

CATHOLIC DIOCESE OF BROKEN BAY

POLICY FOR REPORTING OFFENCES TO NSW POLICE



CATHOLIC
DIOCESE OF
BROKEN BAY

CONTENT

This document contains the Diocese of Broken Bay (**Diocese**) **Policy** for reporting of Serious Indictable Offences and Child Abuse Offences (collectively referred to as **Reportable Offences**) under the Crimes Act.

APPLICATION & SCOPE

This Policy applies to clergy, employees, contractors, volunteers, work experience students and trainees (**Workers**) of the Diocese including those working in or visiting its Parishes. Where an Agency within the Diocese (such as the Catholic Schools Office or CatholicCare) has its own policy, the relevant Agency policy will apply to Agency Workers.

PURPOSE

The Catholic Diocese of Broken Bay and its Parishes are committed to ensuring that our police reporting obligations are complied with under the *Crimes Act 1900* (**the Crimes Act**).

It is an offence to conceal a Reportable Crime and any such offence must be reported to the NSW Police (unless there is a reasonable excuse) in accordance with the Act. The purpose of this Policy is to ensure that these reporting obligations are complied with and to provide assistance in determining when and how to report.

POLICY

The Diocese requires that all Workers must report all suspected Reportable Offences to the NSW Police.

DEFINITIONS

The Act:	The <i>Crimes Act 1900</i>
Child:	A person who is under the age of 18 years.
Child Abuse Offence:	Child Abuse offence (CAO) is defined under section 316A (9) of the Act and Annexure C - Table of Child Abuse Offences to this Policy is a Table of Child Abuse Offences listed under the Act.
Institutions:	A body, entity, group of persons or organisation that has opted into the NRS. In this Policy, Institution relates specifically to the Diocese and those responsible for responding to applications under the NRS.
National Redress Scheme (NRS):	The NRS is in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, allowing victims of such abuse to apply to the NRS for counselling, a Redress payment and / or a direct personal response from an institution and in doing so, provide details of the CAO they have experienced.
Reporting Offences to NSW Police Checklist:	The Checklist is Annexure B - Reporting Offences to NSW Police Checklist to this Policy and should be used to assist with determining whether to report to NSW Police.

Reportable Offences	Includes both Serious Indictable Offences and Child Abuse Offences.
Serious Indictable Offence:	An indictable offence that is punishable by imprisonment for life or for a term of five years or more and since the addition of Section 316A to the Crimes Act , does not include a Child Abuse Offence. Annexure D - Table of Serious Indictable Offences to this Policy lists Serious Indictable Offences under the Act.

POLICY

1. OBLIGATION TO REPORT REPORTABLE OFFENCES TO NSW POLICE

- 1.1. Under the Crimes Act 1900 (**the Act**) it is an offence to conceal a Child Abuse Offence or a Serious Indictable Offence (**Reportable Offences**). See **Annexure A – Fact Sheet: What is a Reportable Crime** and **Annexure C - Table of Child Abuse Offences and Annexure D - Table of Serious Indictable Offences** for a list of all Reportable Offences under the Act.
- 1.2. All adults in NSW are required by law to report information to the NSW Police (**Police**) if they know, believe or reasonably ought to know that a child has been abused (Child Abuse Offence) or that a serious offence has occurred (Serious Indictable Offence).
- 1.3. The Diocese requires all Workers to report all suspected Reportable Offences to the Police.
- 1.4. Failing to report information to Police **without a reasonable excuse** is an offence and is punishable by up to two years' imprisonment. This means that all Workers have a **personal legal obligation** to report suspected Reportable Offences to the Police, whether or not the crime relates to a person within the Diocese or not.
- 1.5. A person will not be guilty of an offence if they had a **reasonable excuse** for not reporting the information to the Police. (Refer to **clauses 2.5 and 3.4** of this Policy).
- 1.6. Safeguarding Broken Bay and General Counsel will assist with any queries to determine whether the information regarding a possible Child Abuse Offence or Serious Indictable Offence is reportable.

