

To: All Officers,  
A.C.T. AND NEW SOUTH WALES.

Dear Comrades,

A WORD OF COUNSEL ON  
CHILD ABUSE LAWS IN NEW SOUTH WALES.

Officers need to be aware of the implications of the changing laws in New South Wales on the subject of reporting child abuse cases.

The attached paper was prepared by Sister Fiona Smith at the request of the Eastern Territory Public Questions Board recently.

It could be of help to our Officers and Social Service workers who come into contact with such cases.

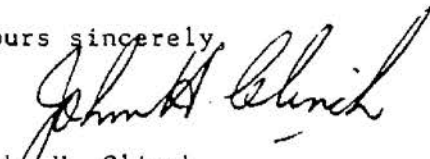
We would strongly counsel against over reaction to such requirements. There must be "reasonable grounds" to believe that child abuse is involved before official reports are made.

Within the context of The Salvation Army the initial report must be made to the Head of Department or Divisional Commander by phone if necessary. An assessment will then be made as to whether the required "reasonable grounds" are established. Authority can then be given for the Officer to make the Official report to the Department of Youth & Community Services.

While Ministers of Religion have exemption from reporting at present, some Officers are directly involved in welfare activities which bring them into touch with children. Others are responsible for social workers and welfare workers who may look to them for guidance in such cases.

It would be our desire to act responsibly in the interests of both the child and the family concerned.

Yours sincerely,

  
John H. Clinch,  
Colonel,  
CHIEF SECRETARY.

14th October, 1987

CHILD ABUSE LAWS.

Child abuse, and more particularly child sexual assault, has come to the fore in public concern. This is reflected by recent moves by the N.S.W. State Government such as a statewide education programme using Television radio and bill-boards and recent legislative changes.

Recent amendments to the Child Welfare Act of 1939 mean that as from the 19th July of this year certain categories of people have become "mandatory notifiers". People falling within the special categories are bound to report to the Department of Youth & Community Services all cases in which they have "reasonable grounds" to suspect a child has been sexually abused.

WHO ARE "MANDATORY NOTIFIERS"?

Medical practitioners have been required to report since 1977.

As from the 19th July, 1987, all school principals, teachers (except those who are also ministers of religion), school social workers, counsellors and inspectors are included.

In December, 1988, this will be further expanded to include speech pathologists, occupational therapists and pharmacists.

WHAT CONSTITUTES "REASONABLE GROUNDS"?

Mandatory notifiers do not need to be able to "prove" that a child has been sexually assaulted. It is sufficient if the notifier, through his own observations of a child, or a friend or relative of the child, that he/she has been sexually assaulted.

OTHER LEGAL REFORMS.

In the future, reforms will become operational that will give the Director-General of the Department of Youth & Community Services temporary guardianship (for up to 72 hours) where parental permission to a medical examination cannot be obtained.

A pre-trial "diversion" programme will become available in limited cases of offenders who plead guilty which will save a child from a court appearance.

FIONA SMITH.