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Mandatory reporting laws

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AS PART OF THE effort to protect children from significant abuse and neglect, each state and territory in Australia has enacted legislation commonly known as “mandatory reporting laws”. There is much confusion about the nature and effects of these laws, both generally and within each jurisdiction. Accordingly, the main aim of this chapter is to review and explain the legislative principles across Australia. In doing so, the chapter will identify differences between the state and territory laws and will situate the laws as part of a system of responses to the whole spectrum of child abuse and neglect. We will also highlight the need for effective reporter training and public awareness, especially given the tension between the widely perceived need for a community response to child abuse and neglect and the simultaneous concern to avoid unnecessary reporting of innocuous events and situations.

The legal context

Before explaining the legislative mandatory reporting duties, it is important to note that there are two other types of duties to report suspected child abuse and neglect, which can co-exist with a legislative duty, or which can exist even in the absence of a legislative duty. These are: the duty of care and duties under professional or industry policy.

The duty of care

A duty of care is a legal concept historically present in the common law of torts, and specifically in the area of tort law called negligence. In Australia, this duty of care is now recognised and operates within the context of civil liability legislation. While this area of law is extremely complex, the essence of liability in negligence is that a person must first owe another person a duty of care; second, the person breaches that duty (by act or by omission); and third, the breach causes damage. If a person owes another person a duty of care and fails to do something to avoid foreseeable, significant injury to the other person, when in the circumstances the person owing the duty could have taken

reasonably practicable steps to avoid that injury, the person owing the duty may be liable for injury that results from their failure to act.

Accordingly, where a person owes a child a duty of care, failure by that person to report a suspicion of abuse may produce liability in negligence for subsequent further injury suffered by the child. This liability will accrue whether or not a legislative reporting duty exists. It is possible, for example, for a teacher (and the teacher's employer, whether a non-state school authority or a government department of education) to be found to owe a child a duty of care, and to be held liable for injury caused to a child through the teacher's failure to report a suspicion that the child is being sexually abused, if a court finds the teacher had or ought to have had sufficient knowledge or reasonable suspicion of the child's abuse to require a report.

It is important to acknowledge that questions about the presence and scope of a common law duty of care will depend on the facts of the particular case. Even when present, the existence of a duty of care does not amount to a duty to prevent *all* possible injury. However, where such a duty exists, it marks a domain of duty prescribed by the common law as requiring certain acts to prevent injury being done to others. A case example demonstrates how the duty may operate in the context of child sexual abuse. In *AB v Victoria* (unreported, Supreme Court of Victoria, Gillard J, 15 June 2000), a former student successfully sued the State of Victoria in negligence for the failure by a government school principal and deputy principal to report what should have amounted to a reasonable suspicion that the child was being sexually abused. The child had demonstrated clear signs of being sexually abused. After the point at which the court found the school personnel should have developed and reported what amounted to a reasonable suspicion of the child's sexual abuse, the child suffered further abuse. The victim was awarded \$494,000 in damages for the contribution of the failure to report to her subsequent abuse and consequential injury. Many other similar cases have been settled out of court.

Duties under professional or industry policy

People who work in professions dealing with children often have, as conditions of their employment, the observance of various policies. In many cases, this includes a child protection policy. Child protection policies may duplicate the legislative duty, but in instances where the legislative duty is narrow, the occupation-based policy may impose a broader duty to report child abuse and neglect than does the legislation. In these situations, the occupational duty may closer reflect the common law duty of care. Failure to observe this type of policy may activate professional disciplinary consequences, and possibly breach the common law duty. In Queensland, for example, teachers have a relatively narrow legislative reporting duty (applying only to child sexual abuse) but have a broader policy-based duty (and common law duty) to report other forms of serious child abuse and neglect.

General nature and effect of mandatory reporting laws

Mandatory reporting laws are laws passed by Parliament that require designated persons to report certain kinds of child abuse and neglect to government authorities. The core principle motivating these laws is that many cases of severe child abuse and neglect occur in private, cause substantial harm to extremely vulnerable children, and are unlikely to be brought to the attention of helping agencies. Governments have chosen—as a social policy and public health measure—to enact these laws to draw on the capacity

of professionals who typically deal with children in the course of their work (such as teachers, police, doctors and nurses) and who encounter cases of serious child abuse and neglect, to report these situations to helping agencies. Generally, the primary aim is to protect the child from significant harm. The secondary aim is to assist the child's parents or caregivers to decrease the likelihood of recurrence. It is beyond the scope of this chapter to explore normative arguments about these laws, but it can be noted that the laws have been both criticised (see, for example, Ainsworth, 2002; Ainsworth & Hansen, 2006; Melton, 2005) and defended (Besharov, 2005; Drake & Jonson-Reid, 2007; Finkelhor, 1990, 2005; Mathews & Bross, 2008). Recent Australian state government child protection inquiries in New South Wales and Victoria have concluded that mandatory reporting laws are a necessary component of child protection systems (Cummins, Scott, & Scales, 2012; Wood, 2008).

