



# Mandatory reporting information sheet 1: glossary

May 2024

The glossary provides explanations of terms used in the context of mandatory reporting in Western Australia under the *Children and Community Services Act 2004*.

## Adult

A person who has reached 18 years of age – s.4 *Children and Community Services Act 2004*.

## Appropriate person

Appropriate person, in relation to a child, means:

- (a) a parent of the child; or
- (b) an adult, other than a parent of the child, who is a member of the child's family; or
- (c) an adult, other than a parent or other member of the child's family, with whom the child usually lives - s.41(1) *Children and Community Services Act 2004*.

## Assessor

Means a person appointed to be an assessor under section 125A(2) *Children and Community Services Act 2004* [an assessor appointed by the CEO of the Department of Communities who inspects residential or secure care facilities, makes inquiries into the wellbeing of any child in the facility and sees and talks with any child in the facility].

## Boarding facility

A place used to provide residential accommodation for children while they attend a school as defined in the *School Education Act 1999* section 4 [a government school or a non-government school] – s.124A *Children and Community Services Act 2004*.

## Boarding supervisor

A person who holds an office or position at a boarding facility the duties of which include the supervision of children living at the facility – s.124A *Children and Community Services Act 2004*.

## CEO

Chief executive officer of the Department of Communities - s.4 *Children and Community Services Act 2004* and s.5 *Family Court Act 1997*.

## Child

A person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age - s.4 *Children and Community Services Act 2004*.

National and international literature often refers to children and young people. In the Mandatory Reporting Guide, child also includes young people who are under 18 years of age.

## Child abuse material

Section 473.1 of the *Criminal Code Act 1995 (Commonwealth)* defines 'child abuse material' as

- (a) material that depicts a person, or a representation of a person, who:
  - (i) is, or appears to be, under 18 years of age; and
  - (ii) is, or appears to be, a victim of torture, cruelty or physical abuse;and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or
- (b) material that describes a person who:
  - (i) is, or is implied to be, under 18 years of age; and
  - (ii) is, or is implied to be, a victim of torture, cruelty or physical abuse;and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive.

## Commencement day

The day on which a person became a mandatory reporter under the *Children and Community Services Act 2004*. Commencement day varies for different mandatory reporter groups:

- (a) Doctors, nurses, midwives, police officers and teachers – 1 January 2009
- (b) Boarding supervisors – 1 January 2016
- (c) Ministers of religion – 1 November 2022 – s.124A *Children and Community Services Act 2004*.
- (d) Assessors, departmental officers and out-of-home care workers – 1 November 2023 – s. 124A *Children and Community Services Act 2004*.
- (e) Psychologists and school counsellors – 1 May 2024 - s. 124A *Children and Community Services Act 2004*.

## Department

Department of Communities – s.4 *Children and Community Services Act 2004*.

## Departmental officer

- (a) means an officer –
  - (i) who is a public service officer; or
  - (ii) who holds an office or position prescribed, or of a class prescribed, for the purposes of the subparagraph; or
  - (iii) whose duties include duties prescribed, or of a class prescribed, for the purposes of this subparagraph;but
- (b) does not include an officer who is –
  - (i) employed or engaged as a student or volunteer; or
  - (ii) under 18 years of age.

## Doctor

A person registered under the *Health Practitioner Regulation National Law (Western Australia) Act 2010* in the medical profession (other than as a student) – s.124A *Children and Community Services Act 2004*.

## Early childhood worker

Once the *Children and Community Services Amendment Act 2021* comes into operation for early childhood workers (1 November 2024), early childhood worker will mean an adult who is –

- (a) any of the following for the purposes of the *Education and Care Services National Law (Western Australia)* –
  - (i) an approved provider;
  - (ii) a person with management or control of an education and care service;
  - (iii) a nominated supervisor for an approved education and care service;
  - (iv) an educator;
  - (v) a family day care co-ordinator;
  - (vi) a family day care educator assistant;or
- (b) a licensee as defined in the *Child Care Services Act 2007* section 3 [a person who holds a license under the *Child Care Services Act 2007*]; or
- (c) a supervising officer as defined in the *Child Care Services Act 2007* section 5A(1) [the licensee or another individual who is approved by the CEO in accordance with the regulations, to act in place of the licensee at that time, or an individual who is approved by the CEO, in accordance with the regulations, as a person suitable to have responsibility for the day-to-day supervision and control of the service and nominated by the licensee as supervising officer for the service at that time]; or
- (d) a member of staff of a child care service, as defined in the *Child Care Services Act 2007* section 4 [a service providing education and care on a regular basis to children under 13 years of age], whose duties include the provision of education and care to children.

## Harm

In relation to a child, includes harm to the child's physical, emotional or psychological development – s.4 *Children and Community Services Act 2004*.

## Identifying information

In relation to a reporter, means information –

- (a) that identifies the reporter; or
- (b) that is likely to lead to the identification of the reporter; or
- (c) from which the identity of the reporter could be deduced – s.124A *Children and Community Services Act 2004*.

## Report

A report made under section 124B(1) *Children and Community Services Act 2004* [for example a report by a mandatory reporter who formed a belief in the course of their work as a specified person, on reasonable grounds that a child has been or is being sexually abused].

