

Explanatory Notes: Child Protection and Education Legislation (Reporting of Abuse)
Amendment Bill 2017

The Bill's short title: The short title of the Bill is *Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017*.

Policy objectives of the Bill and the reasons for them: The object of the Bill is to amend the *Child Protection Act 1999* and the *Education (General Provisions) Act 2006* to impose the obligation of mandatory reporting of sexual abuse (real or suspected) on ministers of religion.

This follows the widespread and worldwide revelations of childhood sexual abuse by clergy.

Brief statement of the way the policy objectives will be achieved by the Bill and why this way of achieving the objectives is reasonable and appropriate: The Bill amends s13E (Mandatory reporting by persons engaged in particular work) to insert a new category of persons, namely a minister of a religious denomination or society who performs work for, or has an association with, a school. 1

Alternative way of achieving the policy objectives: There is no alternative way of achieving the policy objectives of this Bill.

Administrative cost to government of implementing the Bill: The passage of this Bill would not result in an administrative cost to government.

Consistency of the Bill with fundamental legislative principles: The Bill is consistent with Fundamental Legal Principles. The Bill does not include the confessional as an exception from mandatory reporting, it has been suggested that this may breach the FLP in respect of 'rights and liberties of individuals'.

Consultation was carried out in relation to the Bill: This issue has been debated for many years and never more widely than in the period before and during the Royal Commission into institutional responses to Child Sexual Abuse.

A Simple explanation of the purpose and intended operation of each clause of the Bill:

The Bill is amending two Acts, the *Child Protection Act 1999* and the *Education (General Provisions) Act 2006*.

In respect of the *Child Protection Act 1999* this Bill does the following:

- Section 3 Amends s13E (Mandatory reporting by persons engaged in particular work), by including Section 13E(1) which *inserts* (g) a minister of a religious denomination or society who performs work for, or has an association with a school. 2

Regarding the *Education (General Provisions) Act 2006*, in this Bill:

- Section 5 Amends s364 (Definitions for pt 10) *insert religious representative* means a minister of a religious denomination or society.
- Section 6 amends s365 (Obligation to report sexual abuse of person under 18 years at State school) to impose a mandatory reporting requirement on a 'religious representative'.
- Section 7 amends s365A (Obligation to report likely sexual abuse of person under 18 years at State school) to impose a mandatory reporting requirement on a 'religious representative'.
- Section 8 amends s 366 (Obligation to report sexual abuse of person under 18 years at non-State school) to include *religious representative*.
- Section 9 amends s 366A (Obligation to report likely sexual abuse of person under 18 years at non-State school) to include *religious representative*.

The Bill is substantially uniform or complimentary with legislation in other states.

1. LDA 4. (2) (a)
2. *Examples of a minister for paragraph (g)*— priest, pastor, bishop, rabbi, imam
3. *Examples of a **religious representative*** - priest, pastor, bishop, rabbi, imam