The first mandatory reporting laws were enacted in the United States in the 1960s. They were driven by growing awareness of the existence and consequences of physical abuse, and the research and advocacy undertaken by the Colorado pediatrician C. Henry Kempe and his colleagues. Kempe et al. (1962) identified the “battered-child syndrome”, which referred to cases of intentional harm inflicted on children, generally those under three years of age, causing severe injury, including fractures and subdural hematoma. They also noted that many doctors were reluctant to believe that children's parents and caregivers would intentionally harm their children, and that even when they did so, were averse to reporting cases (Kempe et al., 1962). The first laws therefore were conceived to require medical practitioners to report physical abuse. Subsequently, the laws expanded to require other professionals to make reports, and then, with developing evidence of the prevalence and sequelae of different forms of abuse, the laws expanded to include other forms of child abuse and neglect. In general, the laws are only meant to apply to suspected cases of *significant* child abuse and neglect; a very important aspect of this field.

In Australia, reporting laws have developed since 1969. Each state and territory has the constitutional power to pass legislation about child protection, and has done so (see Table 1). In the absence of a coordinated national approach, and with states and territories having different priorities and preferences about child protection and family

Jurisdiction	Legislation
ACT	<i>Children and Young People Act 2008</i> (ACT) ss 356, 357
NSW	<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) ss 23, 27, 27A
NT	<i>Care and Protection of Children Act</i> (NT) ss 15, 16, 26
QLD	<i>Public Health Act 2005</i> (Qld) ss 158, 191; <i>Education (General Provisions) Act 2006</i> (Qld) ss 364, 365, 365A, 366, 366A; <i>Child Protection Act 1999</i> (Qld) ss 22, 186
SA	<i>Children's Protection Act 1993</i> (SA) ss 6, 10, 11
Tas.	<i>Children, Young Persons and Their Families Act 1997</i> (Tas.) ss 3, 4, 14
Vic.	<i>Children, Youth and Families Act 2005</i> (Vic) ss 162, 182, 184
WA	<i>Children and Community Services Act 2004</i> (WA) ss 124A–H
Cth	<i>Family Law Act 1975</i> (Cth) ss 4, 67ZA

welfare, each jurisdiction has enacted its own mandatory reporting legislation at different times, in different ways, and with occasional additional amendments that usually broaden but sometimes narrow the scope of the duty (Mathews & Kenny, 2008). Consequently, there are differences across Australian jurisdictions concerning who has to report, and what types of maltreatment must be reported.

Common approaches to legislative schemes across jurisdictions

Before pointing out these differences in the legislative duties, a common approach to the legislative schemes can be identified. The laws:

- define which persons must make reports (the duty is obligatory rather than discretionary);
- identify what state of mind a reporter must have before the reporting duty is activated;
- define the types of abuse and neglect that must be reported;
- define the extent of abuse or neglect that requires a report;
- state whether the duty applies only to past or present abuse, or also to future abuse that has not occurred yet but is thought likely to occur;
- state penalties for failure to report (which is meant to encourage reporting rather than police it);
- provide a reporter with confidentiality regarding their identity;
- provide a reporter with immunity from liability arising from a report made in good faith;
- state when the report must be made;
- state to whom the report must be made (usually the jurisdiction's department of child protection);
- state what details a report should contain;
- enable any other person (such as family members, neighbours, friends, and non-mandated professionals) to make a report in good faith, even if not required to do so, and grant confidentiality and legal immunity to these persons.

For a list of each jurisdiction's child protection departments, see Child Family Community Australia (2012).

Identifying legislative differences across Australia

State and territory laws differ in several ways. To begin with, there are differences in who is required to report (ranging from all citizens in the Northern Territory, to a small number of professions in Queensland, to a large number of professions in New South Wales). In this regard, it can be noted that the federal *Family Law Act 1975* (Cth) also imposes a reporting duty on members of court personnel. These differences in reporter groups are set out in Table 2 (on page 135).

