

## GOV026 – Mandatory Reporting Policy

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### 1. POLICY CERTIFICATION

Policy title:	<b>Mandatory Reporting Policy</b>
Policy number:	<b>GOV026</b>
Category:	<b>GOVERNANCE</b>
Classification:	<b>Governance</b>
Status:	<b>Approved</b>

### 2. PURPOSE

This policy affirms Roper Gulf Regional Council’s commitment to the prevention of child abuse and domestic violence within its communities and its commitment to the safety of all of its constituents. This policy outlines the mandatory reporting requirements of the *Care and Protection of Children Act* and the *Domestic and Family Violence Act* to all Roper Gulf Regional Council members and staff, volunteers and CDP participants.

### 3. ORGANISATIONAL SCOPE

This policy applies to all Roper Gulf Regional Council (RGRC) Elected and Appointed Members, Staff Members (paid and voluntary), Contractors, Community Development Participants (CDP), and other persons engaged by RGRC for whatever reason, who are over the age of eighteen (18) years.

### 4. POLICY STATEMENT

Child abuse and domestic violence are unacceptable, and present a community welfare issue. The consequences of child abuse and domestic violence are negative and long-lasting for victims, and other persons exposed to it.

RGRC is committed to the safety and wellbeing of all its constituents, and affirms its belief that all persons have a right to live free from abuse, violence, or threat of violence.

RGRC will ensure that all of its Elected and Appointed Members, its Staff Members, its Contractors, its Volunteers, CDP Participants, and all other persons it is involved with, are aware of, and comply with the Territory’s mandatory reporting requirements pertaining to child abuse and domestic violence, and will afford Police, or any other Territory or Commonwealth Government body, every assistance which they may require when investigating child abuse and domestic violence matters.

### 5. DEFINITIONS

<b>Child</b>	A person who is under the age of 18 years.
<b>Child Abuse</b>	The infliction of unlawful harm on a child. Unlawful harm is inclusive of unlawful physical force or violence, any sexual act, and any other unlawful act which harms the child physically, psychologically, or emotionally.

GOV026 – Mandatory Reporting Policy

	Child abuse is not inclusive of lawful correction / discipline of a child by a parent, lawful guardian / caregiver or teacher. i.e. ss 11, 196 <i>Criminal Code Act</i> .
<b>Neglect of a Child</b>	Any significant detrimental effect to a child caused by an omission or circumstance where the child’s physical, medical, sanitary, nutritional, developmental, psychological, educational, emotional, or other needs are insufficiently provided for by the child’s parent(s) or other lawful guardian / caregiver.
<b>Domestic Relationship</b>	<p>s9 <i>Domestic and Family Violence Act</i>:</p> <p>A person is in a <b>domestic relationship</b> with another person if the person:</p> <ul style="list-style-type: none"> <li>(a) is or has been in a family relationship with the other person; or</li> <li>(b) has or had the custody or guardianship of, or right of access to, the other person; or</li> <li>(c) is or has been subject to the custody or guardianship of the other person, or the other person has or has had a right of access to the other person; or</li> <li>(d) ordinarily or regularly lives, or has lived, with: <ul style="list-style-type: none"> <li>(i) the other person; or</li> <li>(ii) someone else who is in a family relationship with the other person; or</li> </ul> </li> <li>(e) is or has been in a family relationship with the other person; or</li> <li>(f) is or has been in an intimate personal relationship with the other person; or</li> <li>(g) is or has been in a carers relationship with the other person.</li> </ul>
<b>Domestic Violence</b>	<p>s5 <i>Domestic and Family Violence Act</i>:</p> <p><b>Domestic Violence</b> is any of the following conduct committed by a person against someone with whom the person is in a domestic relationship:</p> <ul style="list-style-type: none"> <li>(a) conduct causing harm (including sexual or other assault);</li> <li>(b) damaging property; including the injury or death of an animal;</li> <li>(c) intimidation;</li> <li>(d) stalking;</li> <li>(e) economic abuse;</li> <li>(f) attempting or threatening to commit conduct mention in paragraphs (a) to (e).</li> </ul>
<b>CDP</b>	Community Development Programme
<b>RGRC</b>	Roper Gulf Regional Council

