



Practice Update

Information for employees and volunteers

South Australian CP Legal Changes

- *Failure to Protect* and *Failure to Report* now a criminal offence

Information for persons engaged by Church and Church Institutions

In the Seventh-day Adventist Church and Schools

In South Australia

Either as an employee in the church (including Ministers) and Volunteers

Or as an employee of a School (including Principals, Teachers, Staff) and Volunteers

If all of the above conditions apply to you then please note;

- A. As of Monday, 1 June 2022, you are considered a **prescribed person** under the Statutes Amendment (Child Sexual Abuse) Act 2021 (South Australia) and have the following reporting obligations:

Child Protection Reporting Obligations.

Failure to Report child sexual abuse (s64A)

You are guilty of an offence if you know, suspect or should have suspected that:

1. another person (the alleged abuser) has previously engaged in the sexual abuse of a child while engaged by the church; and
2. the child is still under the age of 18 years; and
3. the alleged abuser is still engaged by the church; and
4. the sexual abuse occurred during the preceding 10 year period, and
5. you refuse or fail to report that to the police.

[<What's Changed?>](#)

[<Engaged by the church?>](#)

[<Sexual Abuse?>](#)

[<How to report>](#)

Failure to Protect a child from sexual abuse (s65)

You are guilty of an offence if you know that there is a substantial risk that:

1. another person (the alleged abuser) who is engaged by the church will engage in the sexual abuse of a child; and;
2. the child is under the age of 17 years of age or the alleged abuser is in a **position of authority** and
3. you have the power or responsibility to **reduce or remove that risk** but negligently fails to do so.

- B. You may have missed this but you are already a Mandated Notifier and are required to report risk of harm to a child (0 – 15 years) or young person (16 or 17 years).

[<When to Report>](#)

[<How to Report>](#)

[<info here about reporting to Adsafes>](#)

What's Changed?

There have been amendments made to the *Criminal Law Consolidation Act 1935 (South Australia)* found in the *Statutes Amendment (Child Sexual Abuse) Act 2021 (South Australia)*. This has been in response to recommendations made by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse.

What does it mean to be engaged by the church?

The Seventh-day Adventist Church in South Australia is an "Institution" because it is a religious institution that provides services to children. The legislation defines a **prescribed person** as someone who works for the church including:

1. a volunteer,
2. carries out work under a contract for services ,
3. carries out work as a minister of religion or as part of duties of a religious or spiritual vocation.
4. undertaking practical training with the institution as part of an educational course

What is the definition of a child?

A person under the age of 18

What is considered Sexual Abuse of a child?

Sexual Abuse of a child includes any unlawful conduct of a sexual nature to, or in relation to a child.

How soon should a report be made?

If you have any questions about reporting a matter to police you may contact Adsafesafe for advice on +61 2 9847 3488

If you know, suspect or should have suspected that any unlawful conduct of a sexual nature has occurred to a child you need to report the matter to a police officer as soon as reasonably practical.

This should be done at your nearest police station where you:

1. ask to speak to the duty Sergeant,
2. indicate you would like to make a statement about your belief that unlawful conduct of a sexual nature has occurred
3. Make the statement and ask the officer who takes the statement for his details and an event number as well as a copy of the statement when it is available.
4. Write a file note about making the statement. Include the date, time and location that the statement was made, the officer who took the statement, the event number and file it with your copy of the statement.
5. Once this has been completed inform Adsafesafe of your report to police by sending an email to reporting@adsafe.org.au and carbon copying the Conference Secretary. This is important to manage child protection risk in the church.

Who is in a position of Authority?

A person in a position of authority in relation to a child includes:

1. a teacher of a child at the teacher's school, or.
2. a parent, step-parent, guardian of foster parent of the child or the de facto partner or domestic partner of a parent, step-parent, guardian or foster parent of the child, or.
3. a person who provides religious, sporting, musical or other instruction to a child, or.
4. a person who is a religious official or spiritual leader including volunteers in a group attended by the child.

How would one reduce or remove the Risk?

