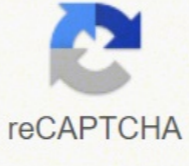




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Catholic Church Responses to Clergy-Child Sexual Abuse and Mandatory Reporting Exemptions in Victoria, Australia: A Discursive Critique

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Abstract
This article presents empirical findings from a critical discursive analysis of institutional responses to the Catholic Church's clergy-child sexual abuse in Victoria, Australia. A sample of 28 documents, comprising 1,291 pages, is analysed in the context of the 2012-2013 Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organizations (Inquiry and Murray (2012) and Cohen (2012) techniques of representational construction and analysis are used to reveal the Catholic Church's discursive responses to clergy-child sexual abuse and mandatory reporting requirements. Institutional discourses are identified through Catholic Canonical law and clerical practices, and the extent of compliance with secular law and cultural of obligation to adherents. Greater clarity on Church agency, clerical discourses of the institutional in justification of inaction, and the Victorian Response Implementation advice, the research findings address the need for greater Church transparency and accountability: we advocate for mandatory reporting law reform and institutional culture, including alignment to the institutional ideal.

Keywords
Catholic Church, child sexual abuse, sexualisation.

Introduction
In Australia, issues of clergy-child sexual abuse and mandatory reporting remain a salient issue, with the Royal Commission into Institutional Responses to Child Abuse reporting at the time of writing that Commonwealth and Victorian governments (2016, 2016). The scope of this article is bounded by a focus on the Roman Catholic Church in the jurisdiction of Victoria, Australia. The research presented here represents a discursive examination of the practices of government Catholic Church representatives and institutional responses to clergy-child sexual abuse in the recent Victorian Inquiry into the Handling of Child Abuse by Religious and Other

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Mandatory Reporting of Elder Abuse

• Colorado: 1 of only 3 states that didn't require those that work with Elders to Report Abuse

- Law Signed 5/16/13
- Training began January 2014
- Reporting becomes mandatory July 1, 2014



Mandatory Reporting Policy

Objective:
All children have a right to feel safe and be well. As teachers, we have a legal and moral responsibility to respond to serious incidents involving abuse and neglect of the children with whom we have contact, and to report incidents that we believe involve physical abuse, sexual abuse or neglect.

Aims:
To ensure that children's rights to be well are maintained and each child is protected against physical and sexual abuse and neglect.

- Implementation:**
- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse and neglect. It is the responsibility of the person with the best idea of what a child has been doing or neglected to make the report, regardless of whether the Principal or any other staff member is a witness.
 - New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction process.
 - Staff will be reminded of mandatory responsibilities annually.
 - All reports must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
 - The Principal will keep a record of all disclosures about a student with whom there is concern.
 - If a child has been harmed by staff members the usual child protection procedures for child abuse will be followed. A "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
 - The teacher and/or the Principal (class officer) will contact the Department of Human Services by telephone as soon as possible to make an official notification on:
 - Numbers 1300 485 795 (Monday-Friday 9:30-3:30) for after school hours child line 131278
 - The teacher and/or Principal will follow the recommendations of the Department of Human Services.
 - All Mandatory Reporting Information Sheets* remain in secure files. All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
 - All inquiries to be recorded, and any subsequent claim or litigation of abuse are done by the Department.
 - While only mandated by law to report victims of physical and sexual abuse and neglect, teachers are also encouraged to report incidents of emotional abuse or neglect.
 - Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal.
 - Staff unable to further information regarding Mandatory Reporting Obligations, in accordance with legislation.

Legislative responsibilities:
Corio Primary School takes on legal responsibilities seriously, including:

The historical and political context of mandatory reporting and its impact on child protection practice in Victoria

PHILIP MENDES*

This article explores the historical and political debate concerning mandatory reporting of child abuse in Victoria.

The argument advanced here is that the decision by the Victorian Government to introduce mandatory reporting in early 1993 reflected narrow political priorities, rather than any concern for enhanced service or practice outcomes.

As a result, Victoria has witnessed a short-sighted shift of resources from child abuse prevention and support to child abuse investigations. A massive increase in reports of child abuse and neglect forced the government to employ large numbers of extra child protection workers, but the government simultaneously implemented severe cuts to child welfare support services. Today, the Victorian child protection system is arguably less able – rather than more able – to protect children from significant harm.

THE HISTORICAL AND POLITICAL CONTEXT OF MANDATORY REPORTING AND ITS IMPACT ON CHILD PROTECTION PRACTICE IN VICTORIA

On March the 2nd, 1993, the Minister for Health & Community Services Michael John announced that the Victorian Government would introduce mandatory reporting of child abuse. The stated purpose of the Bill was to lift the reporting rates in Victoria relative to other States.

The introduction of mandatory reporting was accompanied by severe cuts to child welfare services in

Victoria totalling \$7.4 million. The argument to be advanced here is that this combination of mandatory reporting with service cuts has led to the worst possible outcome for child protection practice in Victoria. Child protection workers are currently faced with ever-increasing numbers of referrals, but with far fewer resources to service them.

Part of this paper will examine the long history of debate in Victoria concerning the merits or otherwise of mandatory reporting. What is most interesting about this debate is that opponents of mandatory reporting consistently argued that its introduction would create a transfer of resources from prevention of child abuse and support for its victims, to the investigatory and legal side of child abuse. Further, even the supporters of mandatory reporting warned that its introduction would not suffice to protect children unless accompanied by significant support resources. The contention

of this paper is that both these warnings were culpably ignored by the Victorian Liberal Government.

For the purpose of this paper, child protection will be defined as 'joint action by statutory protection workers, non-government community service and family members to protect children from significant harm'. This broad definition reflects the reality that the overwhelming majority of reports made to child protection authorities in Victoria (whether substantiated or not) do not lead to court action or the removal of children (Clark 1995, p.22). Moreover, even in the more severe cases of child abuse which do require legal action, the protection application taken out by Health and Community Services Victoria is only the beginning of a process in which the most important role is played by broader support services – whether foster carers or residential carers, counsellors or extended family – rather than by child protection workers.

The importance of support services for child protection is recognised by both Health & Community Services Victoria (H & CS) and the National Child Protection Council (NCPC). The former emphasises the concept of minimum intervention which holds that child protection authorities should intervene in families only when children are exposed to significant harm that cannot be addressed by existing family and community supports.

Similarly, the NCPC emphasises that:

Families and communities have a key role to play in preventing child abuse. Adults who abuse children are usually members of families or known to the families so the abuse can be witnessed by other family friends and members. These witnesses are in a position to intervene, to influence the actions of others, and help to improve the conditions under which adults parent (Calvert 1994, p. ix).

* Philip Mendes is an Assistant Lecturer in Social Work at Monash University. He recently completed a PhD on 'Welfare Politics in Australia: A History of the Australian Council of Social Services'.

Acknowledgements
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