



Teacher Liability in Negligence for Mandatory Reporting Failures

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The mandatory reporting laws for child protection covering Australian teachers, particularly in Queensland, have been instigated to ensure the safety of all students. While most teachers attempt to follow the guidelines for reporting, it can be difficult for them to fully comprehend their reporting requirements and, furthermore, the ramifications they could face should they fail in their responsibilities.

Given there is yet to be a case in Queensland where a teacher has been found liable in negligence for failing to report their suspicions of child abuse, it is difficult to determine whether it is actually possible for a teacher to be found negligent in this area. There is evidence within the court system of both successes and failures in other sectors in determining whether a third party could be held to have a duty of care to report abuse. This leaves it open for the potential for this to occur in the future in the education sector.

While the ultimate focus for mandatory reporting laws is to protect the child, it is also important for teachers to feel safe in their profession in order to complete their role and tasks with the children effectively. Therefore, given written legislation and case law cannot confirm or deny the possibility of a teacher being found liable in negligence for failing in their mandatory reporting duties, the conversation is one that needs to be started.