



Practice Update

Information for church employees, volunteers, and attendees

Queensland Child Protection - Changes to Legislation

Failure to Protect and Failure to Report are criminal offences from 5 July 2021

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What has changed?

There have been amendments made to the *Criminal Code* (Queensland). These have been done using the ***Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020***. This has been in response to recommendations made by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse.

Who does this affect?

Failure to protect a child from a child sexual offence

An employee or volunteer in the SDA Church in Queensland

Failure to report a belief of a child sexual offence

Any adult

Failure to protect a child from child sexual offence

If you are an employee or volunteer in the SDA Church in Queensland then as of Monday, 5 July 2021, you are considered an **accountable person** under the *Criminal Code* (Qld).

Failure to protect a child from child sexual offence

The **accountable person** commits a crime if:

- you know that there is a significant risk that another adult will commit a child sexual offence on a child (under 16 years) or a person with an impairment of the mind; and
- the child is under the care of the church; and
- the adult who presents a significant risk is connected with the church; and
- you have the power or responsibility to remove this risk; and
- you fail to do so.

Reporting to Adsafe

If you are aware that there is a significant risk that another adult will commit a child sexual offence on a child (under 16 years) or a sexual offence on a vulnerable person, please contact Adsafe and your local conference immediately.

[<link to Adsafe contact details>](#)

What does it mean to be in the care of the church?

If the local church or church entity (conference or union) runs a program or activity where the responsibility for supervision is passed from the parent, guardian or carer to an appointed representative of the SDA Church (person in an appointed role), then the child or vulnerable person is considered to be in the care of the church.

Who has the power or responsibility to remove the risk?

This would be the appointed leader of the program or activity. Examples would include:

1. The local church pathfinder leader at a pathfinder camp.
2. The youth director who organises a summer camp.
3. The union youth director who organises a union wide pathfinder camporee.
4. The organiser for an adventurer overnight camp.
5. The local pastor for the local SDA church.

Failure to report a belief of a child sexual offence

An adult commits a crime if:

- they have information that causes them to believe on reasonable grounds that a child sexual offence is being or has been committed against a child (under 16 years) or a person with an impairment of the mind; and
- they fail to report to police as soon as reasonably practical.

How soon should a report be made?

If you have reasonable grounds to believe that a child sexual offence has been or is being committed against a child (or vulnerable person), 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 a child sexual offence has occurred or will occur;
3. make the statement and ask the officer who takes the statement for:
 - a) their details;
 - b) an event number; and
 - c) a copy of the statement when it is available.
4. Write a file note about making the statement for your records.

Where a child is in **immediate danger** contact 000 immediately.

Once a police report has been completed, inform Adsafesafe.

Summary

| Failure to protect | Failure to report |
|---|---|
| Who does it apply to An employee or volunteer in the SDA Church in Queensland – referred to as an accountable person | Who does it apply to Any adult |
| Offence The <i>accountable person</i> commits a crime if: <ul style="list-style-type: none"> • you know that there is a significant risk that another adult will commit a child sexual offence on a child (under 16 years) or a person with an impairment of the mind; and • the child is under the care of the church; and • the adult who presents a significant risk is connected with the church; and • you have the power or responsibility to remove this risk; and • you fail to do so. | Offence An adult commits a crime if: <ul style="list-style-type: none"> • they have information that causes you to believe on reasonable grounds that a child sexual offence is being or has been committed against a child (under 16 years) or a person with an impairment of the mind; and • they fail to report to police as soon as reasonably practical. |
| Contact If you are aware that an adult attendee at an SDA Church presents a significant risk that they will commit a child sexual offence against a child, then contact Adsafesafe. | Report Report the offence to police. <how> |

Where to get help or further information

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

| | | |
|-----------------|--------------------|------------------------|
| Phone: | Australia | 1800 220 468 |
| | New Zealand | 0800 442 458 |
| Internet | | Adsafesafe.org.au |
| Email | | info@adsafesafe.org.au |