Tougher sentences for concealing child abuse
Factsheet – November 2018

Concealing the most serious child abuse offences could attract a prison term of up to seven years, under law reforms proposed by the NSW Government.

Failing to report child abuse is a serious crime, which can have devastating consequences for victims and lead to perpetrators committing offences against other children.

Currently, the offence of failing to report child abuse without a reasonable excuse under section 316A of the Crimes Act 1900 (NSW) carries a sentence of up to two years’ imprisonment, or five years if the concealment was done for a benefit, such as financial gain.

The NSW Government plans to introduce staggered penalties for this offence, with higher penalties for concealment of more serious child abuse offences. In particular, concealing child abuse offences that carry a maximum penalty of at least five years’ imprisonment will attract a maximum penalty of up to five years’ imprisonment, or seven years’ if the concealment was for a benefit.

NSW will have the nation’s toughest sentencing regime for concealing child abuse offences.

For the purposes of section 316A, child abuse includes a range of offences, such as assault occasioning actual bodily harm, kidnapping, production of child abuse material and murder.

The NSW Government is also proposing a staggered penalty regime for the offence of concealing serious indictable offences under section 316 of the Crimes Act 1900 (NSW). Under the proposal, people who fail to report an offence that carries a maximum sentence of over 20 years’ imprisonment could be jailed for up to five years, or seven if they solicited or received a benefit for the concealment. The most serious indictable offences include murder and manslaughter.

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