

Harmonising sexual offence laws: how
insights from inter-disciplinary research
could improve the criminal justice
system

The Honourable Marcia Neave AO

Terms of reference

- Strengthening and harmonising laws and practices
- Achieving just outcomes, including minimising re-traumatisation
- Considering effect of laws and practices on different population groups
- Considering non-criminal justice responses eg civil claims and restorative justice
- Take account of previous recommendations

Challenges of harmonisation

- Historical difficulties of harmonising criminal law
- Predictions about effects of change
- Influence of myths and cultural practices
- Lack of or deficiencies in data about operation of criminal justice system
- Need for more social science research identifying practices and evaluating change.
- Some excellent research already done and note approach of the National Royal Commission into Institutional Responses to Child Sexual Abuse.

What this talk covers

- Should the definition of consent to sexual acts be changed?
- Key issues in harmonising laws and practices
- Low levels of reporting, investigation and prosecution of sexual violence
- Problems in court processes, including
 - influence of myths and cultural practices
 - cross-examination
 - jury directions
 - tendency evidence admissibility (If there is time to cover this)