## Mandatory reporter

A person listed in section 124B *Children and Community Services Act 2004* who is required to report child sexual abuse to the Western Australian Mandatory Reporting Service. Please refer to the Mandatory Reporting Guide in conjunction with the information sheets for information on different mandatory reporter groups.

## Midwife

A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the midwifery profession (other than as a student) – s.124A *Children and Community Services Act 2004*.

## Minister of religion

- (a) means a person who is recognised in accordance with the practices of a faith or religion as a person who is authorised to conduct services or ceremonies in accordance with the tenets of the faith or religion; and
- (b) includes such a person regardless of how the person's position or title is described (for example, member of the clergy, priest, minister, imam, rabbi or pastor) – s.124A *Children and Community Services Act 2004*.

## Nurse

A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession (other than as a student) – s.124A *Children and Community Services Act 2004*.

## Out-of-home care service provider

Means a person who has entered into an agreement under section 15(1) *Children and Community Services Act 2004* for the provision of placement services [the Minister may enter into an agreement with a person for the provision of social services by that person].

## Out-of-home care worker

- (a) means an adult who holds an office or position with, or is otherwise employed or engaged by, an out-of-home care service provider and whose duties include –
- (i) the provision of social services to children who are the subject of a placement arrangement or to carers of those children; or
  - (ii) duties prescribed, or of a class prescribed, for the purposes of this subparagraph;
- but
- (b) does not include an adult who –
- (i) provides care, at the adult's usual place of residence, for children who are the subject of a placement arrangement; or
  - (ii) is employed or engaged as a student or volunteer.

## Police officer

A person appointed under Part I of the *Police Act 1892* to be a member of the Police Force of Western Australia – s.5 *Interpretation Act 1984*. (This does not include police cadets, police auxiliary officers or Aboriginal police liaison officers.)

## Psychologist

Means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession (other than as a student).

## Religious confession

A confession made by a person to a minister of religion in the minister's capacity as a minister of religion in accordance with the tenets of the minister's faith or religion – s.124AB *Children and Community Services Act 2004*.

## Reporter

- (a) means a person who makes a report; and
- (b) in sections 124F, 124G and 124H *Children and Community Services Act 2004* includes a person who, in good faith –
- (i) provides information on the basis of which a report is made; or
  - (ii) is otherwise concerned in making a report or causing a report to be made, except the child about whom a report is made, being the child believed by the reporter to be the subject of sexual abuse.

## School counsellor

- (a) means an adult who is employed or engaged in a school, as defined in the *School Education Act 1999* section 4 [a government school or a non-government school], to provide counselling or pastoral care to children who attend the school; but
- (b) does not include an adult who is employed or engaged as a student or volunteer.

## Sexual abuse

Sexual abuse, in relation to a child, includes sexual behaviour in circumstances where –

- (a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or
- (b) the child has less power than another person involved in the behaviour; or
- (c) there is a significant disparity in the development function or maturity of the child and another person involved in the behaviour – s.124A *Children and Community Services Act 2004*.

## Teacher

A person who is registered under the *Teacher Registration Act 2012* – s.124A *Children and Community Services Act 2004*.

## Wellbeing

Wellbeing, of a child, includes the following –

- (a) the care of the child;
- (b) the physical, emotional, psychological and educational development of the child;
- (c) the physical, emotional and psychological health of the child;
- (d) the safety of the child – s.4 *Children and Community Services Act 2004*.

## Youth justice worker

Once the *Children and Community Services Amendment Act 2021* comes into operation for youth justice workers (1 May 2025), youth justice worker –

- (a) means an adult who is –
  - (i) a custodial officer, as defined in the *Young Offenders Act 1994* section 3 [a superintendent, or other officer with custodial functions, appointed under section 11(1) *Young Offenders Act 1994*, or a person who is appointed under section 11(1a)(a) *Young Offenders Act 1994* as a custodial officer], whose duties include the supervision or monitoring of children; or
  - (ii) a member of the council, as defined in the *Young Offenders Act 1994* section 17A [Aboriginal community means a community or association wholly or principally composed of persons who are of Aboriginal descent with the meaning of the *Aboriginal Affairs Planning Authority Act 1972* and council in relation to an Aboriginal community means the council of management or other governing body of that community in accordance with section 3 of the *Aboriginal Communities Act 1979*], of an Aboriginal community and is involved in the

- supervision of a child under an agreement entered into by the council under section 17B of the *Young Offenders Act 1994*; or
- (iii) appointed as a monitor under the *Young Offenders Act 1994* section 17C(1) [a person who is appointed from a panel of persons nominated by the council of an Aboriginal community]; or
  - (iv) appointed as a Juvenile Justice Team Coordinator under the *Young Offenders Act 1994* section 36(1); or
  - (v) assigned as a supervising officer under the *Young Offenders Act 1994* section 77 [community based order], 108 [conditional release orders], or 139 [supervised release order]; or
  - (vi) employed or engaged in the department of the Public Service principally assisting in the administration of the Children's Court of Western Australia Act 1988 or the *Young Offenders Act 1994* and whose duties include duties prescribed, or of a class prescribed, for the purposes of this subparagraph;
- but
- (b) does not include an adult who is employed or engaged as a student or volunteer.