

Police reporting and the need for new nationally consistent law

Francis Sullivan September 9, 2015

The failure of headmasters, bishops, administrators and others to report allegations of child sexual abuse to the police has been a recurring theme in many of the 30-plus public hearings the Royal Commission has held so far.

It has shocked many people and seems to be an unbelievable way, even at the time, in which otherwise committed and conscientious people responded when told about abuse taking place under their watch.

For many different reasons institutional leaders have made deliberate decisions when told by a parent or a young person of sexual abuse to deal with it themselves, internally, undercover.

They often either ignored the claim or moved the alleged perpetrator away from his victims and their families.

This week's media coverage of the Geelong Grammar School hearing is bringing to light yet another example where, allegedly, a school principal failed to report a child sex abuse allegation preferring to encourage the perpetrating teacher to resign with a hefty payout.

This operating procedure is repeated in many Catholic dioceses and congregations where offending priests and brothers have been moved from parish to parish, school to school, rather than reported to authorities.

The TJHC, in its most recent submission to the Royal Commission Issues paper looking into Police and Prosecution Responses to allegations of child sexual abuse, has called for a new, consistent nation-wide criminal provision requiring the reporting to the police of suspected child sexual abuse.

The new law should require anyone who has a reasonable belief that a sexual offence has been committed against a child to disclose what they know to the police.

The only circumstance in which this would not be required is if the person has a reasonable excuse, such as where the person believes the allegations have already been reported under mandatory reporting laws.

A law such as this would require all allegations to be reported to the police. The current situation around Australia is at best confusing and at worst negligent.

In NSW the law requires serious crimes to be reported to the police and in Victoria the Crimes Act was amended last year to introduce a provision for the reporting to the police of possible sexual offences against children. However, these are the only states where similar obligations exist.

And while all states and territories have mandatory reporting laws requiring reports to be made to a range of different child protection agencies where children are at risk, there is a yawning gap about informing the police of possible sexual offences. The gap needs to be plugged.

Blog

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Over the past two and a half years we have heard many reasons given for why allegations weren't reported, ranging from 'I didn't know it was a crime' to 'we thought it best to deal with it internally'.

These reasons seem incredible and are completely unacceptable today.

New, nationally consistent, police reporting legislation would enhance a consistent, trauma informed approach to survivors of child sexual abuse across Australia.