

Legislative Council—No 31

As introduced and read a first time, 13 May 2020

South Australia

**Statutes Amendment (Mandatory Reporting)
Bill 2020**

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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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 2020*.

5 2—Amendment provisions

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*

10 3—Amendment of section 31—Reporting of suspicion that child or young person may be at risk

Section 31—after subsection (2) insert:

- 15 (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*

4—Insertion of section 241A

After section 241 insert:

241A—Priests to report certain child sex offences

- 5 (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
10 offence, the priest or minister must notify a police officer of that
suspicion as soon as practicable after forming the suspicion.

Maximum penalty: Imprisonment for 5 years.

- (2) In this section—

prescribed child sex offence means—

- 15 (a) an offence against a following provision of the Act where
the victim of the offence is a child:

- (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;
20 (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).