

South Australia

**Statutes Amendment (Mandatory Reporting)  
Bill 2018**

A BILL FOR

An Act to amend the *Children and Young People (Safety) Act 2017* and the *Criminal Law Consolidation Act 1935*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Children and Young People (Safety) Act 2017*

- 4 Amendment of section 31—Reporting of suspicion that child or young person may be at risk

### Part 3—Amendment of *Criminal Law Consolidation Act 1935*

- 5 Insertion of section 241A  
241A Priests to report certain child sex offences
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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Mandatory Reporting) Act 2018*.

#### 5 2—Commencement

(1) Subject to subsection (2), this Act comes into operation when it is assented to by the Governor.

(2) Part 2 of this Act will come into operation—

(a) when it is assented to by the Governor; or

10 (b) immediately after the commencement of section 31 of the *Children and Young People (Safety) Act 2017*,

whichever is the later.

#### 3—Amendment provisions

15 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Children and Young People (Safety) Act 2017***

### **4—Amendment of section 31—Reporting of suspicion that child or young person may be at risk**

5 Section 31—after subsection (2) insert:

- 10 (2a) Regulations made for the purposes of subsection (2)(c) must not extend to circumstances in which a priest or other minister of religion forms a suspicion based on information communicated in the course of a confession made in accordance with the rules and usages of the relevant religion.

## **Part 3—Amendment of *Criminal Law Consolidation Act 1935***

### **5—Insertion of section 241A**

After section 241 insert:

#### **241A—Priests to report certain child sex offences**

- 15 (1) If a priest or other minister of religion forms a suspicion, in the course of carrying out their duties (including in the course of a confession made in accordance with the rules and usages of the relevant religion) that a person has committed a prescribed child sex offence, the priest or minister must notify a police officer of that suspicion as soon as practicable after forming the suspicion.
- 20

Maximum penalty: Imprisonment for 5 years.

- (2) In this section—

***prescribed child sex offence*** means—

- 25 (a) an offence against a following provision of the Act where the victim of the offence is a child:
- 30 (i) section 11 (murder);
- (ii) a provision of Part 3 Division 11 (rape and other sexual offences) other than an offence against section 51(2), 58 or 61;
- (iii) section 68 (use of children in commercial sexual services);
- (iv) section 72 (incest); or
- (b) an offence against Part 3 Division 11A (child exploitation material and related offences).