Thursday 1 May 2014

New defence provisions for mandated notifiers

Children and young people have a right to be safe and protected at all times. Under the *Children's Protection Act 1993*, mandated notifiers are obliged to notify Families SA if they suspect on reasonable grounds that a child or young person has been, or is being, abused and/or neglected.

New defence provisions for mandated notifiers commenced on 28 April 2014, in response to recommendations of the Debelle Inquiry.

The new defence provisions apply when a mandated notifier has failed to notify a reasonable suspicion of neglect or abuse of a child because:

- the mandated notifier only became aware of such circumstances as a result of the information imparted to them by a police officer in the course of their official duties, or

- the mandated notifier only became aware of the child's situation from another mandated notifier who has already made a report with regard to the situation.

The defences do not apply in situations where a mandated notifier possesses additional knowledge of the child's circumstances beyond that reported to them by a previous notifier or police officer. In these circumstances, the mandated notifier must make their own report to the Families SA Child Abuse Report Line (CARL) on 13 14 78.

The new provisions do not remove the requirement to report under the Act, and should not deter you from reporting your suspicion that a child has been, or is being, abused or neglected. Mandated notifiers make an important contribution to the care and protection of children across our state. Even if a notification has already been made, an additional report may provide professional observations or other information that can contribute to a more comprehensive assessment of the child's circumstances.

More information about the new defence provisions is available here. If you have further questions, please email the Department for Education and Child Development.

Joslene Mazel

Chief Executive