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Media Release

Reforms strengthening protections for victim-survivors of sexual violence pass NSW Parliament

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Legislation to strengthen protections for victim-survivors of sexual abuse and toughen penalties for perpetrators has passed NSW Parliament.

The suite of amendments to the *Crimes Act 1900* which passed the upper house last night include ensuring offenders who either sexually assault someone or indecently interfere with their body after death cannot escape prosecution, if the time of death is unknown.

The Minns Labor Government thanks the families of Mona Lisa and Jacinta Rose “Cindy” Smith for their tireless advocacy for this reform following their tragic deaths in 1987.

Under the amendment, when it is beyond reasonable doubt that one of these two crimes occurred, but it is uncertain which due to the timing of death, the accused will be sentenced according to whichever offence has the lesser maximum penalty.

Previously, they would have gone unpunished. The reform is in direct response to the 2024 coronial findings into the girls’ deaths.

Other amendments to the *Crimes Act* which passed the Legislative Council on Thursday bring NSW into line with other jurisdictions and respond to gaps in existing legislation including:

- Raising the threshold for the definition of ‘child’ from 16 to 18 years for child abuse material offences in line with Commonwealth offences.
- Strengthening laws criminalising female genital mutilation, ensuring they are in line with community expectations. The amendments clearly state that female genital mutilation is a crime regardless of the reason, motivation or age of the victim, while ensuring medically necessary practices are protected.
- Making it easier to prosecute people who commit sexual acts in the presence of children with improper intent because of the presence of the child.

This passage of the *Crimes Amendment (Sexual Offences and Female Genital Mutilation) Bill 2025* is part of the NSW Government’s work to build a safer NSW where women and children are protected and perpetrators held to account. Previous reforms include:

- Making it harder than ever for alleged domestic violence offenders to get bail.
- Introducing electronic monitoring for alleged serious domestic violence offenders.
- Strengthening laws to protect against repeated breaches of ADVOs.

- Making changes to bail courts across New South Wales to ensure bail decisions are made by magistrates and judges – not registers.

Attorney General Michael Daley said:

"It is not acceptable for a perpetrator to escape accountability because of a legal technicality.

"The passage of this important legislation means the historical injustice inflicted upon the families of Mona and Cindy will never be repeated.

"It strengthens protections for victim-survivors while making it easier to hold the perpetrators of sexual violence to account."

Minister for the Prevention of Domestic Violence and Sexual Assault, Jodie Harrison said:

"These changes are an important part of the Government's work to strengthen protections for women and children, as well as holding perpetrators to account for acts of sexual violence.

"We are working with stakeholders and advocates to make sure victim-survivors get the protections and support they deserve."

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