Another major difference relates to which types of abuse and neglect (or, in the strict terms of some statutes, which types of injury or harm caused by these kinds of abuse or neglect) must be reported (see Table 3 on page 136). For example, most but not all states and territories require reports of neglect. The Australian Capital Territory, Victoria and Western Australia do not require reports of even life-threatening neglect. Some jurisdictions have relatively recently imposed a requirement to report the exposure of a child to domestic violence. This produces a high number of additional reports that would not otherwise be made: a point that will be returned to later.

Table 2: Mandated reporter groups required to report selected forms of child abuse and neglect, by Australian jurisdiction

Juris-diction	Teachers	Police	Nurses	Doctors	Others
ACT	Yes	Yes	Yes	Yes	Dentists; midwives; home education inspectors; school counsellors; child care centre carers; home-based care officers; public servants working in services related to families and children; the public advocate; the official visitor; paid teacher's assistants/aides; paid child care assistants/aides
NSW	Yes	Yes	Yes	Yes	A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children (and managers in organisations providing such services)
NT	Yes	Yes	Yes	Yes	All persons
QLD	Yes	No	Yes	Yes	Nil
SA	Yes	Yes	Yes	Yes	Pharmacists; dentists; psychologists; community corrections officers; social workers; religious ministers; employees and volunteers in religious organisations; teachers in educational institutions; family day care providers; employees and volunteers in organisations providing health, education, welfare, sporting or recreational services to children; managers in relevant organisations
Tas.	Yes	Yes	Yes	Yes	Midwives; dentists; psychologists; probation officers; principals and teachers in any educational institution; child care providers; employees and volunteers in government-funded agencies providing health, welfare or education services to children
Vic.	Yes	Yes	Yes	Yes	Midwives, school principals
WA	Yes	Yes	Yes	Yes	Midwives
Cth	No	No	No	No	Registrar or a Deputy Registrar of a Registry of the Family Court of Australia, or of the Family Court of Western Australia; a Registrar of the Federal Circuit Court; ^a family consultants; family counsellors; family dispute resolution practitioners; arbitrators; lawyers independently representing a child's interests

Note: ^a In April 2013 the Federal Magistrates Court of Australia was re-named the Federal Circuit Court of Australia.

There are also differences in the state of mind that a reporter must have before the duty is activated (see Table 4 on page 137). Duties are never so strictly limited that they only apply to cases where the person is certain that the child is being abused or neglected; but nor are they so wide as to apply to cases where a person may have the merest inkling that abuse or neglect may have occurred. While this is a reasonable approach, there are differences between the jurisdictions in how this state of mind is expressed, which may cause confusion. The legislation variously uses the concept of

Table 3: Types of abuse or neglect that must be reported, by Australian jurisdiction

Juris-diction	Physical abuse	Sexual abuse	Psychological/ emotional abuse	Neglect	Exposure to domestic violence
ACT	Yes	Yes	No	No	No
NSW	Yes	Yes	Yes	Yes	Yes
NT	Yes	Yes	Yes	Yes	Yes
QLD	Yes	Yes	Yes	Yes	No
SA	Yes	Yes	Yes	Yes	No
Tas.	Yes	Yes	Yes	Yes	Yes
Vic.	Yes	Yes	No	No	No
WA	No	Yes	No	No	No
Cth	Yes	Yes	Yes	Yes	Yes

“belief on reasonable grounds” (four jurisdictions), and “suspects on reasonable grounds” (four jurisdictions). Technically, belief requires a higher level of certainty than suspicion.

There are differences in the extent of suspected harm that activates the reporting duty (see Table 4 on page 137). Especially for physical abuse, psychological abuse and neglect, the laws are generally not intended to require reports of any and all behavior perceived to be abusive or neglectful. Accidental injuries and trivial incidents of less-than-ideal parenting practices are not the intended object of the laws. Rather, the laws are concerned with acts and omissions that are significantly harmful to the child’s health, safety, wellbeing or development. The legislation differs in how these concepts are expressed, but generally uses indeterminate concepts such as “significant harm” or “detriment”, which beg the question of what constitutes these injuries. Except for cases that are clearly very serious, this ambiguity may cause confusion and uncertainty for reporters. For psychological abuse and neglect, especially, this indeterminacy may be particularly problematic.

