

## SEXUAL ASSAULT REPORTING OBLIGATIONS

for Persons Conducting Business or Undertakings (PCBU) in the ACT



Anglican Diocese of Canberra & Goulburn

The following information is taken from the WorkSafe ACT website ([Sexual Assault Changes for PCBUs - WorkSafe ACT](#)) and is an important update for Incumbents and Parish Councils in the ACT regarding their reporting responsibilities.

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**From 9 June 2023, all workplace sexual assault incidents are notifiable and must be reported to WorkSafe ACT.**

As the PCBU you must report all notifiable incidents to WorkSafe ACT as soon as you become aware of them. If the notifiable incident is a result of more than one business or undertaking, then all businesses must notify WorkSafe ACT.

### DEFINITION OF SEXUAL ASSAULT & A SEXUAL ASSAULT INCIDENT

For the purposes of notifying WorkSafe ACT, sexual assault is:

1. A sexual assault that has been reported to the Police  
OR
2. A sexual incident that could be referred to police for an investigation AND
3. Is an act, sexual in nature, inflicted on someone, that a reasonable person believes has sexual connotations,  
OR
4. Is an act inflicted on someone for the purpose of sexual arousal or sexual gratification AND
5. Includes sexual touching or sexual intercourse without consent.

Under the legislation, a sexual assault incident is an incident (including a suspected incident) in relation to a workplace, exposing a worker or any other person at the workplace to sexual assault.

If any person experiences or witnesses sexual assault, they should notify **ACT Policing on 131 444**, or **000** if it is an emergency.

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## DUTY TO NOTIFY

As the PCBU you must report all notifiable incidents to WorkSafe ACT as soon as you become aware of them. If the notifiable incident is a result of more than one business or undertaking, then all businesses must notify WorkSafe ACT. There is no duty on those who have experienced, witnessed or been exposed to a workplace sexual assault, and WorkSafe ACT will not be collecting any notification information from anyone but the PCBU.

To find out more information about notifying WorkSafe ACT, visit [Notify WorkSafe ACT](#).

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## WORKSAFE ACT'S ROLE

Under these amendments there is limited information that WorkSafe ACT is allowed to collect for reports of sexual assault.

WorkSafe ACT will not follow up or make enquiries on sexual assault incidents that are notified. However, each notification will be responded to and information will be provided about the steps a PCBU should take following a workplace incident.

The data collected will build a clearer picture of the rates of workplace sexual assault and industries with the biggest problems. This will be used by WorkSafe ACT to target compliance activities, education and resources. The data collected will be reported quarterly to the ACT WHS Council and to the broader community in WorkSafe ACT's Annual Report.

## MORE INFORMATION

To find out more information about the sexual assault changes coming into effect for your workplace, head to the [WorkSafe ACT website here](#).



## Safe Ministry Comment

Our obligations are therefore:

1. As the PCBU at the local ministry unit within the ACT, to **report** all workplace sexual assaults and sexual assault incidents (as described above) to both the **Police** and to **WorkSafe ACT** as soon as we become aware of them.
2. Inform the **Safe Ministry Helpline (1800 070 511)** who can assist you in ensuring all reporting has been completed. This will also alert the Director of Professional Standards who is able to inform the Bishop as Head of Entity for the Diocese.