Circumstance	Action
The local church pathfinder leader at a pathfinder camp who is told of the alleged abuse by one of the pathfinder counsellors.	Stand the counsellor down from the role removing their access to children until the matter can be investigated
The local Church Pastor is told by an attendee that he has a historical Child Sexual Assault conviction.	Seek advice from the Adsafes Risk Management and Investigation team. Put in place a Fellowship Agreement to ensure the safe attendance for the attendee
The Youth Director who organises a super camp becomes aware of a complaint about the alleged sexual assault of a female camper by an older male camper (PSOA)	Seek advice from Adsafes Report matter to police Organise increased vigilance (if possible) for the (PSOA) ensuring no access to female campers until the matter can be resolved otherwise ask to leave the premises whilst the matter is being investigated.
The Union Youth director who organises a Union wide Pathfinder Camporee. It is alleged that one of the club's support staff has a child related conviction and that while on the camp he is attempting to engage with 12 and 13 year old female campers despite not having a child related role.	Stand down the support worker from any role. Seek clarity on the conviction Ask the support worker to leave the site. Seek advice from Adsafes.
The Organiser for a church Adventurer overnight camp notices that while on the camp a member of public pays particular interest to the boys on the camp and frequents the male toilets used by the adventurers.	Call a group meeting of parents and Adventurer staff and discuss the problem. Ensure that all children use the toilets in groups supervised by staff or accompanied by their parent. Inform the campground manager of concern.

Mandatory Notifiers

Under the ***Children and Young People (Safety) Act 2017 (SA)***, the following people are mandated notifiers:

1. ministers of religion
2. employees or volunteers in an organisation formed for religious or spiritual purposes

When to report

A mandatory notifier needs to report when there:

- are reasonable grounds to suspect harm and there
- is a risk of harm to a child (0 – 15 years) or young person (16 or 17 years)
- that relates to
 - physical abuse or harm
 - neglect (supervision, physical shelter or environment, food, hygiene and clothing, health care, persistent absenteeism)
 - sexual abuse
 - problematic sexual behaviour (child: peer on peer)
 - psychological or emotional harm
 - parent or carer concerns (substance abuse, mental health concerns, domestic or family violence)

For further information on Indicators of abuse or neglect see [Indicators](#)

A mandated notifier must make the notification as soon as is reasonably practicable after forming the suspicion.

Helpful online assessment tool

The South Australia Mandatory Reporters Guide (SAMRG)

This assessment tool is part of the collaborative efforts of a group of South Australian Government departments in conjunction with other non-government agencies in South Australia. The document is pdf but contains decision trees for each of the types of abuse or harm listed above and will guide the mandatory notifier through a series of decisions that results in advice on whether reporting is appropriate in these circumstances. The Guide includes

- | | | |
|----|--|---------|
| 1. | A checklist of information needed to make a report | Page 6 |
| 2. | Tips for selecting the appropriate decision tree | Page 11 |
| 3. | Various Decision trees starting from | Page 12 |

The Mandatory Reporter Guide can be found at:

[<Mandatory Reporter Guide>](#)

How to report

The South Australian Government has developed the Child Abuse Report Line (CARL) to receive reports.

On completion of the appropriate mandatory reporter guide decision tree the guide will indicate if a report is required. This is indicated by the statement:

Report to CARL

All **serious concerns** must be reported using the Report line (CARL). Non-serious reports can also be done using eCARL.

Reporting can be done:

1. by phone:

CARL: 13 14 78

2. Online: eCARL

This mechanism requires the creation of an account. Link to [Create an Account](#) (external Link)

Once the account is created abuse can be reported here. Link to [Report child abuse](#) (external Link)

Information about eCARL. Link to [eCARL](#) (external Link)

When is a concern serious?

Serious concerns include when you suspect a child or infant is in imminent or immediate danger of:

- serious harm
- serious injury
- chronic neglect
- or when a child is in care of the department, and you suspect they are being abused or neglected.

Reasonable grounds

Reasonable grounds to report suspected abuse and/or neglect may include:

- when your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may be, at risk of harm
- when a child tells you they have been harmed
- a child telling you that they know of someone who has been harmed (they may possibly be referring to themselves)
- when your own observations about the behaviour of the child, or their adult caregivers, give you cause to suspect that a child is being, or is at risk of being harmed
- when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.

