

ATTACHMENT 6

Recommendations of Amendments to *Faithfulness In Service*¹

1. The following amendment be made in section 1 "About this Code":
 - (a) delete the number "3" and substitute the number "5" in the last sentence of the section with the heading "Format and presentation"

2. The following amendment be made in section 2 "Key Terms":
 - (a) delete the definition of "grooming" and substitute the following definition:

"grooming refers to actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity.

In the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers. Grooming can include providing gifts or favours to the child or their family.

In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers."

 - (b) delete the definition of "sexual abuse of a child" and substitute the following definition:

"sexual abuse of a child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

 - making sexual advances to a child using any form of communication;
 - exposing oneself indecently to a child;
 - having or attempting to have vaginal or anal intercourse with a child;
 - penetrating or attempting to penetrate a child's vagina or anus with an object or any bodily part;
 - kissing, touching, holding or fondling or attempting to kiss, touch, hold or fondle a child in a sexual manner;
 - staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
 - making any gesture or action of a sexual nature in a child's presence;
 - making sexual references or innuendo in a child's presence using any form of communication;
 - discussing or inquiring about personal matters of a sexual nature with a child;
 - possessing, creating or exposing children to child exploitation material of a sexual nature;

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- exposing a child to any form of sexually explicit or suggestive material including clothing with sexually explicit images or messages;
- giving goods, money, attention or affection in exchange for sexual activities with a child;
- giving goods, money, attention or affection in exchange for images of a child for the purpose of sexual gratification of themselves or others; and
- encouraging, or forcing or attempting to encourage or force a child:
 - to sexually touch or fondle another person;
 - to perform oral sex;
 - either to masturbate self or others, or to watch others masturbate; and
 - to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

- sex education with the prior consent of a parent or guardian; or
- age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).”

(c) delete the definition of “sexual assault” and substitute the following definition:

“**sexual assault** means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- having or attempting to have vaginal or anal intercourse with a person without their consent;
- penetrating or attempting to penetrate another person’s vagina or anus with an object or any bodily part without that person’s consent;
- sexually touching and fondling or attempting to sexually touch or fondle a person without their consent;
- kissing or attempting to kiss another person without their consent;
- holding or attempting to hold another person in a sexual manner without their consent;
- forcing or attempting to force a person to sexually touch or fondle another person; and
- forcing or attempting to force a person to perform oral sex.”

(d) delete the definition of “sexual harassment” and substitute the following definition:

“**sexual harassment** means:

- an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or
- other unwelcome conduct of a sexual nature in relation to the other person,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- asking a person for sex;
- giving a person to understand that you would like sexual favours from them;
- making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- making jokes containing sexual references or innuendo using any form of communication;
- exposing a person to any form of sexually explicit or suggestive material;
- making unwelcome physical contact such as touching, pinching, or patting;
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- deliberately intruding on an individual's personal space;
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- stalking a person."

3. The following amendments be made in section 5 "Children":

- (a) add the following paragraph after of the first paragraph of the educational material with the heading "Characteristics and effects of child abuse" under paragraph 5.16:

"Grooming actions are designed to establish an emotional connection to lower the child's inhibitions through the development of a relationship with the child, and increased opportunity to see the child. Grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated. Typically, grooming occurs incrementally: accessing the victim, initiating and maintaining the abuse, and concealing the abuse.

All Australian jurisdictions have grooming offences, which vary in scope and application. Grooming offences may target online or other electronic communications, subjecting children to child exploitation material, and/or using intoxicating substances to engage children for the purpose of sexual activity."

4. The following amendments be made in section 6 "Personal behaviour":

- (a) add the following sentence at the end of paragraph 6.3:

"Abuse in a family or domestic context is commonly known as "family and domestic violence".

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Recommendations of Amendments to *Faithfulness In Service*¹

1. The following amendments be made in section 2 “**Key Terms**”:

a. delete the definition of “bullying” and substitute the following definition:

“**bullying** means behaviour directed to a person or persons which:

- is repeated;
- is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- creates a risk to their health and safety.

Bullying can include:

- making derogatory, demeaning or belittling comments or jokes about someone’s appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone’s legitimate concerns or needs;
- inappropriately ignoring, or excluding someone from information or activities;
- touching someone threateningly or inappropriately
- invading someone’s personal space or interfering with their personal property;
- teasing someone, or playing pranks or practical jokes on someone;
- displaying or distributing written or visual material that degrades or offends.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- disagreeing with or criticising someone’s belief or opinions or actions in an honest and respectful way;
- giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
- setting reasonable performance goals, standards or deadlines;
- giving information about unsatisfactory performance in an honest and constructive way;
- taking legitimate disciplinary action.

Cyberbullying is a form of bullying which involves the use of information and communication technologies.”

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