver identifies the child as such.

Age of child

Age is calculated from date of birth at the time a report is made, and is shown in completed years, or in completed months where age is less than 1 year.

Authorised department

An authorised department is an organisation to which reports of child abuse and neglect are made. This includes all State and Territory community service departments.

Child

A child is defined as a person under the age of 18 years.

Child abuse and neglect

Child abuse and neglect occurs when a child has been, is being, or is likely to be, subjected to sexual, physical or emotional actions or inactions (generally by someone who has the care of the child) which have resulted in, or are likely to result in, significant harm or injury to the child.

Having the care of

A person is regarded as having the care of a child when he or she has either permanent or temporary custody, control or responsibility at the time of abuse or neglect, regardless of whether this is on a regular, part-time or ad hoc basis.

Investigation outcome

The outcome of a finalised investigation is designated as either:

Substantiated notification/substantiation

A finalised investigation is classified as 'substantiated' or classified as a 'substantiation' where there is reasonable cause to believe that the child has been or is being abused or neglected. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was, or is to be, provided. See definition of *Type of abuse or neglect*.

Child at risk

A finalised investigation is classified as 'child at risk' where no abuse or neglect can be substantiated but there are reasonable grounds to suspect the possibility of prior or future

abuse or neglect and it is considered that continued departmental involvement is warranted. During 1995–96, this category was used in Queensland, Western Australia, Tasmania and the Australian Capital Territory.

No abuse or neglect

A finalised investigation is classified in this category where an investigation has concluded that there is no reasonable cause to suspect prior, current or future abuse or neglect of the child.

Maltreatment

‘Maltreatment’ has the same meaning as child abuse and neglect. Where data on notifications of ‘other concerns’ cannot be separated from notifications of ‘maltreatment’, this is footnoted.

Notifications

Notifications of child abuse and neglect consist of contacts made to an authorised department by persons or other bodies making allegations of child abuse or neglect.

Notifications can only involve one child; where it is claimed that two children have been abused or neglected, this is counted as two notifications, even if the children are from one family.

Where there is more than one notification about the same ‘event’, this is counted as only one notification. Where there is more than one notification about a child during the year ended 30 June, but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible for the abuse or neglect), these notifications are counted as separate notifications.

Notifications investigated (investigations)

A notification is investigated where the initial information provided by the notifier is sufficiently serious for the department to have made substantial contacts, by any means, with the child and/or family, and/or persons known to the child and/or family, to assess whether or not abuse or neglect has occurred.

Finalised investigation

A finalised investigation is a notification received during the year ended 30 June where the investigation was completed and an outcome recorded by 31 August.

Investigation not finalised

An investigation which is not finalised is a notification received during the year ended 30 June, which was investigated, but where the investigation was not completed and an investigation outcome was not recorded by 31 August.

Notifications dealt with by other means

Notifications of maltreatment during the year ended 30 June which were responded to by means other than investigation, such as advice or referral to services.

Notifications not investigated and not dealt with by other means

Notifications of maltreatment during the year ended 30 June which were not dealt with by any means. Include notifications where investigation was warranted, but where no investigation or other action was possible.

Person believed responsible for the abuse or neglect

Where there is more than one person believed responsible, the person believed responsible is categorised as the person believed to have inflicted the most severe abuse or neglect, or most likely to have harmed the child or put the child at risk. Where it is not possible to identify the person believed responsible in this way, the person is categorised as the person who inflicted the most obvious form of abuse or neglect.

Relationship to child of the person believed responsible for the abuse or neglect

The relationship to the child of the person believed responsible for the abuse or neglect is categorised as follows:

Natural parent

Any male or female who is the biological or adoptive parent of the child.

Step-parent

Any person who is not the biological or adoptive parent of a child but is or was involved in a legal marriage relationship with one of the child's biological parents.

Parent's de facto partner

Any male or female who is not the biological or adoptive parent of the child and who is the de facto marital partner of the child's parent.

Foster parent

A foster parent is defined as any person (or person's spouse) being paid a foster allowance by a government or non-government organisation for the care of a child (excluding children in family group homes).

Guardian

Any person other than the child's parents who has the legal and ongoing care and responsibility for the protection of a child.

Sibling

A natural (i.e. biological), adopted, foster, step- or half-brother or sister.

Other relative

This category includes grandparents, aunts, uncles and cousins, whether the relationship is a full, half or step relationship. This category includes members of Aboriginal communities who are accepted by that community as being related to the child but who are not the child's biological parents.

Friend/neighbour

An unrelated person or acquaintance who is known to the family, or who lives in close proximity to the subject child or his or her family.

Other

Any person whose relationship to the child is known but not classified above.

