

National approach to Police reporting urgently required

22 April 2016

This week the Royal Commission held a public roundtable dealing with the contentious issue of the reporting of allegations of child sexual abuse to the police.

According to media reports, since 2009 non-government organisations across NSW have made some 1,500 'blind reports' to NSW Police. A blind report is a report to police in which all the information received about the allegation is provided other than the name of the person making the allegation.

This generally happens because the victim or the person making the claim doesn't want the police to know who they are.

There are many reasons for this, ranging from the victim wanting to remain anonymous, they haven't told their family and friends about the abuse, they don't want a police investigation to reveal their identity.

In many cases, particularly when the perpetrator is dead, the only action the survivor wants is for the responsible church authority to be aware of what happened, to apologise, and to ensure the abuse they suffered can't happen again.

While this might seem reasonable from the perspective of the survivor it poses real problems for police if they want to investigate the allegation and could result in a perpetrator continuing to abuse children.

As a result of the clear problems 'blind reporting' creates congregations and dioceses across NSW have stopped the practice and now provide all information to the police including the victim's name, regardless of their wish to remain anonymous.

And in the case of the NSW Professional Standards Office, they are going back over all their historic 'blind reports' to provide the name of the survivor.

Last year a NSW Police Integrity Commission report recommended that the practice of 'blind reporting' should be reviewed. While many dioceses including Parramatta, Wollongong, Broken Bay and Maitland-Newcastle had already stopped blind reporting, this report brought the practice to a stop in the Professional Standards Office in NSW.

Apart from the problems 'blind reporting' clearly created, the solution has to be more widespread than just in NSW.

In a submission from the Truth Justice and Healing Council in August last year to the Royal Commission's issues paper on police reporting we made a recommendation that there should be nationally consistent criminal law provision in relation to reporting child sexual abuse crimes.

The submission proposed a requirement that a person who has information leading the person to form a reasonable belief that a sexual offence has been committed against a child to disclose that information to the police unless the person has a reasonable excuse for not doing so.

This could include that the person believes the information has already been the subject of reporting under mandatory reporting laws.

This sort of national approach would ensure everyone fully understands what is required when they learn of an abuse allegation and what information needs to be passed on to the police.

In so many different issues relating to child sexual abuse many of the solutions are hamstrung by the seeming unwillingness of states to come together and produce nationally consistent laws.

We see the same problem in relation to working with children checks, out of home care regulations, redress of abuse survivors and more.

The time is well and truly passed when state government sensibilities over their own laws should be allowed to stand in the way of the protection of children.

The Royal Commission in all its reports inevitably recommends nationally consistent laws. State and Federal Governments need to get on board.

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