

NEW LAWS TO IMPROVE REPORTING OF CHILD ABUSE

FACTSHEET

Changes to child abuse reporting laws

New laws coming into effect on **1 September 2019** will make a number of changes to reporting laws. This factsheet explains what those changes are. The laws have been introduced in response to recommendations made by the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

New failure to report offence

The laws create a new criminal offence for failing to report child sexual abuse to the police. The Failure to Report offence applies to all adults and you need to report abuse you reasonably believe has happened. To report abuse call ACT Policing on 131 444.

More information about the offence and your obligations can be found here

- > Failure to Report Factsheet

Expansion of mandatory reporting

The changes add ministers of religion as Mandated Reporters under the Children and Young People Act 2008. This means ministers of religion will now be required to report sexual and physical abuse to Child and Youth Protection Services (CYPS).

Information about new mandatory reporting obligations for ministers of religion, religious leaders, and members of the clergy can be found here:

- > Changes to Mandatory Reporting Factsheet

For more comprehensive information about mandatory reporting more broadly visit:

- > <https://www.communityservices.act.gov.au/oc/yfs/keeping-children-and-young-people-safe>

Changes to the Reportable Conduct Scheme

Certain information disclosed in a religious confession must be reported by religious bodies to the ACT Ombudsman under the Reportable Conduct Scheme.

Information disclosed in a religious confession will need to be reported if it relates to sexual abuse against a child, or non-accidental physical injury to a child.

There are some further technical changes to the way the Reportable Conduct Scheme applies to religious bodies.

For more information about the recent changes read this factsheet:

- > Changes to Reportable Conduct Scheme Factsheet

For more information about the Reportable Conduct Scheme more generally, visit:

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

What if I have multiple reporting obligations?

The new Failure to Report offence applies to all adults. However, some adults will also be Mandated Reporters or have additional obligations under the Reportable Conduct Scheme.

If you are a mandated reporter, and you have made a mandatory report about child sexual abuse to CYPS, you **do not** have to report the same information to police under the Failure to Report offence. CYPS will pass relevant information onto the police.

However, you should be aware that if the information is not subject to a mandatory report, or is obtained outside the course of your employment, you will need to make a report to the police under the new legislation.

If your organisation has obligations under the Reportable Conduct Scheme, it has to comply with those obligations independently of Failure to Report and Mandatory Reporting laws. It doesn't matter if you have made a report to police or to CYPS, your organisation must still meet any obligations it has under the Reportable Conduct Scheme.

Why are these changes being made?

These laws were introduced following the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The Royal Commission made a number of recommendations about reporting laws. These changes implement some of those recommendations.

The changes are all intended to improve the way adults proactively report child abuse to authorities. It's important that adults report child abuse because:

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- > Children are likely to have less ability to report the abuse or take steps to protect themselves, leaving them particularly in need of the active assistance and protection of adults
- > Those who commit child abuse offences may have multiple victims and may offend against particular victims over lengthy periods of time. A failure to report may leave the particular child exposed to repeated abuse, and may expose other children to abuse
- > Failing to report abuse can have a negative impact on the victim for the duration of their life.