2. OBLIGATION TO REPORT CHILD ABUSE OFFENCE

- 2.1. Section 316A of the Act deals with Child Abuse Offences specifically and makes it an offence for an adult to conceal a child abuse offence and has a maximum penalty of imprisonment for two to five years.
- 2.2. Section 316A of the Crimes Act specifies that if an adult:
 - (a) Knows, believes or reasonably ought to know, that a Child Abuse Offence has been committed; **and**
 - (b) Has information which might be of material assistance in apprehending, prosecuting or convicting the alleged perpetrator; **and**
 - (c) Has no reasonable excuse not to bring that information to the attention of Police or another appropriate authority;

then that adult must bring that information to the attention of a member of the Police or another appropriate authority as soon as practicable.

- 2.3. If the information relates to a **deceased offender** or person of interest and that deceased person is a member of Clergy within the Diocese or whom the Diocese is responsible for (**Clergy within the Diocese**), the Diocese requires Workers to still report the matter to Police.
- 2.4. If the information relates to an unnamed offender, consideration should be given to what other information is available that may potentially allow Police to identify the alleged offender following further investigation. For example, you may have information about an

unnamed offender who has also been identified in a particular role at a Parish or School or as a relative of the victim which would still be sufficient enough information to enable Police to carry out further enquiries to potentially identify and apprehend them. If so, and subject to other requirements (refer to **clause 2.2** of this Policy) being met, that information would need to be reported.

REASONABLE EXCUSE

- 2.5. An adult will have a reasonable excuse for failing to report information they have about a Child Abuse Offence to Police, if:
- (a) the person believes on reasonable grounds that the information is **already known to the Police**;
 - (b) the person has (or believes on reasonable grounds that another person has done so) **made a mandatory report to Department of Communities and Justice (DCJ)**;
 - (c) the person **has reported the information to the NSW Office for Children’s Guardian** under the *Reportable Conduct Scheme* of the *Children’s Guardian Act 2019* or believes on reasonable grounds that another person has already done so;
 - (d) the person has **reasonable grounds to fear for the safety** of the person or another person if the information were to be forwarded to the Police (however this may still mean that a mandatory report needs to be made to DCJ or to the school principal by a teacher);
 - (e) the **information was obtained by the person when the person was under the age of 18 years** – this means that if a child under the age of 18 years is aware that another child has been abused, he or she is not required to report the abuse whilst under the age of 18; and
 - (f) the alleged victim was an adult at the time the information was obtained, and the person believes on reasonable grounds that the alleged victim **does not wish the information to be reported to the Police**. This means that if an alleged victim (who is an adult at the time of disclosing the information) says they do not want you to report the information to Police, then this would constitute a reasonable excuse not to do so.
- 2.6. It is important to note that having a reasonable excuse does not mean you must not report to the Police. A valid reasonable excuse simply means that you would not be found guilty for not having reported the information to Police. Where a victim has expressed a wish that the information is not reported to Police (refer to **clause 2.5(f)** of this Policy), the Diocese requires Workers to still make the report where the offence involves Clergy within the Diocese, **as long as**:
- (a) there is no risk to the victim’s safety in proceeding with that report;
 - (b) that they have been informed of your obligations to report and that you intend nevertheless to report the information to Police; and
 - (c) that any further wishes the victim raises (for example that additional written statements relating to the offence or other materials are not supplied to Police) are complied with. This is relevant particularly to information about Child Abuse Offences stemming from civil claim matters where a victim does not wish for a matter to be reported.

3. OBLIGATION TO REPORT SERIOUS INDICTABLE OFFENCE

- 3.1. Section 316 of the Act deals with Serious Indictable Offences specifically and makes it an offence for an adult to conceal a Serious Indictable Offence, punishable by two to five years in prison depending on the nature of the concealed offence.

- 3.2. **Section 316 of the Crimes Act** specifies that if an adult:
- (a) Knows or believes that a Serious Indictable Offence has been committed; **and**
 - (b) Has information which might be of material assistance in apprehending, prosecuting or convicting the alleged perpetrator; **and**
 - (c) Has no reasonable excuse not to bring that information to the attention of Police or another appropriate authority;

then that adult must bring that information to the attention of a member of the Police or another appropriate authority as soon as practicable.

- 3.3. If the information relates to a **deceased offender** or person of interest and that deceased person is a member of Clergy within the Diocese, the Diocese requires Workers to still report the matter to Police.