Optional Reporting

Any member of the public who has reasonable suspicion that a child is being abused or neglected is encouraged to report this suspicion to the Child Abuse Report Line. (CARL).

You may seek advice from your local church Adsafe Responsible Officer (ARO) who is usually the Pastor or Adsafe about your concern and how to make a report.

Information needed

For a list of information to include in the report see [Information needed](#)

[<When to Report>](#)

[<How to Report>](#)

Ongoing care and support for victims of abuse

The Seventh-day Adventist Church has a duty of care to the children and young persons in its community who are at risk of harm or neglect.

A person making a report in conjunction with the church leaders should consider how the community can continue to respond to the needs of the child and their family. While it is a requirement for Mandatory Notifiers to report risk of harm and neglect to the appropriate government agency appropriately reporting this risk within the Church's child protection network would allow for coordinated community support for the child and their family. The wellbeing of each child in the church community is a responsibility that the community shares with the responsible government agencies.

To this end the Seventh-day Adventist Church has established a **protection team** that consists of the Adsafe Responsible Officer (ARO), the Adsafe Compliance Assistance at the **local church level** an Adsafe Responsible Officer at the **Local Conference** and a team of Case Workers at the Sydney offices of Adsafe.

Persons appointed to roles in the church who have concerns and need to make a report to CARL are encouraged to:

1. Appropriately seek advice from the leaders of the local church or
2. Appropriately seek advice from Adsafe.
3. Once the report has been made ensure that the protection team has been informed. This will allow early intervention support to be arranged for the child in conjunction and with the approval of the relevant child protection agency.

Where to get help or further information

Adsafe

Adsafe has been set-up as a child and vulnerable person protection resource for the Seventh-day Adventist Church and its entities. Adsafe is here to provide advice to you if you have any concerns around these matters. Adsafe can be contacted using one of the following means:

Phone: Australia 1800 220 468
 New Zealand 0800 442 458

 Internet Adsafe.org.au

 email info@adsafe.org.au

Mandated Notifications

Department for Child Protection	<website>
Child Abuse Report Line	131 478
Members of the general public	<Should I report a child at risk>
Mandated Notifiers	<Report child abuse or neglect> <Mandated notifiers and their role> <Indicators of abuse or neglect> <Preparing to report child abuse> <Responding to a child about abuse or neglect> <What not to report as child abuse or neglect>

Overview of Notification Requirements in South Australia

<p>Failure to Report and Failure to Protect</p>
<p>Offence not to report Sexual Abuse of a child to Police Offence not to protect a child from Sexual abuse if you have the power or responsibility</p>
<p>Legislation <i>Criminal Law Consolidation Act 1935 (South Australia), s64A, s65</i> Agency: South Australian Police</p>
<p>Mandated Notifiers</p>
<p>Risk of Harm or Neglect to a child or young person This is about a child or young person being at risk of harm from an individual</p>
<p>Legislation Children and Young People (Safety) Act 2017 (SA) Agency: Department for Child Protection (DCP)</p>
<p>Reporting What? Risk of Significant Harm relating to:</p> <ul style="list-style-type: none"> • physical abuse or harm • neglect (supervision, physical shelter or environment, food, hygiene and clothing, health care, persistent absenteeism) • sexual abuse • problematic sexual behaviour (child: peer on peer) • psychological or emotional harm • parent or carer concerns (substance abuse, mental health concerns, domestic or family violence)
<p>Relates to a suspicion that harm is or may be caused to a child (0-15 years) or young person (16 and 17 years)</p> <ul style="list-style-type: none"> • A person reports because they have reasonable grounds to suspect harm • suspicion is formed about a child in the course of their engagement in child related work.
<p>Essentially</p> <ul style="list-style-type: none"> • You may seek advice from your ARO or Adsafe about your concern. • You with the help of the ARO or Adsafe completes the SA Mandatory Reporters Guide (SAMRG) and follow its direction about whether to report • If reported to CARL, also notify the ARO or Adsafe to co-ordinate ongoing support if needed • DCP will assess and may choose to intervene • DCP have authority to intervene