Child Abuse Support Resource 2

MELBOURNE ARCHDIOCESE CATHOLIC SCHOOLS

St. Dominic's Primary School

Reporting criteria – failure to disclose

In accordance with the *Crimes Act 1958* (Vic.), this table sets out when to report a concern that a child or young person has been sexually abused or is in need of protection from sexual abuse.

Type of reporting	By whom	To whom
Reasonable belief that a sexual offence has been committed by an adult against a child under 16. Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Victoria Police. You will not be guilty of an offence if you do not report in the following circumstances: • The victim is 16 years of age or older and does not want the information reported to Victoria Police. However, this exception does not apply where the victim is aged under 16 years, or is aged over 16 years and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report. • The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner, counsellor or in a religious confession to a member of the clergy. A 'counsellor' is a person who is treating a person for an emotional or psychological condition. **Please note that mandatory reporting obligations under the *Children, Youth and Families Act 2005* (Vic.) may override the exceptions to making a disclosure under the *Crimes Act 1958* (Vic.).** The National Catholic Education Commission (NCEC) Privacy Compliance Manual (updated by the Catholic Education Commission of Victoria Ltd (CECV) in February 2020) also provides details relating to the role of school counsellors and their obligations to students, the schools at which the students are enrolled and the parents of those students (refer to Section 25). Where it is necessary for school counsellors to directly pass on information which relates to the wellbeing of a student at a school, this information must be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying a confidence (Section 25.3). A mandatory report may then need to be made by the person who receives the information (e.g. the school principal).	Any person aged 18 or over	Victoria Police

Type of reporting	By whom	To whom
Reasonable excuses for failing to report to Victoria Police any reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 include: • a reasonable belief that the information has already been reported to Victoria Police or disclosed to DHHS Child Protection • the victim turned 16 years of age before 27 October 2014 • a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.		