



Mandatory reporting of child sexual abuse

What's mandatory reporting?

- State and territory laws can require people such as health professionals, community workers and teachers to inform the authorities if they suspect or know that a child is being sexually abused. In the Northern Territory certain cases of under-age sex must also be reported. This is called 'mandatory reporting'.
- The people who are required to report knowledge or suspicions of child sexual abuse are called '**mandated reporters**'. Requirements are different in each state and territory.
- If a mandated reporter does not report their suspicion or knowledge of child sexual abuse they can be charged with an offence.
- This factsheet is about laws covering Queensland, the Northern Territory, Western Australia, and South Australia. These are the states and territories covered by the *Young, Deadly, Free* Project.

Who are the mandated reporters in our community?

- Whether a particular professional or community member is a mandated reporter depends on state and territory law. See the **table** below for a list of the mandated reporters in your state or territory.

The information in this factsheet is not a substitute for professional medical advice. To get a diagnosis and advice about treatment, contact your local Aboriginal health service or clinic nurse.





- Mandated reporters are generally people such as teachers, health professionals and youth workers.
- In the Northern Territory everyone in the community must report suspicion or knowledge that a child is being sexually abused. In the Northern Territory certain cases of under-age sexual behaviour must also be reported.

At what age can young people legally have sex?

- The legal age for having sex is called the 'age of consent' - the age from which a young person is considered to be able to freely give consent to having sex or engaging in sexual activity under state/territory laws.
- The age of consent is 16 in all states and territories except South Australia, where it is 17.
- The age of consent can be 18 where the other person is in a position of power or authority, such as a teacher. See the factsheet ***Sex, young people and the law*** for more information.
- In all states and territories it is against the law to engage in sexual activity with a person who is under the age of consent.
- Anyone who has sex with a child or young person who is under the age of consent in that state or territory can be charged with a criminal offence - sexual assault or rape.

What is child sexual abuse?

- Child sexual abuse refers to ongoing situations where an adult is involving a child or young person under 18 years in sexual behaviour to satisfy their own needs. Child sexual abuse laws aim to protect young people who are under 18 years from ongoing abuse.

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- Sexually abusive behaviour can include a range of sexual activities, not just vaginal, oral or anal sex. It can include touching genitals, touching breasts, masturbation, voyeurism (watching sexual activity), exhibitionism (displaying genitals), and exposing a child to pornography.
- Any sexual behaviour between a young person under 18 and a member of their family (e.g., parent, grandparent, foster-carer, brother or sister, uncle or aunt) is sexual abuse.
- Any sexual behaviour between a young person under 18 and a person in a position of power or authority (e.g., teacher, sports coach, doctor), is sexual abuse.

What is 'grooming'?

- 'Grooming' is when an adult builds a trusting relationship with a child or young person with the intention of sexual contact.
- Grooming can happen in social situations, during sport or cultural activities, and online.
- Grooming often involves getting the trust of the young person's family.
- Adults involved in grooming may get information about a young person from their internet profile and use it to communicate with them and gain their trust. They may pretend to be younger than they are. This is called 'online grooming'.
- Grooming can play a part in the sexual abuse of a child or young person.



TABLE: Mandatory reporting requirements

The table below shows mandatory reporting requirements for the states and territories covered by the *Young, Deadly, Free* Project.

	MANDATORY REPORTING	MANDATED REPORTERS
QLD	Reasonable grounds to suspect that a young person under 18 is at risk of suffering significant harm caused by sexual abuse	Doctors, nurses, teachers, childcare workers, police, child advocates (Public Guardian)
NT	Reasonable suspicion that: <ul style="list-style-type: none"> - a child under 14 is engaged in sexual activities - A child of 14-15 is engaged in sexual activities with someone who is more than 2 years older - a young person of 16-17 who is under special care is engaged in sexual activities 	Everyone in the community – professionals and the general public
WA	Reasonable grounds to suspect that a young person under 18 years is involved in sexual behaviour and: <ul style="list-style-type: none"> - is being bribed, coerced, threatened, exploited, or there is violence; or - has less power than another person involved; or - there is a significant difference developmentally, or in maturity, between the child and another person involved 	Doctors, nurses, midwives, teachers, boarding supervisors
SA	Reasonable grounds to suspect that a young person under 18 years is being or has been sexually abused	Health staff (all). Pharmacists, dentists, psychologists, social workers, teachers, childcare workers, police, community corrections workers, ministers of religion and employees of religious or spiritual groups

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Mandatory reporting hotlines

QLD: 1800 177 135 or (07) 3235 9999
NT: 1800 700 250
SA: 13 14 78
WA: 1800 708 704

National Child Abuse Helpline: 1800 99 10 99. This helpline operates Monday to Friday, 9am-5pm AEST.

Further information and advice

For more information on the law in your state or territory, see:

- **Lawstuff** website for young people - click your state/territory, and select “sex”, [here](#).
- **Australian Institute of Family Studies**, [here](#)

If you need legal advice or assistance, contact your local [Legal Aid](#) service.

For more information about laws on the age of consent, see our factsheet: ***Sex, young people & the law.***

For information about laws relating to sexting, see our factsheet: ***Sexting and the law.***

Disclaimer

The contents of this factsheet do not constitute legal advice, are not intended to be a substitute for legal advice and should not be relied upon as such. You should seek legal advice or other professional advice in relation to any particular matters you may have.

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