



# Reporting Crimes to NSW Police

The NSW Government introduced reforms to strengthen child sexual abuse laws. The new laws are based on the Royal Commission's Criminal Justice Report. The Criminal Legislation Amendment (*Child Sexual Abuse*) Bill 2018 made these changes and was introduced into the NSW Parliament in June 2018<sup>1</sup>.

The changes relevant to Chancery, Parish and Clergy are;

## Failure to report offence

Under the Crimes Act 1900 (NSW) all adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (Under 18 years) has been abused.

Failing to report information to police without a reasonable excuse is an offence punishable by up to two years imprisonment. The penalty is five years if the person has accepted any benefit in exchange for failing to report.

A person will have a reasonable excuse for not reporting if the victim is now an adult and doesn't want the offence reported, or if the offence has already been reported to the Child Protection Helpline, the Office of the Children's Guardian under the Reportable Conduct Scheme or the person believes on reasonable grounds that another person reported or if the person fears for their safety or another person's safety if they report.

The offence will apply to members of the clergy and ministers of religion\*.

*\*The issue of whether the offence will apply when a person received their information from a religious confession is covered by uniform evidence law that applies in multiple Australian jurisdictions.*

*EVIDENCE ACT 1995-SECT 127. (1)A person who is or was a member of the clergy of any church or religious denomination is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession made, to the person when a member of the clergy*

<sup>1</sup>NSW Government Fact Sheet: New Legislation to strengthen child sexual abuse laws

## Failure to protect offence

Under the Crimes Act 1900 (NSW) an adult working in an institution (including Parish and Chancery) who has the power to minimise risk will commit an offence if they know another adult working there poses a serious risk of abusing a child and they have the power to reduce or remove the risk, and they fail to do so.

The offence will be punishable by up to two years imprisonment.

## More Information

For further information you can visit the NSW Department of Communities & Justice website at [dcj.nsw.gov.au](http://dcj.nsw.gov.au)

If you have specific questions about the new legislation, you can email the Office for Safeguarding (Chancery) at [safeguarding@bbcatholic.org.au](mailto:safeguarding@bbcatholic.org.au)

## Further Resources

Visit the Diocesan intranet and access the Safeguarding page to locate the Parish resource page at [intranet.bbcatholic.org.au](http://intranet.bbcatholic.org.au)