

CHANGES TO REPORTABLE CONDUCT SCHEME

FACTSHEET

New laws affecting religious bodies

Changes to the Reportable Conduct Scheme will come into effect on **1 September 2019**. These changes have impacts for religious bodies. The changes have been made in response to recommendations made by the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

Nominating the head of the religious body

A religious body must nominate an individual as the head of the body. If the religious body does not nominate an individual, the Ombudsman may nominate an individual.

Your organisation may have already nominated a head of the entity and informed the ACT Ombudsman. If so, you do not need to do anything further.

Clarifying the definition of employee

The definition of 'employee' for the purposes of the Reportable Conduct Scheme has been amended. The amended definition clarifies that a person is not an employee of a religious body merely because the person participates in worship.

This change is a technical one that reaffirms existing practice and provides clarity in the legal definition of employee.

Reporting information disclosed in a religious confession

Certain information disclosed in a religious confession will be subject to the Reportable Conduct Scheme's reporting obligations.

Information disclosed in a religious confession will need to be reported to the ACT Ombudsman under this Scheme if it relates to a sexual abuse against a child, or non-accidental physical injury to a child. This is narrower in scope than the information that must generally be reported under the Reportable Conduct Scheme.

Where can I find more information on the Reportable Conduct Scheme?

You can find out more about the Reportable Conduct Scheme and your obligations under the scheme on the ACT Ombudsman's website at:

> <http://ombudsman.act.gov.au/reportable-conduct-scheme>

Why were these changes made?

These changes were made following the Commonwealth *Royal Commission into Institutional Responses to Child Sexual Abuse*. The Royal Commission made a number of recommendations regarding the reporting of child sexual abuse.

In 2018, the ACT Government commissioned the Hon. Justice Julie Dodds-Streeton to prepare an analysis report on how to best implement the recommendations regarding the reporting of child sexual abuse which have implications for the confessional seal.

The changes relating to the confessional seal were recommended by Justice Dodds-Streeton to maintain consistency and harmony between the failure to report offence, the mandatory reporting

scheme, and the reportable conduct scheme. The changes regarding the head of the religious body and definition of employee were recommended for the purposes of improving clarity within the scheme.

The recent reforms to reporting laws made following the Royal Commission's report and Justice Dodds-Streeton's analysis report are important for ensuring that we take proactive steps to protect children's safety and wellbeing.