

MEMORANDUM

TO: Bruce Greetham
Head, Patient Support

FROM: D. Swain
Head, Legal Team

ISSUE: Advice on allegations of sexual/physical abuse and notification
of child abuse.

DATE: 12 December, 1996

1. Allegations of sexual/physical abuse/inappropriate sexual relationships between patients and service providers.

Patient support officers should contact me first to discuss the concern and determine the appropriate legal officer to provide information to the complainant and to organise an interview.

2. Notification of child abuse.

The following is advised:

- (A) Section 22 of the Children (Care and Protection) Act 1987 outlines the circumstances where there should be notification and by whom. A copy of the section is attached.
- (B) Under s.22(1) any person who forms the belief upon reasonable grounds that a child under 16 has been or is on danger of being abused or is a child in need of care may cause the Director-General of the Department of Community Services.
- (C) Under s.22(2) & (3) if a medical practitioner or prescribed person under the regulations has reasonable grounds to suspect that a child under 16 has been abused or sexually assaulted they shall notify the Director-General under subsection 4 of the name or a description of the child and those grounds.
- (D) Under section 3 "abuse" in relation to a child means assault including sexual assault, ill-treat, or expose or subject the child to behaviour that psychologically harms the child. A copy of the relevant part of the section is attached.

I do not have a copy of the regulations so cannot advise on the prescribed persons or the form for notification. I can advise on this later if required.



D. Swain