



**Mark Speakman**  
Attorney General

## **MEDIA RELEASE**

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### **LANDMARK CHILD SEXUAL ABUSE LAWS IN FORCE**

The NSW Liberals and Nationals Government has completed one of the largest overhauls of child sexual abuse legislation, with a range of tough new laws coming into force today to increase child protection, bring offenders to justice and deliver better outcomes for survivors.

Attorney General Mark Speakman said the reforms include a new grooming offence and laws to make it easier to prosecute persistent child sexual abuse.

“The NSW Government is putting the safety of children front and centre and fixing shortcomings in the law identified by the Royal Commission into Institutional Responses to Child Sexual Abuse,” Mr Speakman said.

From today, it is an offence to groom a parent or a carer to access a child for sexual purposes.

“The changes recognise sexual predators sometimes provide adults with gifts, money and other benefits as a way of cultivating their trust and gaining access to their children. Those found guilty of this new offence will face a maximum penalty of six years imprisonment,” Mr Speakman said.

An existing offence of grooming children has also been broadened to cover situations where a victim is provided with money or other material benefits. To date, the offence has only applied in situations where a child was given alcohol, drugs or indecent material, such as pornography.

The Government’s reforms also address difficulties proving the offence of persistent sexual abuse of a child, and increase the maximum penalty for the offence from 25 years to life imprisonment.

“The prosecution will now only need to prove a defendant engaged in two or more unlawful sexual acts with a person under 16 over a specific period of time,” Mr Speakman said.

“Previously courts often required significant details about each individual incident, which could be difficult for victims to recall – particularly when the incidents occurred many years ago and were persistent.”

In child sexual abuse cases, judges now have the power to give the jury information about how trauma can affect a person’s memory, where a complainant has given differing accounts of abuse.

Courts sentencing an offender for historical child sexual abuse cases will no longer be able to take the person's 'good character' into account as a mitigating factor if that good character assisted them to commit the offence.

Other reforms taking effect today include:

- renaming the offences of 'indecent assault' and 'act of indecency' as 'sexual touching' and 'sexual act', ensuring simplified offences and terminology;
- the introduction of a new offence of sexual touching within a special care relationship, which will protect children aged 16 and 17 from inappropriate sexual contact with teachers, health professionals, authorised carers and others who have special care of the child;
- the introduction of a 'similar age' defence that may apply when a defendant engages in consensual sexual activity with a peer who is at least 14 years old and the age difference between them is not more than two years; and
- the introduction of a limited 'sexting' defence to reduce the risk that children engaging in consensual sexting in certain circumstances will be criminalised for making, possessing and distributing child pornography.

These reforms build on changes the Government has already made in response to the Royal Commission, including the establishment of an offence of failing to report child abuse which attracts a maximum sentence of five years imprisonment, or seven years when done for a personal benefit.

Additionally, historical child abuse offences are now sentenced according to today's sentencing principles rather than those operating at a time when the full extent of the damage caused by such abuse was not properly understood.

"NSW has led the nation in its response to the Royal Commission, accepting the majority of its criminal justice recommendations and changing the civil justice system to be fairer to survivors by removing a technical legal defence which prevented institutions governed by trust arrangements from being sued," Mr Speakman said.

NSW was also the first State to pass legislation allowing its participation in the National Redress Scheme.

"We have acted swiftly and in the best interests of NSW survivors. Institutions that have still not signed up formally to the Redress Scheme should do so now without further delay so that survivors can access the recognition their ordeals demand."

Find more information about the NSW Government's criminal justice response to the Royal Commission [here](#).