As well, there are differences in whether the reporting duty is applied to past or currently occurring abuse only, or also to a perceived risk of future abuse to a child who is not suspected to have been abused yet (see Table 4 on page 137). In all jurisdictions, the reporting duty applies to cases of suspected past abuse and of suspected abuse that is currently occurring. However, four jurisdictions (New South Wales, Queensland, Victoria and the Northern Territory) extend the duty to cases where the reporter has a reasonable suspicion that a child is at risk of being abused in future, no matter who the suspected future perpetrator may be. South Australia and Tasmania require reports of suspicions that a child is likely to be abused in future, but only if the suspected future perpetrator is a person who lives with the child. In contrast, the Australian Capital Territory and Western Australia limit the duty to cases of past or current abuse. Australian jurisdictions generally have a strong approach to preventing future abuse, as well as responding to abuse thought to have already occurred.

Penalties for non-compliance also differ, although these are meant to encourage rather than police reporting. However, even these differences may be important, as without effective reporter training, severe penalties might influence hypersensitive or “defensive” reporting of minor incidents not intended to be covered by the law.

Table 4: Reporter’s state of mind, extent of harm activating the duty, and application of duty to past or present abuse/injury, future abuse/injury, or both, by Australian jurisdiction

Juris-diction	State of mind	Extent of harm	Past/present or future
ACT	Belief on reasonable grounds	Not specified: “sexual abuse ... or non-accidental physical injury”	Past/present
NSW	Suspects on reasonable grounds that a child is at risk of significant harm	A child or young person “is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of ... basic physical or psychological needs are not being met ... physical or sexual abuse or ill-treatment ... serious psychological harm”	Both
NT	Belief on reasonable grounds	Any significant detrimental effect caused by any act, omission or circumstance on the physical, psychological or emotional wellbeing or development of the child	Both
QLD	Becomes aware, or reasonably suspects	Significant detrimental effect on the child’s physical, psychological or emotional wellbeing	Both
SA	Suspects on reasonable grounds	Any sexual abuse; physical or psychological abuse or neglect to the extent that the child “has suffered, or is likely to suffer, physical or psychological injury detrimental to the child’s wellbeing; or the child’s physical or psychological development is in jeopardy”	Past/present ^a
Tas.	Believes, or suspects, on reasonable grounds, or knows	Any sexual abuse; physical or emotional injury or other abuse, or neglect, to the extent that the child has suffered, or is likely to suffer, physical or psychological harm detrimental to the child’s wellbeing; or the child’s physical or psychological development is in jeopardy	Past/present ^b
Vic.	Belief on reasonable grounds	Child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type	Both
WA	Belief on reasonable grounds	Not specified: any sexual abuse	Past/present
Cth	Suspects on reasonable grounds	Not specified: any assault or sexual assault; serious psychological harm; serious neglect	Both

Notes: ^a Also if “a person with whom the child resides (whether a guardian of the child or not)—(i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or (ii) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person”. ^b Also if there is “a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides”.

Mandatory reporting legislation as one element of a systemic approach to child protection and welfare

Mandatory reporting laws are part of a system of responses to child protection and family welfare concerns. The different components of this system are necessary owing

to the differences between types of maltreatment recognising that within the spectrum of circumstances, different responses are appropriate. A case of severe battering of a six-month-old infant, or of sexual abuse of a three-year-old, requires different responses than a case of mild neglect of a 14-year-old arising only from conditions of poverty in an otherwise healthy and well-functioning family. Different responses cater to the needs of children, families, communities and child protection systems. There is nothing to be gained from the inappropriate use of mandatory reporting laws for cases that are not their primary object. A medical analogy might be the inappropriate use of an ambulance to deal with a minor health complaint. It is important to avoid overburdening child protection systems wherever possible.

Some jurisdictions have formalised these different responses—commonly called “differential response”—to a greater extent than others. As previously noted, the aim is not to apply mandatory reporting laws to any and all cases of “abuse” and “neglect”, but to limit those laws to severe cases, and to enable referral to and deployment of supportive community agencies to situations of less severe problems. This applies especially in situations of neglect and domestic violence. Distinguishing between more serious and less serious cases of abuse and neglect can be difficult, but this is what differential response aims to achieve. At one end of the differential response continuum, in cases of serious abuse and neglect, statutory responses such as child protection orders can be made, which are dealt with elsewhere in this book. At the other end of the continuum, ideally, are supports such as assistance with housing, finance, employment, substance abuse, alcohol dependency, mental health conditions, domestic violence, respite care and parenting skills. Cases of serious abuse and neglect may require a blend of both statutory intervention and support to the family.

