

Media Release

The Hon Martin Pakula MP
Attorney-General
Minister for Racing



Saturday, 1 July, 2017

NEW LAWS IN FORCE TO PROTECT CHILDREN FROM ABUSE

A suite of new laws and measures to protect Victorian children from abuse and hold organisations to account come into force today.

In an Australian first, the *Wrongs Amendment (Organisational Child Abuse) Act 2017* ensures that Victorian religious institutions, childcare facilities, government bodies and community organisations have a clear 'duty of care' to protect children under their watch.

Under the new duty of care requirements, organisations that exercise care, supervision or authority over children and are capable of being sued, must take reasonable precautions to prevent child abuse.

If abuse occurs, there will be a presumption that the organisation failed in its duty of care unless it can prove that reasonable precautions were taken to prevent the abuse. This 'reverse onus' shifts the responsibility of proof onto organisations, helping to reduce barriers in legal proceedings for survivors.

The changes deliver on a key recommendation from the bipartisan 2013 Betrayal of Trust report and recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Andrews Labor Government's Reportable Conduct Scheme also comes into effect today to better protect children.

The scheme requires certain organisations providing services to children to report centrally to the Commission for Children and Young People on any allegations of child abuse and misconduct, ensuring individuals who pose a risk to children can be excluded from working with children, even if they don't have a criminal record.

The Commission will report back to Government and share information with the Working with Children Check Unit to improve child safety. It will work with the Child Safe Standards and other existing child safety measures.

In addition, the *Crimes Amendment (Sexual Offences) Act 2016* comes into force today. It reforms 50 sexual offences to modernise them and to keep pace with digital technology to better protect children from abuse.

Offenders can now face new charges for abuse committed using the internet or digital technologies, such as Skype or Snapchat, even if children are not physically present. The Act also replaces the term 'child pornography' with 'child abuse material,' and broadens the definition to include physical abuse.

Quotes attributable to Attorney-General Martin Pakula

"We're leading Australia with these laws to help protect children from abuse, and hold organisations to account."

"This major overhaul of our sexual offence laws will give police the tools they need to prosecute predators who exploit changing technology to commit child abuse."

Quote attributable to Minister for Families and Children Jenny Mikakos

"Children are some of the most vulnerable members of our community and the Andrews Labor Government is doing what it can to protect them. Child safety is everyone's responsibility."

Media Contact: Holly Little 0437 381 620 | holly.little@minstaff.vic.gov.au