



Hon Konstantine Vatskalis MLA
Minister for Children and Families, Minister for Child Protection
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Dear Minister Vatskalis

Re: Extending Reporting Obligations Under S26(2) of the *Care and Protection of Children Act* to other professionals.

The Australian Association of Social Workers (AASW) is the key professional body representing professional social workers in Australia. It is also the accrediting body for all tertiary social work programs in Australia and also for the assessment of overseas qualified social workers.

With respect to the mandatory reporting of sexual activity our members wish it to be noted that:

1. Social workers have a proud history of working to protect children which includes the reporting of all forms of abuse and neglect. In many jurisdictions the reporting has occurred in the absence of mandated requirements. Whilst the Association does not have formal data to support this claim anecdotal evidence from social workers employed in child protection intake and health services, have indicated that reports from social workers constitute a large proportion of reports made.
2. Similarly the Association is aware of a number of instances where social workers have been proactive in facilitating reporting by other health professionals. Examples include in-service training programs and the drafting of inter-agency protocols between NTFC and key health organisations eg Danila Dilba Aboriginal Health Services (Darwin).
3. Social workers were also proactive in providing responses to the consultations around the drafting of this legislation – the wording of some



4. key sections of the Act, eg *Principles: the child's best interests will remain paramount*, strongly reflects the recommendations made as part of the consultations.
5. Social Workers have a values and ethical base which promotes client well being. See *Code of Ethics. Section 1: Purpose of Social Work*.
6. Child protection is a shared responsibility hence reporting obligations based solely on whether or not a particular profession fits within the Health Registration framework is counter to promoting and sustaining that shared responsibility.

Considerations: Extending reporting obligations of S26(2) of the Care and Protection of Children's Act 2007

- In 2009 the AASW actively supported the initiatives of health professionals to clarify reporting obligations for juveniles between 14 – 16 years of age. Accordingly, we welcome the Government's proposals, recognising the current rules could deter young people from seeking health services.
- A primary consideration for supporting this initiative the need to achieve a balance between ensuring the safety of young people and the promotion of their well being by having reporting requirements which did not unduly deter young people from seeking health services such as attending contraception and sexual health services.
- The AASW 2009 submission indicated that the Association was of the opinion the proposed amendment did not go far enough ie it needed to include other professionals working with youth.
- Social workers' knowledge and ethical base is such that we have the capacity and commitment to assess and report risk factors especially where there are power differentials. This is in keeping with the Associations Code of Ethics (see sections 4.2.1 and limits to confidentiality).
- The amendment promises to remove a functional anomaly for social workers and other professionals working with youth in that it provides uniform reporting obligations. This is of particular importance when, as is often the case, social workers and others function within a multi disciplinary team context. Where the mandatory reporting obligations are different for professional groups, as is currently the case, there is the very real prospect of collegiate discord with resultant implications for service delivery. The removal of this anomaly would thus help to promote effective service provision across the sector and within individual teams.
- The views of AASW members throughout the NT were sought with respect to their support or otherwise of this proposed amendment. A number of 'Yes' votes were received with on-one registering an objection.



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Recommendations

The AASW recommends that the proposed amendment to S26(2) of the *Care and Protection of Children Act 2007* proceed as proposed. Ergo: to extend the reporting obligations relating to juvenile sexual activity to include social workers and other professional groups working with young people.

Yours sincerely,

Kandie Allen-Kelly

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Professor Bob Lonne

National President
Australian Association of Social Workers

The AASW acknowledges the work of Pamela Trotman, the AASWNT Branch Management Co-ordinating Committee and members in the preparation of this submission.

Reference List: Australian Association of Social Workers *Code of Ethics* (1999)