

## REPORTING OBLIGATIONS IN WESTERN AUSTRALIA

*Children and Community Services Act 2004, ss.124A, 124B*

### General position

- A child is an individual under 18 years of age.<sup>1</sup>
- The age of consent in WA is 16.<sup>2</sup>

### Reporting Obligation

Ministers of religion (elders) **are not** listed as having a responsibility to report under the *Children and Community Services Act 2004* and are therefore **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 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 Community Services Act 2004, s.3.*

<sup>2</sup> *Criminal Code Act Compilation Act 1913, s.321.*

<sup>3</sup> *Children and Community Services Act 2004, s.124B(1).* A doctor, nurse, midwife, police officer or teacher who believes on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse and who forms the belief in the course of the person's work (whether paid or unpaid) must report the belief as soon as practical after forming the belief.