

From: s 47F
To:
Cc: SIA Legal: s 47F
Subject: Legislation around reporting abuse allegations
Date: Friday, 13 November 2020 4:05:00 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
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[image006.png](#)
[image007.png](#)

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Hi s 47F

Thanks for coming to us for advice.

As you know, most criminal law is made and administered by the individual states and territories of Australia. There is also a body of criminal law, including the *Criminal Code Act 1995* (Cth), made and administered by the Federal government.

Legislation for each jurisdiction is available on the legislation websites that each state or territory maintains. Helpfully, the Australian National University (ANU) has published links to these websites at: <https://libguides.anu.edu.au/c.php?g=634887&p=6656131>.

The ANU has also published links to the main Criminal Acts or Codes in Australia at: <https://libguides.anu.edu.au/c.php?g=754575&p=5412482>, please see below:

- [Crimes Act 1914 \(Cth\)](#)
- [Crimes Act 1900 \(ACT\)](#)
- [Crimes Act 1900 \(NSW\)](#)
- [Criminal Code 1899 \(QLD\)](#)
- [Criminal Code 1924 \(Tas\)](#)
- [Criminal Code Act Compilation Act 1913 \(WA\)](#)
- [Criminal Code Act 1995 \(Cth\)](#)
- [Criminal Code 2002 \(ACT\)](#)
- [Criminal Code Act 1983 \(NT\)](#)
- [Criminal Law Consolidation Act 1935 \(SA\)](#)
- [Crimes Act 1958 \(Vic\)](#)

Additionally, there are a number of legal databases which provide access to the legislation of all Australian jurisdictions. In particular, [LexisNexis](#) (a provider of legal and regulatory information) has a legal resource called [LawNow](#) which allows subscribers to browse legislation by jurisdiction, name or topic, for example on child abuse. Most of these databases require a paid subscription which Sport Integrity Australia could consider purchasing. We understand LexisNexis can also provide training on the use of its resources databases.

We have listed some of the main legislation Sport Integrity Australia should be aware of with regard to child abuse **below**:

- [Criminal Code and Related Legislation Amendment \(Child Abuse\) Act 2019 \(TAS\)](#) (which amends s105A of the *Criminal Code 1924* (TAS))
 - s105A relates to the obligation to report child abuse
- [Justice Legislation Amendment \(Organisational Liability for Child Abuse\) Act 2019 \(TAS\)](#)
 - relates to the liability of organisations around child abuse including the duty of organisations to prevent child abuse (s49F) and that they may be vicariously liable for child abuse perpetrated by employees (s49J)
- [Child Wellbeing and Safety Act 2005 \(VIC\)](#)
 - establishes principles for the wellbeing of children and standards around child safety including in relation to child abuse (see s5A, 16B, s17, s24)
- [NSW Civil Liability Act 2002 \(NSW\)](#)
 - relates to the liability of organisations around child abuse including the duty of organisations to prevent child abuse (Part 1B)
- [Crimes Act 1900 \(NSW\)](#)
 - s316(a) makes it an offence to conceal a child abuse offence and 43(b) makes it an offence to not reduce or remove the risk of a child becoming a victim of child abuse.

Please note that there is also numerous other child protection legislation which may be applicable including:

- *Children and Young People Act 2008* (ACT)
- *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- *Care and Protection of Children Act 2007* (NT)
- *Child Protection Act 1999* (Qld)
- *Children's Protection Act 1993* (SA)
- *Children, Young Persons and their Families Act 1997* (Tas.)
- *Children, Youth and Families Act 2005* (Vic.)
- *Children and Community Services Act 2004* (WA).

Please do not hesitate to contact us if you have any further questions.

Kind regards,



s 47F

Sport Integrity Australia

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From: s 47F
Sent: Wednesday, 11 November 2020 11:49 AM
To: s 47F
Cc: s 47F
Subject: RE: Legislation around reporting abuse allegations [SEC=UNCLASSIFIED]

Thank you so much for your quick response. Thanks s 47F - please reach out if you need anything else from me.

s 47F

Sport Integrity Australia

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From: s 47F
Sent: Wednesday, 11 November 2020 11:46 AM
To: s 47F
Cc: s 47F
Subject: RE: Legislation around reporting abuse allegations [SEC=UNCLASSIFIED]

OFFICIAL

Hi s 47F
Thanks for your email – s 47F will have a look at this and assist.
Hope your Wednesday is going well too – it's a sunny day in Canberra and that always assists!
☺
Best,
s 47F

From: s 47F
Sent: Wednesday, 11 November 2020 10:10 AM
To: s 47F
Cc: s 47F
Subject: Legislation around reporting abuse allegations [SEC=UNCLASSIFIED]

Hi s 47F

I hope you're well and enjoying your Wednesday. I wanted to touch base and see if you had a way of seeing across states/territories for pieces of legislation under the respective Crimes Acts? (a bit of a short-cut, if you will)
Within the Crimes Act 1900 (NSW) new legislation was enacted following a recommendation from the Royal Commission: S316a and S43b. Under these sections of the Act, it can be a criminal offence not to act on information received in relation to child abuse. (links below)

http://www5.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s316a.html

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http://www5.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s43b.html

It is important for us to be across this legislation, when advising NSOs in the Safeguarding space. Do you possibly have any pointers on how I might access this information across all jurisdictions?

Happy to clarify further, if needed.

Cheers,

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