

Mandatory Reporting Policy

GS12-CP (Superseding CP148 – Child Safety & Domestic Violence Policy)



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

1. Purpose

To inform MacDonnell Regional Council (MRC) members, employees, contractors and volunteers of MRC's mandatory reporting obligations pertaining to child abuse and domestic and family violence.

2. Scope

This policy applies to all adult MRC employees including contractors and volunteers.

3. Objectives

The objectives of this policy are to:

- 3.1 Support MRC's commitment to being a child safe organisation and providing safe communities for its constituents.
- 3.2 Ensure employees understand the legal obligations of mandatory reporting.
- 3.3 Ensure employees understand when and how to make a mandatory report.
- 3.4 Provide advice on how MRC may support employees experiencing domestic and family violence.

4. Definitions

For the purposes of this Policy:

Adult	Means any persons aged 18 years and over.
Child	Means a person who is under the age of 18 years.
Domestic and Family Violence	Section 5 of the <i>Domestic and Family Violence Act 2007 (NT)</i> defines Domestic and Family Violence as any of the following conduct committed by a person against someone with whom the person is in a domestic relationship: a) conduct causing harm including sexual assault b) damaging property including the injury or death of an animal c) intimidation d) stalking e) economic abuse f) attempting or threatening to commit conduct mentioned in paragraphs (a) to (e).

Mandatory Reporting Policy

GS12-CP (Superseding CP148 – Child Safety & Domestic Violence Policy)



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

<p>Domestic relationship</p>	<p>Section 9 of <i>the Domestic and Family Violence Act 2007 (NT)</i> defines a person in a domestic relationship with another person if the person:</p> <ul style="list-style-type: none"> a) is or has been in a family relationship with the other person; or b) has or had the custody or guardianship of, or right of access to, the other person; or 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 person; or d) ordinarily or regularly lives, or has lived, with: <ul style="list-style-type: none"> i. the other person; or ii. someone else who is in a family relationship with the other person; or e) is or has been in a family relationship with a child of the other person; or f) is or has been in an intimate personal relationship with the other person; or g) is or has been in a carer's relationship with the other person.
<p>Employee(s)</p>	<p>Except where stated in this policy the term 'employee(s)' shall extend to cover adult contractors, adult volunteers and any adult performing work for MRC.</p>
<p>Harm</p>	<p>The Criminal Code Act 1983 (NT) defines harm as;</p> <ul style="list-style-type: none"> 1) Harm is physical harm or harm to a person's mental health, whether temporary or permanent. 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. 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. 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.

Mandatory Reporting Policy

GS12-CP (Superseding CP148 – Child Safety & Domestic Violence Policy)



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

<p>Reasonable excuse</p>	<p>According to <i>Section 124A of the Domestic and Family Violence Act 2007 (NT)</i> it is an offence for an adult to not report unless they can establish a reasonable excuse. A reasonable excuse could be:</p> <ul style="list-style-type: none"> · the adult reasonably believed someone else had reported the circumstances to police. · the adult was engaged in planning for the removal of the victim from the circumstances and intended to report their belief as soon as practicable after the removal · the adult reasonably believed that their safety or the safety of any person involved in the circumstances was at risk.
<p>Reasonable grounds</p>	<p>Reasonable grounds means having an objective basis for suspecting that a child may be at risk of harm and exploitation based on:</p> <ul style="list-style-type: none"> · First hand observation of the child or family · What the child, parent or other person has disclosed · What can reasonably be inferred based on observation, professional training and or experience · The reporter is not required to prove that abuse has occurred.
<p>Serious harm</p>	<p>The <i>Criminal Code Act 1983 (NT)</i> defines serious harm as any harm (including the cumulative effect of more than one harm):</p> <ol style="list-style-type: none"> a) that endangers, or is likely to endanger, a person's life; or b) that is or is likely to be significant and longstanding.
<p>Special care</p>	<p>The <i>Criminal Code 1983 (NT)</i> defines a person (the victim) as being under the special care of another person (the offender) if the offender:</p> <ol style="list-style-type: none"> a) is the step-parent, guardian or foster parent of the victim; b) is a school teacher and the victim is a pupil of the offender; c) has established a personal relationship with the victim in connection with the care, instruction (for example, religious, sporting or musical instruction) or supervision (for example, supervision in the course of employment or training) of the victim; d) is an officer at a correctional institution at which the victim is detained; or e) is a health professional or other provider of health care or treatment and the victim is a patient or client of the offender.

