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**CONTRASTING APPROACHES TO
MANDATORY REPORTING IN NEW
ZEALAND AND THE NORTHERN
TERRITORY OF AUSTRALIA
- A COMPARATIVE STUDY**

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the requirements for the degree of
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ABSTRACT

Responding to increasing societal concern about child abuse by implementing a system for mandatory reporting of suspected abuse occurred in a number of countries since the 1960s. By 1967 in the United States, all states had adopted some form of mandatory reporting and in Australia five states had mandatory reporting by 1982. Other nations, such as the United Kingdom and New Zealand, never legislated in this way and have retained voluntary reporting systems. This study asks why one jurisdiction adopted mandatory reporting and another decided not to, by comparing the history of mandatory reporting policy in the Northern Territory of Australia, which adopted mandatory reporting in 1982, and New Zealand, which rejected that option in 1994. By examining events leading up to the mandatory reporting debates in each jurisdiction, the policy advice provided to each Government beforehand, and the parliamentary fate of the respective proposals, an understanding of what shaped the policy outcome in each is obtained. Particular attention is given to processes of policy formation and the use made of research in developing the advice tendered to each Government. A distinction is drawn between policy-formation and policy-making, the latter being seen as the province of legislators since they finally determine which, from a range of policy options, shall prevail. The study asks what advice did the policy-makers seek and how far they were guided by that advice. The range of standard arguments for and against mandatory reporting is assembled, to determine which, if any, were decisive in the final outcomes. It is concluded that in each jurisdiction, the niceties of policy analysis gave way at the parliamentary level to more determinative political considerations. However, in the case of New Zealand, research-based policy advice was more influential, possibly because of the existence of stronger consultative processes, greater awareness on the part of legislators of alternatives to mandatory reporting, a more critical approach to the assumptions of mandatory reporting, and a determination on the part of the Government that the issue be openly debated.

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I am also grateful to have been granted permission to undertake research into Governmental archives in the Northern Territory and New Zealand and would be gratified if the study proved of interest to members of their policy communities.

To those who have borne with this study as I moved between numerous countries and work situations and underwent significant changes in personal circumstances along the way, in particular my Supervisors and Family, I also express my gratitude.

PREFACE

The writer began his social work career when mandatory reporting was beginning to be debated in New Zealand. He then worked as a child protection social worker and social work supervisor in the New Zealand child protection system during the introduction of the ground-breaking *Children, Young Persons, and Their Families Act 1989*. He was also involved in training social workers and community members in the principles and procedures of the new legislation. Later he observed setting up of the Mason Committee to review the implementation of that Act and its subsequent recommendation, not followed by the New Zealand Parliament, that mandatory reporting be adopted.

More recently, the writer acquired practitioner-level and supervisory experience of statutory child protection under a mandatory reporting regime as an employee of Territory Health Services which administers the relevant legislation and provides family welfare and child protection services in the Northern Territory of Australia.

For the writer it has been instructive professionally to have the experience of working under both voluntary and mandatory reporting regimens. The consequent experience has stimulated a strong interest in researching the clash of policy principles and practice issues represented by these two systems. It has also served to bring alive the research literature in the field.

It is hoped that making the Northern Territory and New Zealand policy history of mandatory reporting accessible in a comparative framework may be useful to future policy analysts required to consider the merits of mandatory reporting as a means of reducing the incidence of child abuse.

GLOSSARY OF TERMS AND ABBREVIATIONS

TERMS

Child Abuse :	Generally, the physical, emotional or sexual maltreatment, or neglect, of a child or young person. The precise meaning of the term will depend on the applicable legal definition in a particular jurisdiction.
Hapu :	Sub-tribal unit (Maori)
Hansard:	Generic term for the record of Parliamentary proceedings in Westminster jurisdictions
Hui :	Meeting/consultation (Maori)
Iwi :	Tribal unit (Maori)
Mandatory Reporting:	Requirement established in law placing an obligation on a defined class of persons to report suspected child maltreatment to an agency recognised in statute.
Marae :	Site of meeting house (Maori)
Pakeha :	Non-indigenous New Zealander of European ethnicity
Royal New Zealand Plunket Society (Inc.):	Provider of well child and family health services (Founded 1907)
Whanau :	Extended-family unit (Maori)

ABBREVIATIONS

ALRC:	Australian Law Reform Commission
CYPF Act:	Children, Young Persons and Their Families Act 1989 (NZ).
DCD:	Department of Community Development (NT)
DoH:	Department of Health(NT)
NT:	Northern Territory
NTDCD:	Northern Territory Department of Community Development
NTPR:	Northern Territory Parliamentary Record
NTLA:	Northern Territory Legislative Assembly
DSW:	Department of Social Welfare (New Zealand)
NZP:	New Zealand Parliament
SPA:	Social Policy Agency (NZ)
PD:	Parliamentary Debates (NZ)