

An open letter to the Attorney-General of NSW

Cc: Premier Chris Minns MP; Ms Kellie Sloane MP; Attorney-General Michelle Rowland MP.

Dear Attorney-General Michael Daley MP,

We write as organisations, services and advocates working for the safety and wellbeing of survivors of sexual assault; to urge you to change the laws to give sexual assault survivors the right to pre-record their evidence.

Reporting sexual violence and engaging with the criminal justice system should not expose victim-survivors to further trauma. Victim-survivors deserve a justice system that treats them with respect, recognises the harm caused to them, and supports their safety, choice and agency. But right now, the processes of New South Wales courts are causing harm and distress.

Victim survivors deserve a more compassionate and trauma-informed legal process that prioritises safety, choice and agency, including the option to pre-record their testimony through special hearings.

Giving evidence requires a victim survivor to recount some of the most difficult moments of their life, and then be questioned on specific details of the sexual assault committed against them in minute and graphic detail. The process can be extremely distressing.

The period of waiting to give evidence at the trial can be one of the most challenging experiences a victim-survivor may have. Knowing the process of giving evidence looms ahead causes significant stress and anxiety, and therefore has detrimental impacts on someone's wellbeing, healing and recovery.

Current New South Wales procedures mean that adult victim-survivors of sexual assault are subjected to distressing wait times, with many facing years of delay between reporting to police and a trial commencing. Throughout this time, and any delay and adjournments that follow, victim-survivors are required to remain psychologically prepared to recount traumatic experiences in significant detail.

These wait times cause additional harm to people who should be supported by our legal system. For some victim-survivors, the prospect of navigating a retraumatising court process is itself a powerful deterrent to reporting sexual violence or pursuing justice through the criminal legal system.

We urge the New South Wales Government to act on the recommendations of the Australian Law Reform Commission and ensure all complainants in sexual offence matters have the right to pre-record their testimony.

Specifically, we ask the Attorney-General to:

1. Amend the *Criminal Procedure Act 1986* to give all complainants in sexual offence matters the legal right to pre-record their evidence, under conditions of full and informed choice.
2. Ensure sufficient equipment and personnel within New South Wales courts to make this option available to victim-survivors across the state.

This reform was recommended by the Australian Law Reform Commission in 2025. It is already standard practice in Queensland and the Northern Territory and the Victorian Government has recently committed to reform to enable pre-recorded testimony for adult sexual assault victim-survivors.

Pre-recording their testimony allows victim-survivors to give evidence much earlier on, reducing the harm caused by trial delays, and enabling them to start moving on with their lives, and focus on their wellbeing. It increases victim-survivor agency, and research suggests the improved timeliness of pre-recording testimony also allows a victim-survivor to remember more details and provide better evidence.

Pre-recording is an important next step in making court processes more accessible, trauma-informed and responsive to victim survivors. **Trauma-informed justice responses are critical to improving both victim-survivor wellbeing and engagement with the legal system.**

We urge you to drive the legal reform needed to provide all victim-survivors of sexual assault with the right to pre-record their testimony.

Yours sincerely,

This letter has been endorsed by

FAIR
AGENDA

Full Stop Australia

Women's
Legal Service
NSW



The Royal
Australian &
New Zealand
College of
Psychiatrists



No to Violence
Growing a movement to end men's family violence in Australia

RASARA

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