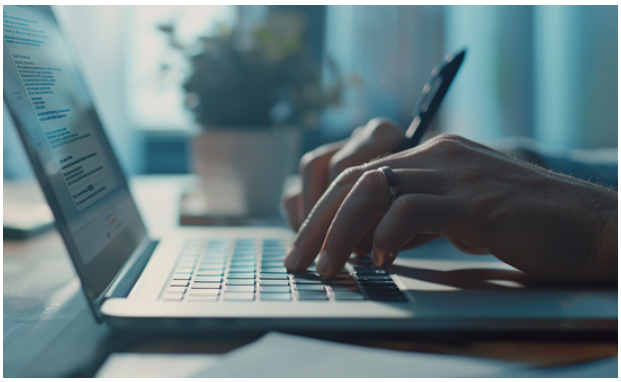


The role of mandatory reporting in preventing institutional abuse

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Mandatory reporting plays a crucial role in preventing institutional abuse, ensuring that suspected cases are brought to the attention of authorities. This blog explores the concept of mandatory reporting, its significance in protecting vulnerable individuals, and its application within institutional settings such as schools and churches.

We will also delve into the challenges faced by survivors of historic abuse, particularly when incidents were not reported at the time, and how current reporting laws aim to offer stronger support for victims.

Royal Commission into Child Sexual Abuse findings related to reporting of abuse

One significant finding of the Royal Commission into Institutional Responses to Child Sexual Abuse ("**the Commission**") was the wide under-reporting to authorities in instances where child sexual abuse was suspected and even known.

The reasons for this vary but generally were observed by the Commission to be a result of 'barriers', including the lack of legal obligations. Other barriers include fear of reporting, or feeling uncertain of suspected abuse, which can result in failure to report or delay in reporting.

As a result of these observations, following the Commission's final report in 2017, a series of recommendations were proposed, particularly in relation to mitigation of abuse via mandatory reporting schemes.

What is mandatory reporting?

Mandatory reporting is a legal requirement for certain individuals and institutions to report suspected abuse or neglect to relevant

authorities if they reasonably believe a child or vulnerable adult is at risk, even without confirmation.

Mandatory reporting can be required of different institutions, such as state or territory governments and their respective authorities. Generally, following the advice of the Commission, in the context of institutional abuse, institutional settings include schools, churches, and clubs or camps.

Mandatory reporting obligations in Queensland

Generally, in Queensland, any adult who has suspicion, belief, or knows a child has been sexually abused must report to the police or Child Safety.

In the context of institutional abuse, the Child Protection Act 1999 requires mandatory reporting from specific personnel within institutions in Queensland, referred to as “mandatory reporters”.

These include:

- teachers;
- doctors;
- registered nurses;
- police officers with child protection responsibilities;
- persons performing child advocacy functions under the Public Guardian Act 2014; and
- early childhood education and care professionals.

If any of these individuals suspect, believe, or know a child is being sexually abused, they must report it to the police or Child Safety. This also includes situations where an adult has a reasonable suspicion that a child may not have appropriate or any support or protection from a parent or guardian and is at risk of suffering harm.

Importantly, following the reporting to Child Safety, the Department must provide the mandatory reporters with information about the departmental response to the concerns reported. Mandatory reporters are entitled to request feedback from the Department, which will include information about the Department’s response, reasons for decisions made, and any relevant timeframes for future contact or actions by the Department.

Mandatory reporting for historic abuse claims

When it comes to **historical** claims of institutional abuse, any relevant reporting requirements were extremely limited and, in most cases, completely ineffective.

The recommendations by the Commission to instil mandatory reporting today are intended to offer a stronger survivor-centred approach to current and future survivors of institutional abuse. This leaves some complexity for claimants in the historic abuse context, as it is often the case that incidents were never reported.

This is difficult but not dire for abuse compensation claimants and possible claimants of historical claims; it just means other avenues ought to be explored based on the particular circumstances of their case.

Importantly, it is still available to potential claimants to report assault to police now, despite the length of time that has passed.

If survivors do not wish to lodge a formal report about a sexual assault, which is not uncommon, the Queensland Police Service provides Alternative Reporting Options which allow potential claimants to remain anonymous.

Victim Assistance Program provides financial assistance to abuse survivors

For claimants of historic abuse claims, reporting can result in access or eligibility to the Victim Assistance Program in Queensland, which is designed to provide financial assistance to survivors of assault.

In Queensland, persons who:

- were a child when the violence occurred;
- have impaired capacity; and/or
- are being threatened by the offender or someone else;

or if a person was a victim of:

- a sexual offence or offences;
- offences committed by a person in a position of power or authority; or

domestic violence occurring after 1 July 2017,

are considered ‘special primary victims’ ("**SPVs**"). SPVs are not obligated or required to report violence to the police before being eligible for the program, however a special victims report will need to be completed.

Access to financial assistance from the Victim Assistance Program is separate to any legal action taken by survivors of child sexual abuse to seek compensation for the harm caused. Survivors may seek compensation via:

1. Child sexual abuse compensation – National Redress Scheme; or

2. Common law claims due to child sexual abuse.

Get help from an abuse compensation lawyer

IM Lawyers specialises in helping survivors of historic child sex abuse navigate their legal options, whether through common law claims, the National Redress Scheme, or other legal avenues. We understand the courage it takes to initiate these claims, and we are here to provide confidential, compassionate guidance every step of the way.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.