Not stated

This category includes all notifications substantiated where the relationship to the child of the person believed responsible for the abuse or neglect to the child was not specified.

Sex of child

The sex of each child who is the subject of a notification to an authorised department is recorded as male or female. Where the sex of the child is not known, it should be recorded as 'Unknown' in relevant tables.

Source of notification

The source of a notification is that person who, or organisation which, initially makes a notification of child maltreatment to a relevant authority. The source is classified according to the relationship to the child or children allegedly abused or neglected.

The source of notification is categorised as follows:

Parent/guardian

A natural or substitute parent, spouse of a natural parent, adoptive parent or spouse of an adoptive parent or any other person who has an ongoing legal responsibility for the care and protection of a child.

Sibling

A natural (i.e. biological), adopted, foster, step- or half-brother or sister.

Other relative

This category includes grandparents, aunts, uncles and cousin. The relationship can be full, half or step or through adoption and can be traced through, or to, a person whose parents were not married to each other at the time of his or her birth. This category also includes members of Aboriginal or Torres Strait Islander communities who are accepted by that community as being related to the child.

Friend/neighbour

An unrelated person or acquaintance who is known to, or lives in close proximity to, the subject child or his or her family, or to the person believed responsible for the abuse or neglect.

Medical practitioner

This category includes only registered medical practitioners. It includes both general practitioners and specialists in hospitals or in the community.

Other health personnel

Any person engaged in supplementary, paramedical and/or ancillary medical services. This includes nurses, infant welfare sisters, dentists, radiographers, physiotherapists, pharmacists etc. It does not include social workers and non-medical hospital/health centre personnel.

Hospital/health centre personnel

Any person not elsewhere classified who is employed at a public or private hospital or other health centre or clinic.

Social worker/welfare worker/psychologist/other trained welfare worker

Any person engaged in providing a social or welfare work service in the community.

School personnel

Any appropriately trained person involved in the instruction or imparting of knowledge to children or providing direct support for this education. This includes teachers, teachers'

aides, school principals and counsellors who work in preschool, kindergarten, primary, secondary, technical, sporting or art and crafts education.

Child care personnel

Any person engaged in providing occasional, part-time or full-time day care for children.

Police

Any member of a Commonwealth, State or Territory law enforcement agency.

Departmental officer

Any person, not classified above, who is employed by a State or Territory community service department.

Non-government organisation

Any non-government organisation not classified above which provides services to the community on a non-profit-making basis.

Anonymous

This category covers notifications received from a person who does not give his or her name.

Other

All other persons or organisations not classified above (e.g. ministers of religion, or government agencies and instrumentalities not classified above).

Not stated

This category includes all notifications which are received from an unknown source.

Type of abuse or neglect

Substantiated notifications are classified into four categories: physical abuse, emotional abuse, sexual abuse, and neglect. Where more than one type of abuse or neglect has occurred, the substantiated notification is classified to that type most likely to be the most severe in the short term or most likely to place the child at risk in the short term or, if such an assessment is not possible, to the most obvious form of abuse or neglect.

Physical abuse

Any non-accidental physical injury inflicted upon a child by a person having the care of a child.

Emotional abuse

Any act by a person having the care of a child which results in the child suffering any kind of significant emotional deprivation or trauma.

Sexual abuse

Any act by a person having the care of the child which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards.

Neglect

Any serious omissions or commissions by a person having the care of a child which, within the bounds of cultural tradition, constitute a failure to provide conditions which are essential for the healthy physical and emotional development of a child.

Type of family in which the child is residing

This item refers to the family type in which a child is residing **at the time of notification of child abuse or neglect**. If the type of family of the child is collected at the time of investigation, or at some time other than at notification, then this is footnoted.

The family type of a child is classified into six main categories: two parent—natural, two parent—other, single parent—female, single parent—male, other, and not stated.

Two parent—natural

This category includes all two parent families where both parents are natural or both parents are adoptive.

Two parent—other

This category includes blended and reconstituted families (one natural parent and one step-parent, or one natural parent and a de facto partner of that parent).

Single parent—female

This category includes all families with a single female parent. The parent may be the natural, step or adoptive parent.

Single parent—male

This category includes all families with a single male parent. The parent may be the natural, step or adoptive parent.

Other

This category includes extended families and substitute care (not included above). It includes Aboriginal or Torres Strait Islander kinship arrangements, foster care and non-family situations, such as hostels and institutional accommodation.

Not stated

This category is used when the family in which a child lives is not recorded or is unknown.

Type of injury and harm

'Type of injury and harm' is classified differently in the various jurisdictions that can provide this data. A description of this is provided in the text.

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