

## REPORTING OBLIGATIONS IN AUSTRALIAN CAPITAL TERRITORY

*Children and Young People Act 2008, s.356(2)*

### General position

- A child or young person is someone under 18 years of age.<sup>1</sup>
- Age of consent is 16 years.<sup>2</sup>

### Reporting Obligation

Ministers of religion (elders) ***are not*** listed as ***mandated reporters*** under the *Children and Young People Act 2008* and therefore ***are not required by law*** to report.<sup>3</sup>

### Taking Calls Concerning Abuse Matters

1. Names of the elders calling and from what congregation?
2. Names of the alleged victim/s?
  - Age now?
  - Age at time of alleged offence?
  - Spiritual status – (baptised/unbaptised/unbaptised pub/nonJW)?
3. Name of the alleged perpetrator?
  - Age now?
  - Age at time of alleged offence?
  - Spiritual status – (baptised/unbaptised/unbaptised pub/nonJW)?
  - Date of offence – (recent or if historical, approximate year/s)?
  - Does alleged perpetrator presently have access to children?
  - Relationship to the alleged victim?
4. In what State did the alleged abuse occur?
5. Who reported the matter to the elders?
6. Has this matter been or will be reported to the police or other authorities?
7. If the victim is still a child (under 18), is he/she still in danger? If so, the Service Department will provide necessary direction to ensure the child's protection.
8. Obtain legal advice from solicitor concerning this matter.
9. Irrespective of the legal advice, advise elders to pass on the following information to the victim, if he/she is an adult, or the child's parent/s if the victim is still a minor:  
  
**“Even though you have reported this matter to the elders, you have the absolute right to report this matter to the authorities if you want to and the elders will support you in whatever decision you make.”**
10. Transfer the elders to the Service Department.
11. If matter has been or will be reported to the authorities, the elders need to ensure that their actions do not interfere with any police investigation.

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<sup>1</sup> *Children and Young People Act 2008, ss.11, 12.*

<sup>2</sup> *Crimes Act 1900, s.55.*

<sup>3</sup> *Children and Young People Act 2008, s.356(1), (2), and (1)(d).* **Mandated reporters** have an obligation to report if they are adults and believe on reasonable grounds that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury. **Mandated reporters** include, doctors, dentists, nurses, midwives, psychologists, teachers, police officers etc. Belief must arise from information obtained by in course of their work, paid or unpaid.