

Part 4—Notification and investigations

Division 1—Notification of abuse or neglect

10—Interpretation

In this Division—

abuse or neglect, in relation to a child, has the same meaning as in section 6(1), but includes a reasonable likelihood, in terms of section 6(2)(b), of the child being killed, injured, abused or neglected by a person with whom the child resides.

11—Notification of abuse or neglect

(1) If—

- (a) a person to whom this section applies suspects on reasonable grounds that a child has been or is being abused or neglected; and
- (b) the suspicion is formed in the course of the person's work (whether paid or voluntary) or of carrying out official duties,

the person must notify the Department of that suspicion as soon as practicable after he or she forms the suspicion.

Maximum penalty: \$10 000.

(2) This section applies to the following persons:

- (a) a medical practitioner;
- (ab) a pharmacist;
- (b) a registered or enrolled nurse;
- (c) a dentist;
- (d) a psychologist;
- (e) a police officer;
- (f) a community corrections officer (an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young or adult offenders in the community);
- (g) a social worker;
- (ga)** a minister of religion;
- (gb)** a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes;
- (h) a teacher in an educational institution (including a kindergarten);
- (i) an approved family day care provider;
- (j)** any other person who is an employee of, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who—

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- (i) is engaged in the actual delivery of those services to children; or
 - (ii) holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.
- (3) A notification under this section must be accompanied by a statement of the observations, information and opinions on which the suspicion is based.
- (4) This section does not require a priest or other minister of religion to divulge information communicated in the course of a confession made in accordance with the rules and usages of the relevant religion.
- (5) A person does not necessarily exhaust his or her duty of care to a child by giving a notification under this section.
- (6) A person must not threaten or intimidate, or cause damage, loss or disadvantage to, a person to whom this section applies because the person has discharged, or proposes to discharge, his or her duty under subsection (1).

Maximum penalty: \$10 000.

12—Protection from liability for voluntary or mandatory notification

A person who (whether voluntarily or pursuant to a requirement of this Act) notifies the Department of a suspicion that a child has been or is being abused or neglected or provides any information to the Department in respect of such a notification—

- (a) cannot, by virtue of doing so, be held to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and
- (b) insofar as he or she has acted in good faith, incurs no civil or criminal liability in respect of the notification or the provision of the information.

13—Confidentiality of notification of abuse or neglect

- (1) For the purposes of this section, a notifier is a person who notifies the Department that he or she suspects that a child has been or is being abused or neglected.
- (2) Subject to this section, a person who receives a notification of child abuse or neglect from a notifier, or who otherwise becomes aware of the identity of a notifier, must not disclose the identity of the notifier to any other person unless the disclosure—
 - (a) is made in the course of official duties to another person acting in the course of official duties; or
 - (b) is made with the consent of the notifier; or
 - (c) is made by way of evidence adduced in accordance with subsections (3) and (4).

Maximum penalty: \$5 000.

- (3) Subject to subsection (4)—
 - (a) no evidence as to the identity of a notifier, or from which the identity of the notifier could be deduced, may be adduced in proceedings before a court without the permission of the court; and