



6th of July 2021

To Whom it May Concern:

The safety of children is everyone's responsibility and Townsville Catholic Education would like to advise parents that a new law has been introduced as of the 5th of July 2021. This law seeks to strengthen and improve the protection of children from offences of a sexual nature. Currently, only certain adults have legal obligations to report suspected harm to children (including suspected sexual abuse).

From 5 July 2021, a new law will make it an offence for any adult not to report sexual offending against a child by another adult to police. This means all adults will have the responsibility to report sexual offences against children to police—unless they have a reasonable excuse not to.

For this law, a *child* means a person under 16 or a person under 18 with an impairment of the mind.

A *child sexual offence* is an offence of a sexual nature committed against a child and includes:

- Indecent treatment of a child
- Carnal knowledge with or of a child
- Rape
- Incest
- Grooming a child (or their parent or carer)
- Making child exploitation material
- Maintaining a sexual relationship with a child

The new failure to report laws apply to everyone over 18 (i.e. all adults).

If an adult reasonably believes (or should reasonably believe) that a child is being or has been the victim of sexual abuse, they must report it to the police—unless they have a reasonable excuse.

A *reasonable belief* is a belief that a reasonable person would form in the same position and with the same information. Whether a reasonable belief would be formed will always depend on the circumstances.

For example, a reasonable belief could be formed if either:

- a child states that they have been sexually abused
- the child has signs of sexual abuse.

If you have a reasonable belief that a child has experienced sexual abuse or is at risk of sexual abuse, you must report it to the police—unless there is a reasonable excuse for not doing so.

A *reasonable excuse* for not reporting sexual abuse against a child is not exhaustively defined in the legislation. It may include if:

- you have already reported the offence to an appropriate authority or you know another person has or will report it—for example, if you are:
 - a nurse and have already reported it to Child Safety Services
 - a teacher and your school principal or another teacher has already reported the offence according to other laws
- you received information about the victim who is now an adult and you reasonably believe they don't want to reveal it to the police
- you believe reporting the offence would endanger you or another person (other than the alleged offender).

You will not need to report an offence to the police if it has already been reported to an appropriate authority, such as Child Safety Services.

Penalty for individuals for Failing to Report:

The maximum penalty for failing to report belief of a child sexual offence is 3 years' imprisonment.

How to report an offence

To report an offence, contact PoliceLink on [131 444](tel:131444). If it's an emergency, phone Triple Zero ([000](tel:000)). If you are unsure of your reporting obligations at work, talk to your manager or the human resources contacts at your organisation. You may wish to get legal advice if you are unsure about reporting.

Please be aware that this legislation also applies to all students who have turned 18 years of age. Please be aware that students who are approaching or who have turned 18 years old will receive additional education regarding this legislation, however parents are encouraged to talk to their children about the potential implications for them following the introduction of this legislation.

For more information about how this law and how it applies to you, please visit:

<https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report>

Kind Regards,



Katherine Olsen

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Townsville Catholic Education