REASONABLE EXCUSE

- 3.4. For Child Abuse Offences, (refer to **clause 2.5** of this Policy) reasonable excuse is defined. For Serious Indictable Offences, reasonable excuse is not defined under the Act. As such, it is recommended that a similar approach is adopted in determining whether there is a reasonable excuse not to report in the circumstances (refer to **clause 2.5** of this Policy).
- 3.5. A report is otherwise not required to be made to Police by a priest if they learn of the information about a Reportable Crime during **confession**.

4. GUIDELINE AND CHECKLIST

- 4.1. **Annexure B - Reporting Offences to Police Checklist** should be referred to and completed when considering whether information you have received requires a report and if so, whether any reasonable excuse is available.
- 4.2. The checklist will assist you in making a decision and will also allow you to document the information and your decision-making process. Any decision not to report based on the various elements under the Act not being met or based on a reasonable excuse being available and relied upon, should be well **documented** and stored confidentially to ensure a record of your decision is available if required.

5. ASSISTANCE WITH YOUR OBLIGATIONS

- 5.1. If you receive information in your role about a Reportable Offence, you should consider the following:
- (a) is there any immediate danger or need to contact Emergency Services. Once you establish that there is no current danger, provide pastoral support to the person disclosing the information to you.
 - (b) Find out if the information disclosed has already been reported to Police;
 - (c) Encourage the person to report to the Police (if it has not been reported to Police);
 - (d) Assist them to report to the Police if necessary; and
 - (e) Advise them that you may have an obligation to report to Police.
- 5.2. Any Police reports that are required should be made by the person who received the information by direct contact with the Police Area Command.
- 5.3. If any Worker has any concerns or queries about their obligations to report, particularly the key elements of whether:
- (a) the information they have or 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 Police; or
 - (d) they have a reasonable excuse not to report to Police;

then they should contact:

- (i) Safeguarding Broken Bay for assistance in relation to Child Abuse Offences
email: safeguarding@bbcatholic.org.au or phone: 8379 1605. Safeguarding Broken Bay will also assist you to determine if there are any further reporting obligations to other authorities and assist you as required.
- (ii) General Counsel for assistance in relation to Serious Indictable/offences that are not Child Abuse Offences.
email: christine.wearne@bbcatholic.org.au or phone: 0467 841 298.

6. NATIONAL REDRESS SCHEME AND REPORTING OBLIGATIONS

- 6.1. Under the **NRS**, those completing their application will be required to provide details of the child sexual abuse they have experienced which will give rise to reporting obligations relating to Child Abuse Offences.
- 6.2. The NRS will ask the applicant if they wish for a report to be made to Police and the NRS are required to follow a variety of steps in relation to reporting requirements (including the reporting of Child Abuse Offences to Police as a 'blind report' in circumstances where the applicant does not wish for a report to be made or an 'identifying report' in circumstances where the applicant has given consent for a report to be made).
- 6.3. The NRS will report matters to Police in the jurisdiction where the child sexual abuse/Child Abuse Offence occurred.
- 6.4. Irrespective of whether an applicant wants their matter to be reported to Police, the NRS will inform the applicant that institutions may be required to report details of their application to Police in order to meet their mandatory reporting obligations.
- 6.5. Once an application is made, the NRS will then contact the responsible institution to complete a Request for Information (**RFI**) and at this point the NRS will also inform the institution of whether or not a report has been made to Police and whether that report was blind or identifying.
- 6.6. Irrespective of whether knowledge or belief of a Child Abuse Offence stems from an NRS application, institutions will still be subject to normal mandatory reporting obligations as outlined in this Policy.



Reporting Crimes to NSW Police

The NSW Government introduced reforms to strengthen child sexual abuse laws. The new laws are based on the Royal Commission's Criminal Justice Report. The Criminal Legislation Amendment (*Child Sexual Abuse*) Bill 2018 made these changes and was introduced into the NSW Parliament in June 2018¹.

The changes relevant to Chancery, Parish and Clergy are;

Failure to report offence

Under the Crimes Act 1900 (NSW) all adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (Under 18 years) has been abused.

Failing to report information to police without a reasonable excuse is an offence punishable by up to two years imprisonment. The penalty is five years if the person has accepted any benefit in exchange for failing to report.

A person will have a reasonable excuse for not reporting if the victim is now an adult and doesn't want the offence reported, or if the offence has already been reported to the Child Protection Helpline, the Office of the Children's Guardian under the Reportable Conduct Scheme or the person believes on reasonable grounds that another person reported or if the person fears for their safety or another person's safety if they report.

