

16 December 2016

Mr Philip Reed
Chief Executive Officer
Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
SYDNEY NSW 2001



Dear Mr Reed,

Draft provisions on tendency and coincidence

Thank you for the opportunity to comment on the draft model provisions regarding the admissibility of tendency and coincidence evidence released by the Royal Commission before last week's public hearing into Case Study 46: *Inquiry into Criminal Justice Issues and Consultation Paper*.

Legal Aid NSW submits that the provisions have significant implications for the criminal and civil justice system in NSW and in particular for the rights of accused persons in all criminal proceedings.

For these reasons, Legal Aid NSW maintains that the issue of tendency and coincidence reforms should be further considered by the Australian Law Reform Commission.

As indicated by Ms Hall of counsel following her appearance on behalf of Legal Aid NSW at last week's hearing, I am also happy to provide to the Commission further information about Legal Aid NSW's recent experience appearing for accused in the Child Sexual Assault Pilot in the Sydney and Newcastle District Courts, should that be of assistance to the Commission.

Please contact Harriet Ketley on 9219 5069 or by email on harriet.ketley@legalaid.nsw.gov.au should you require further information about these issues.

Yours sincerely

A handwritten signature in black ink, appearing to read "R Funston".

Richard Funston
Acting Chief Executive Officer