Mandatory Reporting Policy

GS12-CP (Superseding CP148 – Child Safety & Domestic Violence Policy)



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

Supervisor	Means a person employed by MRC in any of the following roles; CEO, Director, Manager, Team Leader and Coordinator.
Workplace	Refers to MRC premises, offices, vehicles and any other place where formally organised work related activities have been arranged or are undertaken. An MRC workplace includes MRC provided housing accommodation for staff and contractors.

5. Statement

5.1. When to make a report

- 5.1.1. The *Care and Protection of Children Act 2007 (NT)* and the *Domestic and Family Violence Act 2007 (NT)* stipulate that it is a legal obligation for all adults in the Northern Territory to make a report of actual or suspected child abuse and domestic and family violence *unless they can establish a reasonable excuse*.
- 5.1.2. An adult must make a mandatory report in relation to domestic and family violence if they believe on reasonable grounds either or both of the following circumstances exist:
 - 5.1.2.1. Another person has caused, or is likely to cause, harm to someone else (the victim) with whom the other person is in a domestic relationship;
 - 5.1.2.2. The life or safety of another person (also the victim) is under serious or imminent threat because domestic violence has been, is being or is about to be committed.
- 5.1.3. An adult must make a mandatory report in relation to children if they believe on reasonable grounds either or both of the following circumstances exist:
 - 5.1.3.1. A child has suffered or is likely to suffer harm or exploitation;
 - 5.1.3.2. A child aged less than 14 years has been or is likely to be a victim of a sexual offence;
 - 5.1.3.3. A child has been or is likely to be a victim of an offence against Section 128 of the *Criminal Code 1983 (NT)* 'sexual intercourse or gross indecency has taken place involving a child over 16 years of age under the person's special care'.

5.2. Making a report

- 5.2.1. An employee worried about neglect or harm to a child but is unsure whether a circumstance requires a Mandatory Report can seek advice from their supervisor, the Department of Children and Families (on 1800 700 250) or for domestic and family violence related circumstances the NT Police (on 131 444).

Mandatory Reporting Policy

GS12-CP (Superseding CP148 – Child Safety & Domestic Violence Policy)

Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.



- 5.2.2. An employee who believes, on reasonable grounds, that the circumstances as described under 5.1.2 or 5.1.3 exist, shall:
 - 5.2.2.1. Make a report to the appropriate government authority as set out in HR20-P1 Mandatory Reporting Procedure.
 - 5.2.2.2. The Care and Protection of Children Act 2007 (NT) and the Domestic and Family Violence Act 2007 (NT) protects the identity of a reporter from disclosure and, as long as the report is made in good faith, the reporter is safeguarded from legal or professional liability.
 - 5.2.2.3. Failure to make a workplace related mandatory report is regarded as a serious offence and may be considered as misconduct and could result in disciplinary action.
- 5.3. Supporting employees
 - 5.3.1. MRC will provide support to employees experiencing child abuse, domestic and family violence or affected by a disclosure or mandatory report including:
 - 5.3.1.1. Providing flexible working arrangements, including (but not limited to) hours of work, pattern of work, location of work, duties.
 - 5.3.1.2. Access to family and domestic violence leave and leave without pay.
 - 5.3.1.3. Access to MRC's Employee Assistance Program.

Mandatory Reporting Policy

GS12-CP (Superseding CP148 – Child Safety & Domestic Violence Policy)



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

6. Policy Details

Replaces Policy No: (if applicable)	CP148 - Child Safety and Domestic Violence Policy
Responsible Directorate/Department:	Corporate Services – Governance and Compliance
Approval Date:	25 February 2022
Minutes Reference and Resolution number:	OCM Item # 15.10 – Resolution OC2022-023
Review Cycle:	February 2026 - Review every four (4) years or after changes to relevant legislation or Council policy

7. Legislation and References

Related Legislation:	NT Domestic and Family Violence Act 2007
	NT Care and Protection of Children Act 2007
	NT Criminal Code Act 1983
	Fair Work Act 2009
Related Policies:	N/A
Associated Documents:	GS12-P1 Mandatory Reporting Procedure
	GS12-F1 Mandatory Report Form

8. Version Control

Version No.	Approval Date	Policy No.	Minutes reference and Resolution number
1.	30 June 2017	CP148	OCM Item # 13.4 – OCM2017-068
2.	25 February 2022	GS12-CP	OCM Item # 15.10 – OC2022-023