The offence will apply to members of the clergy and ministers of religion*.

**The issue of whether the offence will apply when a person received their information from a religious confession is covered by uniform evidence law that applies in multiple Australian jurisdictions.*

EVIDENCE ACT 1995-SECT 127. (1) A person who is or was a member of the clergy of any church or religious denomination is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession made, to the person when a member of the clergy

Failure to protect offence

Under the Crimes Act 1900 (NSW) an adult working in an institution (including Parish and Chancery) who has the power to minimise risk will commit an offence if they know another adult working there poses a serious risk of abusing a child and they have the power to reduce or remove the risk, and they fail to do so.

The offence will be punishable by up to two years imprisonment.

More Information

For further information you can visit the NSW Department of Communities & Justice website at dcj.nsw.gov.au

If you have specific questions about the new legislation, you can email Safeguarding Broken Bay at safeguarding@bbcatholic.org.au

Further Resources

Visit the Diocesan intranet and access the Safeguarding page to locate the Parish resource page at intranet.bbcatholic.org.au

¹ NSW Government Fact Sheet: New Legislation to strengthen child sexual abuse laws



ANNEXURE B - REPORTING OFFENCES TO NSW POLICE GUIDELINE AND CHECKLIST

1. DO YOU NEED TO REPORT?

To determine whether a report to NSW Police is required, consider whether **all of the following applies** (mark any applicable boxes):

- (a) **Do you know or believe that a Reportable Offence has been committed or (for a Child Abuse Offence) would you be expected to have known of the Child Abuse Offence? Factors to consider in determining this may include:**

- (i) Is the information you received credible?
- (ii) Is there evidence to support the information you received?
- (iii) Was the information obtained directly from the victim?
- (iv) Do you believe the information to be true?
- (v) For Child Abuse Offences, are you in a position such as Parish Priest where you would be expected to know of the content of an employee's personnel file which may contain relevant information?

If from the information you have you believe that a Reportable Offence has occurred, then this element has been satisfied and you now need to consider whether the information will assist the NSW Police to locate the offender (Refer to **clause 1(b) of this Annexure B**).

If from the information you have you would be expected to know by virtue of your role or position for example that a Child Abuse Offence has occurred, then this element has been satisfied and you now need to consider whether the information will assist the NSW Police to locate the offender.

- (b) **Would the information you have possibly assist the NSW Police in finding the offender or charging/convicting the offender? Factors to consider include:**

- (i) Can the offender be identified (either by name, role, location, relation to the victim, etc).
- (ii) Is the offender alive? If deceased (and **not** a member of Clergy within the Diocese), then the information would not assist Police and would not need to be reported). If the offender **is** a deceased member of Clergy within the Diocese and the Reportable Crime is a Child Abuse Offence, Diocesan Policy requires a report to NSW Police in circumstances where the matter has not yet been reported.
- (iii) If the offender is not identified, would the information you have potentially allow NSW Police to carry out further enquiries to locate the offender?

If **clauses 1(a) and (b) of this Annexure B** above are satisfied, then consider whether a reasonable excuse exists not to report a Reportable Offence (Refer to **clause 1(c) of this Annexure B**).

- (c) **Do you have a reasonable excuse not to report a Reportable Offence?**

If you believe a Reportable Offence has occurred and the information you have may assist NSW Police in locating the offender, you now need to consider whether you have a reasonable excuse **not** to report. Determine whether any of the following apply (specifically in relation to Child Abuse Offences or generally in relation to Serious Indictable Offences?)

Do you believe the information has already **been reported** to any of the following:

Police Yes No

Department of Communities and Justice (DCJ) Yes No

Office of the Children's Guardian Yes No

Do you **fear for anyone's safety** if the information were to be forwarded to NSW Police? (This only applies to reports to NSW Police as a mandatory report may still need to be made to the DCJ or school principal by a teacher).

Were you **under 18** when you obtained the information?

The person disclosing the information to you (who is over the age of 18 years) **does not wish** to have the information reported to Police (and the information does not relate to Clergy within the Diocese or a Child Abuse Offence).

If the offence is a Child Abuse Offence involving Clergy within the Diocese, then Diocesan Policy would be to still report to NSW Police in circumstances where the matter has not yet been reported.