GOV026 – Mandatory Reporting Policy

<p><b>Reasonable Belief / Belief on Reasonable Grounds</b></p>	<p>A conjecture or state of mind, which is stronger than a suspicion, but lacking the factual basis of knowledge, which supports a particular theory, proposition, or event whether actual or perceived. It requires a factual basis so that it is more than an idle possibility, and stronger than a suspicion: The facts which may reasonably ground a suspicion may be quite insufficient to reasonably ground a belief.</p> <p>'A suspicion that something exists is more than a mere idle wondering whether it exists or not; it is a positive feeling of actual apprehension or mistrust, amounting to a "slight opinion", but without sufficient evidence...Consequently, a reason to suspect that a fact exists is more than a reason to consider or look into the possibility of its existence' Kitto J in <i>Queensland Bacon Pty Ltd v Rees</i> (1966) 115 CLR 266 at 303 - quoted in <i>George v Rockett</i> (1990) 170 CLR 104.</p> <p>'The assent of belief is given on more slender evidence than proof. Belief is an inclination of the mind towards assenting to, rather than rejecting a proposition' <i>George v Rockett</i> (1990) 170 CLR 104.</p>
<p><b>Mandatory Reporting</b></p>	<p>The legal requirement of all persons over 18 years of age to report child abuse and domestic violence matters to police. A person must report such matters as soon as practicable after forming the belief that child abuse or domestic violence has or is likely to occur. A person must report:</p> <ul style="list-style-type: none"> <li>(i) the belief; and</li> <li>(ii) any knowledge forming the grounds for the belief; and</li> <li>(iii) any factual circumstances on which that knowledge is based.</li> </ul>
<p><b>Harm</b></p>	<p>s1A <i>Criminal Code Act</i>:</p> <ul style="list-style-type: none"> <li>(1) Harm is physical harm or harm to a person's mental health, whether temporary or permanent.</li> <li>(2) Physical harm includes unconsciousness, pain, disfigurement, infection with a disease and any physical contact with a person that a person might reasonably object to in the circumstances, whether or not the person was aware of it at the time.</li> <li>(3) Harm to a person's mental health includes significant psychological harm, but does not include mere ordinary emotional reactions such as those of only distress, grief fear or anger.</li> <li>(4) Harm does not include being subjected to any force or impact that is within the limits of what is acceptable as incidental to a social interaction or to life in the community.</li> </ul>

## GOV026 – Mandatory Reporting Policy

<b>Serious Harm</b>	<p>s1 <i>Criminal Code Act</i>.</p> <p>any harm (including the cumulative effect of more than one harm):</p> <p>(a) that endangers, or is likely to endanger, a person’s life; or</p> <p>(b) that is or is likely to be significant and longstanding.</p>
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### 6. PRINCIPLES

#### 6.1 Mandatory Reporting Requirements for Child Abuse

All adults in the Northern Territory (NT) are legally required to report to Police if they *believe on reasonable grounds* that a person under the age of eighteen years (child) is being or likely to be abused physically and/or sexually, or neglected in any way (s26 *Care and Protection of Children Act*).

#### 6.2 Mandatory Reporting Requirements for Domestic Violence

All adults in the NT are required to report to police if they *believe on reasonable grounds* that a person has caused, or is likely to cause harm to another person with whom the other person is in a domestic relationship, or the life or safety of a person is under serious or imminent threat because of domestic violence has been, or is about to be committed (s124A(1) *Domestic and Family Violence Act*).

‘Harm’ is inclusive of physical and sexual violence.

#### 6.3 Principles surrounding Mandatory Reporting

All adults are required by law to report child abuse and domestic violence matters to police. This requirement applies regardless of a person’s position, activities or undertakings. Section 124A(1)(b) of the *Domestic and Family Violence Act* requires a person must report as soon as practicable after forming the belief that child abuse or domestic violence has occurred, or is likely to occur, to a police officer, either verbally or in writing:

- (i) The belief,
- (ii) any knowledge forming the grounds for that belief; and,
- (iii) any factual circumstances on which the knowledge is based.

The mandatory reporting requirement applies to RGRC staff members regardless of whether or not they are engaged in official duties with RGRC.

A person must not fail to carry out their mandatory reporting obligations without a reasonable excuse such as:

- The person reasonably believed that someone else had reported the matter to police;
- The person was engaged in planning for the removal of the victim from their circumstances, and intended to report the matter as soon as practicable after the removal;

## GOV026 – Mandatory Reporting Policy

- The person reasonably feared for their safety, or for the safety of any other person if the matter was reported.

### 6.4 RGRC requirements

If a RGRC Elected Member, Local Authority Member, Staff Member, Contractor, Volunteer, or CDP Participant *believes on reasonable grounds* that a child is being or likely to be neglected or physically or sexually abused, or, if a person is being or likely to be subjected to violence by another person with whom they are in a domestic relationship with, they must immediately report the matter to police.

RGRC will endeavour to support its Elected Members, Local Authority Members, Staff Members, Contractors, Volunteers, or CDP Participants, who report, or are the subjected to child abuse or domestic violence, and police who investigate any such matters.

## 7. REFERENCES

Acknowledgements (original author/source documents)	
Related Policies	All RGRC policies
Related Publications	<ul style="list-style-type: none"> <li>• <b>Local Government Act</b></li> <li>• <b>Care and Protection of Children Act</b></li> <li>• <b>Domestic and Family Violence Act</b></li> <li>• <b>Criminal Code Act</b></li> <li>• <b>George v Rockett (1990) 170 CLR 104</b></li> </ul>

## 8. DOCUMENT CONTROL

Policy number	GOV026
Policy Owner	Manager – Governance and Corporate Planning
Endorsed by	SLT 08/08/2018
Approved	29 August 2018 FCM
Revisions	TBA
Amendments	None
Next revision due	June 2021

## 10. CONTACT PERSON

Position **Manager – Governance and Corporate Planning**  
Contact number **08 8972 9005**