



## ARCHDIOCESE OF BRISBANE

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From Monday 5 July 2021, Queensland will introduce new laws targeting sexual offences against children. These changes should be noted by all Queenslanders, including those within our parishes and schools and similar institutions.

The new laws focus on two areas, as described by the State Government:

- “Adults in an institutional setting must protect children from the risk of a sexual offence being committed against those children.”
- “All adults must report sexual offending against children to police unless they have a reasonable excuse.”

In summary, the changes include:

### **s.229BB: Failure to protect child from child sexual offence**

Under this new offence, an adult will commit a crime that is liable for up to five years jail if they:

- know that “there is a significant risk that another adult will commit a child sexual offence”; and
- they have the power to remove or reduce that risk; and
- they do not remove or reduce the risk; and
- the offender is associated with an institution.

Institutions can include the likes of schools, religious organisations, government agencies, sporting clubs and youth organisations. The offender’s association with the institution may be as an employee, volunteer, any person who requires a blue card in their role or anyone delivering a service to a child under the care or supervision of the institution.

A person is deemed accountable if they have “have the power or responsibility to remove or reduce the risk and ... wilfully or negligently fails to remove or reduce the risk”. This offence requires accountable adults to act in a way to prevent abuse from occurring, not to wait until abuse has occurred.

Please note that the legislation states that “it does not matter that the knowledge was gained by the accountable person during, or in connection with, a religious confession”.

### **s.229BC: Failure to report belief of child sexual offence committed in relation to child**

This second new offence means that **all adults** will have a legal duty to report sexual offending against children to police, unless they have a reasonable excuse for not doing so. The reporting must be done “as soon as reasonably practicable” after the adult forms the opinion that a crime has been or will be committed. The maximum penalty for this offence is three years jail.

A “reasonable excuse” can be made if the adult believes “on reasonable grounds that the information has already been disclosed to a police officer” or the adult believes that another person will do so. This provision also applies if 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”.

There is further reading available on these legislative changes:

- The legislation can be found at this link: <https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2020-032>
- A summary of the changes, as published by the State Government, can be found here: <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report>
- Further information on what constitutes child sexual offences can be found on this State Government website: <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/laws#child-sexual-offence>

The protocol for reporting child sex offences within the Archdiocese is to notify any and all incidents to the Legal, Governance and Risk office via the [childabusealert@bne.catholic.net.au](mailto:childabusealert@bne.catholic.net.au) email address and/or the phone (07) 3324 3575. The Legal Governance and Risk Office will make the police report on behalf of the Archdiocese.

Where a person may be in danger of harm the police should be notified immediately followed by notification to the Legal Governance and Risk Office.

It is an obligation not only as an Archdiocesan employee or volunteer, but as a citizen, to properly understand these legislative changes.

Should you have any further queries, please contact Gavin Byrnes, Executive Director, Legal, Governance and Risk, at 07 3324 3577 or [byrnesg@bne.catholic.net.au](mailto:byrnesg@bne.catholic.net.au).