You are a Priest and the information about a Reportable Crime was obtained during **confession**.

2. IF ANY OF THE ABOVE REASONABLE EXCUSES APPLY, YOU WILL HAVE A JUSTIFIABLE REASON FOR NOT REPORTING TO NSW POLICE.

It is important to remember that having a reasonable excuse does not prevent you from reporting to Police, and subject to considerations about fears for anyone's safety stemming from a report, you may still wish to report to Police.

3. YOUR RECORDS

It is important to ensure that you document all details of the information you obtained, how you obtained it and any other details relating to your decision to report or not to report to NSW Police. Use the space provided over the page to detail all relevant information obtained and considered in completing the above checklist and making your decision on reporting. This will also assist if you require assistance via Safeguarding Broken Bay or General Counsel (refer to **clause 5.3 of this Policy**).

**ANNEXURE C - TABLE OF CHILD ABUSE OFFENCES
- CRIMES ACT 1900 (NSW)**



*Where the alleged victim is a child for the offences listed below

** includes offences of attempting to commit for the listed offences

Section no.	Events title
	Murder or manslaughter of a child
Division 10	Sexual Offences against children
Division 10A	Sexual Servitude
Division 10B	Incitement to commit sexual offence
Division 15 (A, B, C)	Child abuse material, Voyeurism, and related offences, Recording and distributing intimate images
22A	Infanticide
27	Acts done to the person with intent to murder
29	Certain other attempts to murder
	Offences against the person – Endangering life and causing bodily harm
33	Wounding or grievous bodily harm with intent
35	Reckless grievous bodily harm or wounding
37	Choking, suffocation and strangulation
38	Using intoxicating substance to commit an indictable offence
38A	Spiking drink or food
39	Using poison etc to endanger life or inflict grievous bodily harm
41	Using poison etc to injure or to cause distress or pain
41A	Poisoning etc of water supply
42	Injuries to child at time of birth
43	Abandoning or exposing a child under 7 years
43A	Failure of persons with parental responsibility to care for child
44	Failure of persons to provide necessities of life
45	Prohibition of female genital mutilation
45A	Removing person from state for female genital mutilation
46	Causing bodily injury by gunpowder etc
	Assaults
59	Assault occasioning actual bodily harm
68E	Assaults etc at schools
	Kidnapping
86	Kidnapping
	Child Prostitution

Section no.	Events title
91D	Promoting or engaging in acts of Child Prostitution
91E	Obtaining benefit from Child prostitution
91F	Premises not to be used for Child prostitution
	Child Abuse Material
91G	Children not to be used for production of child abuse material
91H	Production, dissemination or possession of child abuse material
	Voyeurism and related offences
91J	Voyeurism (aggravated)
91K	Filming a person engaged in private act (aggravated)
91L	Filming a person's private parts
91M	Installing a device to facilitate observation of filming
<i>Below extracted from Column 1 of Schedule 1A</i>	Offences in the nature of rape and other acts of Sexual Assault
Section 61B	Maliciously inflicting grievous bodily harm with intent to have sexual intercourse
Section 61C	Maliciously inflicting actual bodily harm with intent to have sexual intercourse
Section 61D	Sexual intercourse without consent
Section 61E	Indecent assault and act of indecency
Section 61F	Attempted offence under section 61B, 61C, 61D or 61E
Section 61L	Indecent assault
Section 61M	Aggravated indecent assault
Section 61N	Act of indecency
Section 61O	Aggravated act of indecency
Section 61P	Attempt to commit an offence under sections 61I-61O
<u>Section 63</u>	Rape
Section 65	Attempted rape
Section 65A	Sexual intercourse procured by non-violent threats
Section 66	Carnal knowledge by fraud
Section 67	Carnal knowledge of a girl under 10
Section 68	Attempted carnal knowledge of a girl under 10
Section 71	Carnal knowledge of a girl between 10 and 14/Carnal knowledge of a girl between 10 and 16
Section 72	Attempted carnal knowledge of a girl between 10 and 14/Attempted carnal knowledge of a girl between 10 and 16
Section 72A	Carnal knowledge of an idiot or imbecile

