



## Guidance Document: What Constitutes a Reportable Crime?

*Under the Crimes Act 1900 (NSW) it is an offence to conceal a Child Abuse Offence or a Serious Indictable Offence.*

*This guidance document refers to Serious Indictable Offences and Child Abuse Offences collectively, as “Reportable Crimes”.*

*Reportable Crimes must be reported to the NSW Police and a failure to report can result in imprisonment unless a Reasonable Excuse is provided as outlined by the Crimes Act 1900 (NSW).*

*The Diocese requires all Clergy, Religious Appointees, Employees, Volunteers and contractors to report Reportable Crimes to the NSW Police. In practice, the Safeguarding Office assists with reporting to the NSW Police.*

**This document provides guidance as to what constitutes a Reportable Crime.**

### Overview

A Child Abuse Offence includes a range of Serious Indictable Offences and other offences set out in the *Crimes Act 1900* (NSW), committed against a Child.

A Serious Indictable Offence is defined as an offence that is punishable by imprisonment for a period of 5 years or more.

There are a vast number of Serious Indictable Offences and Child Abuse Offences that are listed in the **Table of Reportable Crimes**. Broadly speaking, Reportable Crimes that present at the parishes and agencies could 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. committing a Sexual Act or Sexual Touching against a Child or Adult;
5. Grooming behaviour;
6. 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;
7. the recording or distributing of Intimate Images without consent; and
8. stealing.

Visit the Diocese’s Safeguarding website to access the Diocesan Policy and Protocols including:

### 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

<b>What constitutes “Physical Assault” of a Child or Adult?</b>	<p>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.</p> <p>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, i.e. they ought to have known their actions would cause physical harm or the fear of such harm.</p> <p>Examples of physical assault include hitting, pushing, shoving, throwing objects, and making threats of physical harm.</p>
<b>What constitutes “Sexual Assault” of an adult or Child?</b>	<p>Sexual assault occurs when a person has sexual intercourse with another person without that person’s consent.</p> <p>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.</p>
<b>What constitutes “Indecent Assault” of an adult or Child?</b>	<p>Indecent assault is assault of a sexual nature that is not deemed to be sexual intercourse. Examples include touching, or threatening to touch, a person’s body in a sexual manner without that person’s consent, and kissing.</p>
<b>What constitutes a “Sexual Act” or “Sexual Touching” against a Child?</b>	<p>A Sexual Act is an act carried out in circumstances where a reasonable person would consider the act to be sexual.</p> <p>Sexual Touching involves touching another person with any part of the body or anything else, or through anything such as anything worn by the person doing the touching or the person being touched.</p> <p>Circumstances to be considered when determining whether an act is a “Sexual Act” or involves “Sexual Touching” include whether the area of the body involved in the act is the person’s genital area, anal area or breasts, whether the person carrying out the act does so for sexual gratification or whether any other aspect of the act make it sexual.</p> <p>The <i>Crimes Act 1900</i> (NSW) imposes different penalties for engaging in a Sexual Act or Sexual Touching, with or against a Child under the age of 10, a Child between the ages of 10 and 16, and a young person between the ages of 16 and 18 that is under special care.</p>
<b>What is “Grooming behaviour”?</b>	<p>Grooming behaviour is a pattern of conduct that is consistent with encouraging, enticing, recruiting or inducing a Child for sexual activity.</p>

	<p>Examples of Grooming behaviour that constitute a Reportable Crime include:</p> <ol style="list-style-type: none"><li>1. inviting a Child to engage in sexual activity;</li><li>2. offering money or some other material benefit to induce sexual activity with a Child;</li><li>3. pursuing a Child to engage in sexual activity; and</li><li>4. threatening a Child so they will engage in sexual activity.</li></ol>
<p><b>What is “Child Abuse Material”?</b></p>	<p>Child Abuse Material includes any form of material that depicts or 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.</p> <p>The possession, dissemination and production of Child Abuse Material are Reportable Crimes.</p>
<p><b>What are “Intimate Images”</b></p>	<p>An Intimate Image is any image of a person’s private parts or of a person engaged in a private act, or an image that has been altered to appear to show a person’s private parts or a person engaged in a private act, in circumstances where a reasonable person would expect to be afforded privacy.</p> <p>A person’s “private parts” include a person’s genital or anal area, whether bare or covered by underwear, the breasts of a female person, or the breasts of a transgender or intersex person identifying as female (irrespective of whether they are sexually developed).</p> <p>Engaging in a “private act” can include being in a state of undress, using the toilet, showering or bathing, or engaging in a Sexual Act or any other similar activity.</p> <p>Recording or distributing any such images without a person’s consent, are Reportable Crimes.</p>
<p><b>What constitutes “stealing”?</b></p>	<p>Stealing includes all forms of stealing property or money including robbery, fraud and embezzlement.</p> <p>Stealing is a Reportable Crime regardless of the value of the property or money stolen.</p>