



7 June 2019

CIRCULAR TO PARISHES – SAFE MINISTRY UPDATE

To: All Licensed Ministers, Authorised Lay Workers, Wardens, Parish Councillors and Safe Ministry Representatives,

Important Changes to the Crimes Act 1900

At its 2018 session Synod passed a motion welcoming the changes made by the NSW Parliament to strengthen laws in relation to child sexual abuse including two new offences. I am writing to update you about this and the impact it will have in the church context.

The first offence is that of “Concealing child abuse”. The second concerns “Failure to reduce or remove risk of child becoming victim of child abuse”.

(1) Concealing Child Abuse

It is now an offence for an adult who:

- knows;
- believes; or
- reasonably ought to know

that a child abuse offence has been committed but conceals such abuse by failing to report it.

This reporting obligation applies where a person has information which would be of assistance in the apprehension (arrest) or prosecution of the offence (in Court) and without reasonable excuse fails to report it to the police as soon as they can. The penalty for this offence is to 2-5 years in jail depending on the seriousness of the abuse concealed.

The Act gives examples of what may constitute a reasonable excuse including, but not limited to:

- the person believes on reasonable grounds that the matter is already known to the police, or
- the person has reported, or reasonably believes that the information has been reported by someone else, under:
 - *The Children and Young Persons (Care and Protection) Act 1998*; or the
 - *Ombudsman Act 1974*; or
- the person has reasonable grounds to fear for the safety of any person other than the offender if it was reported to police, or
- the information was obtained by a person when they were under 18 years of age, or
- the alleged victim was an adult at the time the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not want the information reported to police.

This new offence has implications for all adults in NSW and that includes church members and workers.

Should church workers still report matters to the Rector or Minister?

In our Safe Ministry Training we encourage church workers to “report up” to team leaders and to the Rector when abuse is suspected. The Act provides an exception to reporting matters directly to the police where you

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“believe on reasonable grounds that another person has done so”. In light of this provision, church workers should feel they are able to report matters to those in authority or leadership over them, without fear that they will be prosecuted for failure to report the matter to police directly. It may be advisable, however, for such persons to follow up with those to whom they reported, to ensure that the matter has in fact been reported to the appropriate authority. If there is any doubt or concern about how or whether it was reported, they should report it themselves or seek advice from the PSU.

(2) Failure to reduce or remove risk of child becoming victim of child abuse

It is now an offence for a position holder, who works for an organisation that engages child related workers, to fail to reduce or remove the risk of child abuse occurring. A position holder is guilty of the offence if they:

- are aware that an adult worker in their organisation poses a risk of child abuse; and
- they have the authority to remove that person from the position; and
- they negligently fail to do so.

The maximum penalty for this offence is 2 years in jail.

This offence applies to any adult workers in a parish where “child related work” is taking place whether paid or voluntary.

Who is a position holder?

A position holder can be an employee, contractor or volunteer working for an organisation, however the Act does not specifically define who a position holder will be in any particular organisation. The Act simply states that a person, who by reason of their position, has the power or responsibility to reduce or remove the risk and negligently fails to do so is guilty of an offence.

In the Parish context this has clear application for Rectors but may also impact on a broader class of persons within the church. It may extend to Wardens, Youth and Children’s Ministers and potentially to other ministry team leaders who have responsibility for the selection and appointment of church workers.

Given the potential breadth of the application of this new law, it is important that all church workers, whether paid or unpaid, communicate with team leaders and/or Rectors about their concerns or suspicions about any person engaged in child related work in the church who may pose a risk of child abuse. If they feel the matter has not been dealt with appropriately it is advisable to follow it up promptly with the PSU.

Conclusion

For information regarding these and other important changes made to the *Crimes Act 1900* refer to the Factsheet produced by the NSW Department of Justice which can be found [here](#).

With all matters pertaining to Safe Ministry the Professional Standards Unit (PSU) can and should be consulted if there is any confusion about what action should be taken concerning any allegations or suspicion of abuse or misconduct.

For further information or if you have any questions, please reply to psu@sydney.anglican.asn.au or contact Lachlan Bryant or Stephen Coleman at the PSU on 9265 1604, or if you wish to report a concern, contact the abuse report line on 1800 774 945 or email abusereport@sydney.anglican.asn.au



Lachlan Bryant

Director of Professional Standards