



15 September 2017

Ms Julie Dewhurst  
Senior Policy Officer  
Department of Justice

Email: [Julia.Dewhurst@justice.nsw.gov.au](mailto:Julia.Dewhurst@justice.nsw.gov.au)

Dear Ms Dewhurst

### **Strengthening Child Sexual Abuse Laws**

Thank you for your email of 1 September concerning the strengthening of child sexual abuse laws.

This is primarily a matter of policy and the Court does not wish to comment, although a number of the judges are concerned about the offence failing to report child sexual abuse cases, particularly if the NSW legislation is to be based on that of Victoria. The difficulty is that it does leave itself open to malicious reports by third parties.

We are, however, concerned about the proposed amendments to the tendency and coincidence provisions suggested in the report. There is, of course, an issue of principle having different rules for different types of offences. Further, the introduction of a new concept, important evidentiary issue in s 98 and the proposed exclusionary provision in s 100A would only cause more confusion in what is already a very difficult area for trial judges.

Further, we are concerned about recommended mandatory directions. If there was to be a change, we think the Victorian proposed direction is preferable to the National Child Sexual Assault Reform Committee's direction.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T F Bathurst'.

T F Bathurst AC  
Chief Justice of New South Wales