Examples include Victoria’s Child and Family Information, Referral and Support Teams (Child FIRST) system, which enable individuals who are not mandatory reporters but who are concerned about the child’s welfare to refer their concern to Child FIRST for help, rather than reporting to the department responsible for child protection. Families referred to Child FIRST are assessed and offered home-based family support or referred to other health and welfare services. Child FIRST may also forward reports to child protection services if the situation involves more significant harm or risk of harm. Equally, reports to child protective services may be redirected to Child FIRST if deemed not to require a child protection response (Government of Victoria, 2006).

The Child FIRST model was adopted in Tasmania under the name Gateways. Tasmania also amended its mandatory reporting laws to facilitate a preventative approach. Mandatory reporters can report their concerns about the care of a child to a “community-based intake service”, which would fulfil their reporting duty (*Children, Young Persons and Their Families Act 1997* Part 5B).

In New South Wales, to renew an emphasis on limiting mandatory reporting to cases of significant harm, the 2010–11 annual report of the Keep Them Safe action plan (NSW Department of Premier and Cabinet, 2011) set out the new system requiring mandated reporters to report to the department only cases of suspected significant harm. Section 27A of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) then enables mandated reporters to make reports to “child wellbeing units”, which were established in the four major state government departmental groups (health, education, police, and family and community services). These units provide support and advice to mandated reporters on whether a situation warrants a mandated report, and on local services that might be of assistance. The focus of the units is on ascertaining what the

family needs to minimise or overcome their present situation and on facilitating the most appropriate assistance.

The need for reporter training

Effective reporter training is essential to ensure that the objectives of mandatory reporting laws can be attained. Training is needed to enable reporters to identify and report those cases that can reasonably be expected to be detected (accepting that child abuse and neglect is often not easy to detect and that reporters are not expected to be perfect). It is also required to help reporters avoid making reports that are clearly unnecessary.

A lack of sufficient and effective training—and relevant knowledge, attitudes and skills—has been shown to influence both failure to report, and clearly unnecessary reporting. Research with teachers has shown that effective reporting is influenced by the teacher's awareness of the duty to report (Crenshaw, Crenshaw, & Lichtenberg, 1995), their knowledge of the content of that duty (Kenny, 2004), and their attitude towards the duty (Goebbels, Nicholson, Walsh, & De Vries, 2008; Hawkins & McCallum, 2001). Research also indicates that the effectiveness of teachers' reporting is influenced by the extent and nature of the training they have received in recognising abuse (Hawkins & McCallum, 2001), as well as their confidence in their ability to recognise abuse (Crenshaw et al., 1995; Goebbels et al., 2008). Among nurses, positive attitudes towards the reporting duty have been shown to influence more effective reporting (Fraser, Mathews, Walsh, Chen, & Dunne, 2010).

Yet, numerous studies, some conducted in Australia, have found that professionals who are required to report child abuse and neglect indicate they have not had the training required to equip them to fulfil their role (Abrahams, Casey, & Daro 1992; Christian, 2008; Hawkins & McCallum, 2001; Kenny, 2001, 2004; Mathews, 2011; Reiniger, Robison, & McHugh, 1995; Starling, Heisler, Paulson, & Youmans, 2009; Walsh, Bridgstock, Farrell, Rassafiani, & Schweitzer, 2008). Studies have also found low levels of knowledge about the nature of the duty (Beck, Ogloff, & Corbishley, 1994; Mathews, Walsh, Rassafiani, Butler, & Farrell, 2009), indicators of abuse and neglect (Hinson & Fossey, 2000), and how to make a report (Kenny, 2001). Members of mandated professions may hold beliefs or attitudes that may not be conducive to reporting, such as a belief that certainty is required (Feng & Levine, 2005; Kalichman & Brosig, 1993; Mathews et al., 2009; Zellman, 1990), a belief that child protective services may not respond (Jones et al., 2008), or attitudes that may influence a decision not to report (Fraser et al., 2010).

The lack of effective training can be remedied by developing and delivering multidisciplinary programs tailored to professions and jurisdictions. While this requires investment, the downstream savings in enhanced reporting would likely offset this. Currently, South Australia is the only state to legislatively require training for mandated reporters.