Section no.	Events title
Section 74	Attempted carnal knowledge of a girl between 10 and 16 by teacher etc/Attempted carnal knowledge of a girl between 10 and 17 by teacher etc
Section 76	Indecent assault of female
Section 76A	Act of indecency with or toward girl under 16 years
<u>Section 77</u>	Indecent assault on girl under 14
Section 78	Indecent assault on female above the age of 14
Section 78H	Homosexual intercourse with male under 10
Section 78I	Attempt, or assault with intent, to have homosexual intercourse with male under 10
Section 78K	Homosexual intercourse with male between 10 and 18
Section 78L	Attempt, or assault with intent, to have homosexual intercourse with male between 10 and 18
Section 78M	Homosexual intercourse with idiot or imbecile
Section 78N	Homosexual intercourse by teacher etc
Section 78O	Attempt, or assault with intent, to have homosexual intercourse with pupil etc
Section 78Q	Act of gross indecency
<u>Section 79</u> (but only in relation to an offence of buggery)	Buggery and bestiality
<u>Section 80</u>	Attempt etc to commit buggery
Section 81	Indecent assault on a male
Section 81A	Procuring or attempting to procure the commission of an act of indecency by a male person with another male person
Section 81B	Soliciting or inciting an offence under section 79, 81 or 81A in a public place

**ANNEXURE D - TABLE OF SERIOUS INDICTABLE OFFENCES
- CRIMES ACT 1900 (NSW)**



Section no.	Events title	Maximum penalty
	Offences against the person – homicide	
18	Murder	Life
18	Manslaughter	25 years
26	Conspiring to commit murder	25 years
27	Acts done to a person with intent to murder	25 years
28	Acts done to property with intent to murder	25 years
29	Certain other attempts to murder	25 years
30	Attempts to murder by all means	25 years
31C	Aiding etc a suicide	10 years
32	Impeding endeavours to escape shipwreck	25 years
	Offences against the person – endangering life and causing bodily harm	
33	Wounding or grievous bodily harm with intent	25 years
33A	Discharging firearm etc with intent	25 years
33B	Use or possession of weapon to resist arrest etc	15 years
31	Sending or delivering documents containing threats	10 years
35	Reckless grievous bodily harm or wounding	14 years
35A	Causing dog to inflict grievous bodily harm or actual bodily harm	10 years
37	Attempts to choke etc (garrotting)	25 years
38	Using intoxicating substance to commit an indictable offence	25 years
39	Using poison etc to endanger life or inflict grievous bodily harm	10 years
41	Using poison etc to injure or cause distress or pain	5 years
41A	Poisoning etc of water supply	5 years
42	Injuries to child at time of birth	14 years
43	Abandoning or exposing a child under 7 years	5 years
43A	Failure of persons with parental responsibility to care for child	5 years
44	Failure of persons to provide necessities of life	5 years
45	Prohibition of female genital mutilation	7 years
46	Causing bodily injury by gunpowder	25 years
48	Causing explosive to be placed in or near building, conveyance or public place	14 years
49	Setting trap etc	5 years

Section no.	Events title	Maximum penalty
49A	Throwing rocks at other objects, vehicles and vessels	5 years
51A	Predatory driving	5 years
51B	Police pursuits (second offence)	5 years
52A	Dangerous driving (aggravated)	14 years
52AB	Failing to stop and assist after vehicle impact causing death or grievous bodily harm	10 years
52B	Dangerous navigation (aggravated)	14 years
55	Possessing or making explosives or other things with intent to injure	10 years
	Assaults	
57	Assault on persons preserving wreck	7 years
58	Assault with intent to commit a serious indictable offence on certain officers	5 years
59	Assault occasioning actual bodily harm	5 years
59A	Assault during public disorder	5 years
60	Assault and other actions against police officers	5 years
60C	Obtaining of personal information about law enforcement officers	5 years
60E	Assaults etc at schools	5 - 12 years
	Offences in the nature of rape and other acts of Sexual Assault	
61I	Sexual assault	14 years
61J	Aggravated sexual assault	20 years
61JA	Aggravated sexual assault in company	Life
61K	Assault with intent to have sexual intercourse	20 years
61L	Indecent assault	5 years
61M	Aggravated indecent assault	7 - 10 years
61O	Aggravated act of indecency	5 - 10 years
66A	Sexual intercourse - child under 10	25 years - life
66B	Attempting, or assaulting with intent, to have sexual intercourse with child under 10	25 years
66C	Sexual intercourse - child between 10 and 16	12 - 20 years
66D	Attempting, or assaulting with intent, to have sexual intercourse with child between 10 and 16 (deeming provision)	12 - 20 years
66EA	Persistent sexual abuse of child	25 years
66EB	Procuring or grooming child under 16 for unlawful sexual activity	10 - 15 years
66F	Sexual offences - cognitive impairment (abusing position of trust)	8 - 10 years

