



Protocol: Reporting reportable crimes to the NSW Police

This protocol sets out the requirements of the Crimes Act 1900 (NSW) in relation to reporting reportable crimes to the NSW Police. It also outlines the Archdiocese's expectations of employees, volunteers and religious appointees.

Key obligation

Under the *Crimes Act 1900* (NSW), it is an offence to conceal a "serious indictable offence," and any such offences must be reported to the NSW Police. This protocol refers to those offences as reportable crimes. While all crimes are able to be reported to the police, these crimes are required to be reported.

1 What is a reportable crime?

- 1.1 A reportable crime is defined a crime that is punishable by imprisonment for a period of 5 years or more.
- 1.2 There are a vast number of reportable crimes. A list of those crimes can be found in the [Table of reportable crimes](#). Broadly speaking, reportable crimes that present at the parishes and agencies are likely to include:
 - a) physical assault of a child or adult;
 - b) sexual or indecent assault of a child or adult;
 - c) any sexual activity with a child;
 - d) 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
 - e) stealing.

2 Obligation to report

- 2.1 The *Crimes Act 1900* (NSW) (**Crimes Act**) specifies that if a person:
 - a) knows or believes a reportable crime has been committed; **and**
 - b) has information which might be of material assistance in apprehending, prosecuting or convicting the alleged offender; **and**
 - c) has no reasonable excuse not to bring that material to the attention of the NSW Police or another appropriate authority,that person must bring that material to the attention of a member of the NSW Police or another appropriate authority.
- 2.2 A person who fails to report a reportable crime risks being found guilty of the offence of concealment under the Crimes Act.

- 2.3 This means that all Archdiocese employees, volunteers and religious appointees are under a **personal obligation** to report a suspected reportable crime to the police, whether or not the suspected offender is affiliated with the Church.

3 Exemptions

- 3.1 A report is not required to be made to the NSW Police:
- a) by a priest or other religious appointee if they learn of the matter during confession; or
 - b) if the person who suspects the offence has been committed has a reasonable excuse not to report the matter.
- 3.2 The term “reasonable excuse” is not clearly defined in the Crimes Act. Determining whether there is a reasonable excuse depends upon the individual circumstances.

4 Archdiocese policy and procedure

- 4.1 The Archdiocese requires that all employees, volunteers and religious appointees must immediately report all suspected reportable crimes to the NSW Police by contacting their Local Area Command.
- 4.2 If any employee, volunteer or religious appointee has concerns about whether:
- a) the suspected offence is a reportable crime;
 - b) they have the required knowledge or belief that the offence has been committed;
 - c) the information they have will be of material assistance to the NSW Police;
 - d) they have a reasonable excuse not to report the information to the NSW Police, they should immediately seek advice from;
 - e) their Parish Priest (or administrator);
 - f) their agency head; or
 - g) the Safeguarding and Ministerial Integrity Office; or
 - h) the Parish Advisory Service.
- 4.3 If the matter needs to be referred further for advice as to whether it is reportable, it should be referred to:
- a) the Chancellor of the Archdiocese; and/or
 - b) the General Counsel of the Archdiocese.
- 4.4 The General Counsel may then seek the advice of external lawyers.
- 4.5 No employee, volunteer or religious appointee should attempt to undertake their own investigation before reporting the matter.

Related documents

1. Table of reportable crimes

2. Guidance document: What constitutes a reportable crime?
3. Flowchart: Reporting inappropriate conduct
4. Fact sheet: What is a reportable crime?