



Guidance document: What constitutes a reportable crime?

*Under the Crimes Act 1900 (NSW) (**Crimes Act**), it is an offence to conceal a “serious indictable offence,” and any such offences must be reported to the NSW Police. This guidance document refers to serious indictable offences as “reportable crimes”. While all crimes can be reported to the NSW Police, these crimes are required to be reported.*

The Archdiocese requires all employees, volunteers and religious appointees to report reportable crimes to the NSW Police.

This document provides some guidance as to what constitutes a reportable crime.

Overview

A reportable crime is defined as an offence that is punishable by imprisonment for a period of 5 years or more.

There are a vast number of “reportable crimes”. A list of those offences can be found in the **Table of reportable crimes**. Broadly speaking, reportable crimes that present at the parishes and agencies are likely to include:

1. physical assault of a child or adult;
2. sexual assault of a child or adult;
3. indecent assault of a child or adult;
4. grooming behaviour;
5. the possession, dissemination or production of “child abuse material”, which includes child pornography and any material depicting a child as a victim or torture or cruelty; and
6. stealing.

Related documents

1. Protocol: Reporting reportable crimes to the NSW Police
2. Table of reportable crimes
3. Flowchart: Reporting inappropriate conduct
4. Fact sheet: What is a reportable crime?

Specific descriptions

What constitutes “physical assault” of a child or adult?

A physical assault is any act by which a person intentionally inflicts unjustified use of physical force. An assault can also occur if a person causes another person to reasonably fear that unjustified force will be used against them.

Even if a person does not intend to use unjustified physical force or does not intend to cause a person to fear that they will, they will be guilty of assault if their actions were reckless, ie they ought to have known their actions would cause physical harm or the fear of such harm.

Examples of physical assault include hitting, pushing, shoving, throwing objects, making threats of physical harm.

What constitutes “sexual assault” of an adult or child?

Sexual assault occurs when a person has sexual intercourse with another person without that person’s consent. Sexual intercourse with a child aged 15 years or younger will be considered sexual assault regardless of consent.

Sexual intercourse is defined as the penetration of the vagina or anus of any person with any part of the body of another person, or any object. It is also the insertion of the penis into the mouth of another person and cunnilingus.

Indecent assault is assault of a sexual nature that does not go as far as sexual intercourse. Examples include touching, or threatening to touch, a person’s body in a sexual manner without that person’s consent, and kissing.

What constitutes “indecent assault” of an adult or child?

Indecent assault is assault of a sexual nature that does not go as far as sexual intercourse. Examples include touching, or threatening to touch, a person’s body in a sexual manner without that person’s consent, and kissing.

What is “grooming behaviour”?

Grooming behaviour is a pattern of conduct that is consistent with encouraging, enticing, recruiting or inducing a child for sexual activity.

Examples of grooming behaviour that constitute a reportable crime include:

1. inviting a child to engage in sexual activity;
2. offering money to induce sexual activity with a child;
3. pursuing a child to engage in sexual activity; and
4. threatening a child so they will engage in sexual activity.

What is “child

abuse material includes any form of material that depicts or

abuse material”? describes a child that a reasonable person would find offensive, including pornographic or sexual material and material depicting a child as a victim or torture or cruelty.

The possession, dissemination and production of child abuse material are all considered reportable crimes.

What constitutes “stealing”? Stealing includes all forms of stealing property or money including robbery, fraud and embezzlement.

Stealing is a reportable crime regardless of the value of the property or money stolen.