Section no.	Events title	Maximum penalty
73	Sexual intercourse with child between 16 and 18 under special care (between 16 and 17 years)	8 years
78A	Incest	8 years
79	Bestiality	14 years
80	Attempt to commit bestiality	5 years
80A	Sexual assault by forced self-manipulation by means of threat	14 – 20 years
80D	Causing sexual servitude	15 – 20 years
80E	Conduct of business involving sexual servitude	15 – 19 years
82	Administering drugs etc to herself by woman with child with intent to procure miscarriage	10 years
83	Administering drugs etc to a woman with intent to procure a miscarriage	10 years
84	Procuring drugs etc with intent to procure a miscarriage	5 years
	Kidnapping	
86	Kidnapping	14 – 25 years
87	Child abduction	10 years
	Prostitution	
91A	Procuring for prostitution	7 years
91B	Procuring for prostitution by drugs	10 years
91D	Promoting or engaging in acts of child prostitution	10 – 14 years
	Child Abuse Material	
91G	Production of child abuse material	10 – 14 years
91H	Production, dissemination or possession of child abuse material	10 years
	Voyeurism and related offences	
91J	Voyeurism (aggravated)	5 years
91K	Filming a person engaged in private act (aggravated)	5 years
91L	Filming a person's private parts	5 years
91M	Installing a device to facilitate observation of filming	
92	Bigamy	7 years
	Public Order Offences	
93B	Riot	15 years
93C	Affray	10 years
93FA	Possession, supply or making of explosives	5 years
93G	Causing danger with firearm or spear gun	10 years
93GA	Firing at dwelling houses or buildings	14 – 16 years

Section no.	Events title	Maximum penalty
93H	Trespassing with dangerous use of firearm or spear gun	5 – 10 years
93I	Possession of unregistered firearm in public place	10 – 14 years
93K	Contaminating goods with intent to cause public alarm or economic loss	10 years
93Q	Bomb and other hoaxes	5 years
93T	Participation in criminal groups	5 years
93V	Offence of conducting unlawful gambling operation	7 years
	Robbery	
94	Robbery or stealing from the person	14 years
95	Robbery (aggravated)	20 years
96	Robbery with wounding	25 years
98	Robbery with arms and wounding	25 years
99	Demanding property with intent to steal	10 – 14 years
	Stealing – Breaking and entering	
109	Breaking out of dwelling house after committing or entering with intent to commit, indictable offence	14 – 25 years
110	Breaking, entering and assaulting with intent to murder etc	25 years
111	Entering dwelling house	10 – 20 years
112	Breaking etc into any house etc and committing serious indictable offence	14 – 25 years
113	Breaking into any house with intent to commit serious indictable offence	10 – 20 years
114	Being armed with intent to commit indictable offence	7 years
	Larceny	
117	Larceny	5 years
126	Stealing cattle or killing with intent to steal	14 years
135	Stealing, destroying Wills or Codicils	7 years
138	Stealing, destroying records of any court or public office	7 years
148	Stealing property in a dwelling house	7 years
154D	Stealing firearms	14 years
154F	Stealing motor vehicle or vessel	10 years
154G	Facilitating organised car or boat rebirthing activities	14 years
154H	Making, using and interfering with unique identifiers	7 years
	Stealing – Embezzlement and Larceny	
156	Larceny by clerks or servants	10 years

