



Mark Speakman
Attorney General
Minister for the Prevention of Domestic Violence

MEDIA RELEASE

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REFORM TO PROTECT COUNSELLORS AND SUPPORT VICTIMS

Counsellors as well as friends or family of adults who disclose sexual and domestic violence will no longer face prosecution for respecting a victim's wishes on whether to report the crime, under an amendment to be introduced in NSW Parliament today.

Attorney General and Minister for the Prevention of Domestic Violence Mark Speakman said while it's important to report crime to authorities, the current legislation does not address circumstances where an adult victim doesn't consent to such a report being made.

"We want to ensure that victims receive the support they need without fearing that the person helping them may act against their wishes or face criminal prosecution," Mr Speakman said.

The Bill amends section 316 of the *Crimes Act 1900*, which requires a person who knows or believes that a serious indictable offence has been committed to report it to the police.

Under the current legislation, failure to do so without reasonable excuse is an offence, and carries a maximum penalty of between two and five years imprisonment.

"This can put people in a terrible predicament and possibly drive a wedge between those who need help and the people who are there to help them," Mr Speakman said.

"Worst of all, it may even deter victims from seeking support if they fear their confidentiality may be broken when they share their story."

Currently the legislation does not specify what might constitute a 'reasonable excuse' for failing to bring relevant information to the attention of authorities.

The amendment proposes that a person will have a reasonable excuse where:

- the information relates to a sexual offence or domestic violence offence;
- the alleged victim is an adult at the time that they have the information; and
- the person believes on reasonable grounds that the alleged victim does not wish to have the information reported to authorities.

Rape & Domestic Violence Services Australia Executive Officer Karen Willis said it's very important that those who experience sexual, domestic or family violence can control who hears their stories.

"This crucial autonomy for victims includes if and when Police are informed," Ms Willis said.

“This reform confirms that assistance can be requested and given without fear of legal consequence.”

Mr Speakman said there is no indication that people meeting the proposed criteria are being charged under the current legislation; however, this amendment will dispel any concerns.

“This amendment will also assist the prosecution when considering whether to charge a person for this offence,” Mr Speakman said.

“It strikes the right balance between ensuring people are able to respect the wishes of victims while continuing to encourage the community to report serious offences.”

Further details on the Bill will be available on the [NSW Parliament website](#) this afternoon when it’s second read in the Legislative Assembly.