The need for public education

There is also a need for education of the public about their role in child protection. Approximately two-fifths of all reports are made by non-mandated reporters, such as family members, friends and neighbours (Mathews & Bross, 2008). While “substantiated” reports are not the only useful reports (Drake, 1996; Kohl, Jonson-Reid, & Drake, 2009; Mathews, 2012), a proportion of these reports made by members of the public, are both unsubstantiated and unnecessary. The public, and mandated reporters too, may

understandably be confused by conflicting messages. Major national policy statements urge that child protection is “everyone’s business”, requiring individual and community responses (Council of Australian Governments, 2009). Yet, simultaneously, there is concern about over-reporting (Cummins et al., 2012; Wood, 2008). Although raising awareness is clearly very important, it appears that further steps are required in providing clearer and constructive guidance to the public about what governments expect within an approach where child protection is everyone’s business.

The need for research into reporting, responses, and outcomes

Variations in the laws across jurisdictions, different child protection systems as a whole, and different approaches to reporter training, raise questions about the influence of reporting laws and other relevant contextual factors on reporting practices and outcomes. A major question is whether some features of the laws, together with contextual factors (such as lack of training, or hypersensitive reporting due to fear of penalty or fear of missing the rare case of innocuous abuse that later becomes serious or fatal), are causing unanticipated outcomes or results that simply cannot be accommodated. Analysis has shown that particular subsets of reporting account for very large volumes of reports. In New South Wales, the volume of reports soared after children’s exposure to domestic violence was required to be reported. In 2006–07, for example, there were 74,283 reports of exposure of domestic violence (nearly three-quarters of these coming from police), which accounted for 26% of all reports made in that year, from any reporter group, for any kind of abuse and neglect (Mathews, 2012). In contrast, there were just over 20,000 reports of suspected child sexual abuse from mandated and non-mandated reporters. It is clear that vastly different reporting patterns can transpire for different reporter groups in different jurisdictions for different abuse types; reporting is not a homogenous or stable phenomenon. Some of these patterns may produce more desirable outcomes than others. Because these differences exist, rigorous research must focus on specific aspects of mandatory reporting to identify its strengths and weaknesses, issues to solve (for example, that may be modifiable in training), and areas where law and/or policy reforms may be required.

There are key questions for future research. Do other legislative differences produce different reporting outcomes? For example, does the use of “reasonable belief” as the mental threshold produce different reporting practices than “reasonable suspicion”, and if so, in what ways, and for which types of abuse and neglect? Research has indicated that the ambiguity of concepts like “reasonable suspicion” and “significant harm” cause problems for reporters in knowing when a report should or should not be made (Deisz, Doueck, George, & Levine, 1996; Levi, Brown, & Erb, 2006). There is broad agreement that clarification of these concepts is possible, which could assist reporters, and reduce the reporting of cases that clearly do not require it, easing the burden on child protection systems.

From a training perspective, key questions relate to the components of optimal child protection training for mandatory reporters. What is considered “best practice” and how does this compare to what can be empirically justified as being effective? When should training begin and what specific components should be part of pre-service and in-service professional education programs? Finding out more about what works in training mandatory reporters will require the use of rigorous experimental methods, hitherto neglected in training evaluation.

Conclusion

All states and territories in Australia have enacted mandatory reporting laws as part of their strategy to respond to cases of serious child abuse and neglect. Significant differences exist between jurisdictions, and there is a dearth of fine-grained research into the effects of legislative differences and contextual factors on reporting practices and outcomes and on systemic responses. The education of reporter groups can be improved to heighten knowledge of the indicators of abuse and neglect, when a report is and is not required, and how to make a report that provides useful assistance to child protection authorities, families, and children.

Reflecting these themes, the Victorian Government's Protecting Victoria's Vulnerable Children Inquiry (Cummins et al., 2012) recommended the development and implementation of a training program and an evaluation strategy for mandatory reporting. It also recommended a national evaluation of mandatory reporting schemes for the purpose of identifying ways to harmonise the different statutory regimes. Such an evaluation should also attempt to identify the optimal ways of expressing the mandatory reporting duties to avoid confusion about the nature and application of the duty. Reform efforts must acknowledge that mandatory reporting laws are only one important component of child protection systems. The design of the law must be adapted to the jurisdiction's entire child protection system, and the most successful approach to child protection and family welfare requires coordinated efforts by the whole of government.

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