



*Children's Court of New South Wales*

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27 APR 2010

**LAW & JUSTICE**

21 April 2010

Ms. Madeleine Foley  
Principal Council Officer  
Standing Committee on Law and Justice  
Parliament of New South Wales

Dear Ms Foley,

Thank you for your letter dated 7 April 2010 enclosing copies of the transcript as well as questions taken on notice and those not asked during the hearing. Please find enclosed a corrected copy of the transcript as well as the answers to those questions. In order to make your task of correcting the transcript easier I have outlined the pages and corrections which should be made. I have also made those corrections on the stated pages.

**Transcript corrections:**

The following amendments should be made to the transcript in order to more accurately represent what I said at the hearing:

Page 3 – in the very last line of my first answer on that page the word "long" should be inserted between the words "very" and "time" so that the very last line of the answer reads "...particularly because he had been a children's magistrate for a very long time".

Page 9 – add close inverted commas after "because underreporting of sexual offences generally is known to be the case" in the third last line of my first answer on that page. Also remove the question mark from the third line of my second answer on that page, as I was not posing a question but making a statement.

**Question taken on notice**

I was asked to inform the Committee about how many magistrates were consulted in the preparation of the submission. I can now report that seventeen Children's Magistrates were consulted.

**Questions not asked during the hearing:**

**Questions 4 and 6:**

The Children's Court is not in a position to comment on the research regarding juvenile sexual recidivism. Although the Court does not maintain information or statistics on juvenile sex offenders the experience of the Children's Magistrates supports the research findings which indicate that sexual recidivism among juveniles is quite low. As already stated, the Court lacks capacity and resources to easily identify cases which involved so called "young love" offences and is therefore not in a position to comment on the submission by the Director of Public Prosecutions.

**Questions 7 and 8:**

As is evident from our submission, the Children's Court does not agree with the spent convictions scheme proposed in the Model Bill. The Court does not therefore wish to comment on those proposals.

The Court supports further research into sentencing trends for juveniles, however it is not of the view that a particular sentence length cut off should dictate when a juvenile sexual offence conviction should become spent. Instead, the Court is of the view that all convictions for juvenile sexual offences which are dealt with by the Children's Court to finality should be capable of becoming spent regardless of the ultimate sentence imposed. The Judicial Commission statistics for juvenile sex offenders indicate that very few juveniles receive custodial sentences and the ones who do are often subject to brief periods of custody. In these circumstances it may be difficult, if not futile, to decide on a benchmark sentence.

If you require any further information please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink that reads "Hilary Hannam". The signature is written in a cursive style with a large initial 'H'.

Magistrate Hilary Hannam  
Children's Court of New South Wales