Section no.	Events title	Maximum penalty
157	Embezzlement by clerks or servants	10 years
	Stealing – Receiving	
188	Receiving stolen property where stealing a serious indictable offence	10 – 12 years
189A	Receiving goods stolen out of New South Wales	10 years
	Fraud	
192E	Fraud	10 years
192F	Intention to defraud by destroying or concealing accounting records	5 years
192G	Intention to defraud by false or misleading statement	5 years
192H	Intention to deceive members of creditors by false or misleading statement of office or organisation	7 years
	Money Laundering	
193B	Money laundering	10 – 20 years
	Cheating at Gambling	
193N	Engaging conduct that corrupts betting on outcome of event	10 years
195	Destroying or damaging property	5 years +
196	Destroying or damaging property with intent to injure a person	7 years +
197	Dishonestly destroying or damaging property (with a view to making a gain for that person or another)	7 years +
198	Destroying or damaging property with intention of endangering life	25 years
199	Threatening to destroy or damage property	5 years +
201	Interfering with a mine	7 years
203B	Sabotage	25 years
203C	Threaten, sabotage	14 years
203E	Causing a bushfire	14 years
204	Destruction of or damage to an aircraft or vessel with intent to or reckless indifference	25 years
	Corruption	
249B	Corruptly receiving commissions or rewards	7 years
249C	Misleading documents or statements used or made by agents with intent to defraud	7 years
249D	Corrupt inducements for a price	7 years
249E	Corrupt benefits for trustees and others	7 years
249F	Aiding, abetting etc person committing corrupt act	7 years

Section no.	Events title	Maximum penalty
	Blackmail	
249K	Blackmail	10 – 14 years
	Forgery	
253	Forgery – making false document	10 years
255	Possession of false document	10 years
	Computer Offences	
308D	Unauthorised modification of electronic data with intent to cause impairment	10 years
310B	Rescuing inmate from lawful custody	14 years
310C	Aiding escape	7 years
310D	Escaping from lawful custody	10 years
	Terrorism	
310J	Membership of terrorist organisation	10 years
	Public Justice Offences	
314	False accusations	7 years
315	Hindering investigation	7 years
315A	Threatening or intimidating victims or witnesses	7 years
316	Concealing serious indictable offence	2 – 5 years
316A	Concealing child abuse offence	2 - 5 years
317	Tampering with evidence	10 years
318	Making or using false official instrument to pervert the course of justice	14 years
319	Perverting course of justice	14 years
321	Corruption of witnesses and jurors	10 years
322	Threatening or intimidating judges, witnesses, jurors	10 years
323	Influencing witnesses and jurors	7 years
325	Preventing, obstructing or dissuading witness or juror from attending court	5 years
326	Reprisals against judges, witnesses, jurors etc	10 years
327	Perjury	10 years
328	Perjury with intent to procure conviction or acquittal	14 years
330	False statement on oath not amounting to perjury	5 years
333	Subordination of perjury	7 – 14 years
335	False statements in evidence on commission	5 years
336	False entry on public register	5 years

Section no.	Events title	Maximum penalty
337	False instruments issued by public officers	5 years
	Abettors and Accessories	
349	Accessory after the fact to murder	25 years
351A	Recruiting persons to engage in criminal activity	7 – 10 years
	Miscellaneous	
530	Serious animal cruelty	5 years
531	Killing or seriously injuring animals used for law enforcement	5 years
546D	Impersonation of Police Officers	7 years

REFERENCE

Crimes Act 1900

RELATED FORMS

Nil

RELATED POLICIES

Policy - Responding to Reportable Conduct

Policy - Risk of Significant Harm Mandatory Reporting

RELATED DOCUMENTS

Annexure A Fact Sheet: What is a Reportable Crime
Annexure B Reporting Offences to NSW Police Checklist
Annexure C Table of Child Abuse Offences
Annexure D Table of Serious Indictable Offences

POLICY REVIEW

Review of this Policy, related forms and resources will be considered following any changes to the Children's Guardian Act or associated guidelines or undertaken every three years by the Manager, Safeguarding Broken Bay in consultation with the Safeguarding Director, General Counsel and the Vicar General and approved by the Bishop of the Diocese.

REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
09/04/20	1.	Guidelines for Reporting of Offences under the <i>Crimes Act 1900</i>	New	Apr 2020	Jul 2020
19/02/21	2.	Policy for Reporting Offences to NSW Police	Updated	Mar 2021	Mar 2021
5/05/2024	3	Policy Reporting Offences to NSW Police	Updated	May 2024	May 2024

APPROVED DATE/REVISION SCHEDULE

Approved by: Most Rev Anthony Randazzo, Bishop

Date: 22 May 2024

To be Revised: 22 May 2027