



The Queensland Government has implemented new laws to increase the protection of children from sexual abuse. The laws came into effect on the 5<sup>th</sup> of July 2021. The new laws mean that all adults in Queensland now have a legal duty to:

- to take action to protect children from the risk of sexual abuse by other adults in an institution (e.g. a school, church or sporting club); and
- report the sexual abuse of children by other adults to the police (unless they have a reasonable excuse not to).

### **CRIME - Failure to Protect Child from Child Sexual Offence**

(Criminal Code - Section 229BB)

An 'accountable person' (adult) in an institution commits a crime if they:

1. know there is a significant risk that an adult who is associated with the institution (or a regulated volunteer);
2. will commit a child sex offence;
3. against a child under the care, supervision or control of the institution; and
4. the person has the power or responsibility to reduce or remove the risk; but
5. wilfully or negligently fails to reduce or remove the risk.

*(Maximum penalty - 5 years imprisonment)*

### **CRIME - Failure to Report Belief of Child Sexual Offence**

(Criminal Code - Section 229BC)

An adult commits a crime if they:

1. have a reasonable belief that another adult;
2. is committing (in the present) or has committed (in the past) a child sexual offence; and
3. the adult fails to disclose the information to a police officer as soon as reasonably practicable;
4. unless they have a reasonable excuse for not reporting it to the police.

*(Maximum penalty - 3 years imprisonment)*

### Exceptions

An adult has a reasonable excuse for not disclosing information about a suspected child sexual offence to a police officer if any of the following circumstances apply:

- The adult believes on reasonable grounds that the information has already been disclosed to a police officer.
- The adult reasonably believes that the information has already been reported under:
  - the *Child Protection Act 1999* (chapter 2, part 1AA);
  - the *Education (General Provisions) Act 2006* (chapter 12, part 10); or
  - the *Youth Justice Act 1992* (part 8 or 9).
- The adult gains the information after the child (alleged victim) has become an adult, and the alleged victim does not want the information to be disclosed to a police officer.
- The adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person (other than the alleged offender), and not disclosing the information is reasonable in the circumstances.

## **REPORTING**

The Archdiocese takes a **zero tolerance** approach to all forms of abuse, especially child sexual abuse. It is imperative that all child sexual abuse suspicions be taken seriously, responded to promptly, and in compliance with legal obligations.

All child sexual abuse suspicions must be reported to the Office of Legal, Governance & Risk using the following contacts:

Ph: (07) 3324 3575      Em: [childabusealert@bne.catholic.net.au](mailto:childabusealert@bne.catholic.net.au)

Reports must be made as soon as possible, and within 24 hours. The Office of Legal, Governance & Risk will make a police report on behalf of the Archdiocese.

**IMPORTANT** - If a child is in immediate danger or risk of harm, contact the police directly and without delay.

Policelink: 131 444      Emergency: Triple Zero '000'