

29 June 2018

New South Wales Law Reform Commission  
GPO Box 31  
Sydney, NSW, 2001  
Email: [nsw-lrc@justice.nsw.gov.au](mailto:nsw-lrc@justice.nsw.gov.au)

Dear Commissioner

**Review of consent in relation to sexual assault offences**

Thank you for the opportunity to contribute a preliminary submission to this important review of sexual consent provisions in the Crimes Act 1900. We commend the New South Wales Government's commitment to this latest review of consent in relation to sexual assault offences as the first priority action of the Sexual Assault Strategy.

White Ribbon Australia focuses on the prevention of men's violence against women. Our organisational purpose is 'engaging men to make women's safety a man's issue too'. We want all men to understand and act on their role in the prevention of men's violence against women.

In holding perpetrators to account and supporting victims, effective legal responses can deter potential perpetrators of sexual assault, prevent reoffending and encourage women who have experienced sexual assault to seek help.

White Ribbon Australia endorses Recommendations 3, 17 and 19 of the Rape and Domestic Violence Services Australia submission to the review. We also refer you to the DV NSW submission, which includes important insights into the terms of reference for this review from specialist women's services and domestic and family violence practitioners.

Yours sincerely

Nicholas Cowdery AM QC

Chair

## **Preliminary Submission to the New South Wales Law Reform Commission**

### **Review of consent in relation to sexual assault offences**

#### **About White Ribbon Australia**

White Ribbon Australia (“White Ribbon”) engages men to make women’s safety a man’s issue too. We mobilise and support men to understand and act on their role in the prevention of men’s violence, including sexual violence, against women.

To achieve this, we offer a range of violence prevention initiatives in schools, workplaces, online and through grassroots community events. These activities highlight the positive role men play in preventing men’s violence against women and support them to be part of this social change.

The briefing document attached to this submission gives an overview of the nature and reach of our program and campaign work, as at June 2018.

In this submission, we reflect on the need for enhanced investment in sexual assault prevention to occur alongside law reform. Recommendation 17 and 19 of the Rape and Domestic Violence Australia submission to this review also notes the importance of community education to improving criminal justice responses to sexual violence and preventing it from occurring in the first place.

A review of sexual consent provisions could better protect victims and survivors of sexual assault and, when coupled with investment in sexual assault prevention programs and campaigns that focus on consent, can bring about the cultural change required to decrease rates of sexual assault and promote respectful relationships between men, women, boys and girls.

#### **What Australians think about sexual assault and consent**

We commend the focus of the review on the experiences of sexual assault survivors. This is central to understanding any issues with the current sexual consent provisions. We also refer the review to the DV NSW submission, which details the perspective of specialist women’s services and domestic and family violence practitioners from their decades of experience.

Current perspectives on consent and rape more generally are also important to consider. The National Community Attitudes Survey (NCAS) found that while Australians understand that forced sex is a form of violence against women and consider it a serious offence, 43% believe that rape results from men not being able to control their need for sex and 38% believe that a lot of times women who say they were raped led the man on and later had regrets (VicHealth 2014, pps. 2-5). This highlights the ongoing need for cultural change to support systems change that shifts gender norms and ends victim blaming.

There is also a need for targeted and culturally appropriate approaches to sexual assault prevention campaigns and education. People from non-main English speaking countries were significantly more likely than Australian-born respondents to agree that ‘if a woman doesn’t physically resist then it isn’t really rape’ and to agree that ‘if a woman goes alone into a room with a man at a party it is her fault if she is raped’ (VicHealth 2014b, p. 8).

We recommend the Commission review the relevant findings when the latest NCAS results are released later this year.

## White Ribbon Programs and Campaign: supporting legal approaches and systems change

The issue of consent in sexual relations is addressed across White Ribbon Programs and Campaigns, as demonstrated in Table 1.

We use a community development model to ensure that our work reaches diverse audiences across Australia including young people, teachers, sports clubs and the general public. The White Ribbon Diversity Program expands this reach by tailoring workshops, forums and resources to the needs of culturally and linguistically diverse and Aboriginal and Torres Strait Islander communities.

*Table 1: Discussions about consent and sexual assault occur across White Ribbon Programs, Campaigns and activities.*

<b>Breaking the Silence Schools Program</b>	<ul style="list-style-type: none"> <li>• Promotion of respectful relationships</li> <li>• Workshops</li> <li>• Online training</li> <li>• Resource library</li> <li>• Promoting the active bystander</li> </ul>
<b>White Ribbon Campaign</b>	<ul style="list-style-type: none"> <li>• White Ribbon Day</li> <li>• White Ribbon Night</li> <li>• 16 Days of Activism</li> <li>• Social media campaigns e.g. 'Myth-busting May'</li> <li>• Opinion pieces</li> <li>• Newsletters</li> </ul>
<b>White Ribbon resources</b>	<ul style="list-style-type: none"> <li>• Elearning</li> <li>• Factsheets translated into 6 languages</li> <li>• Videos</li> <li>• Website</li> </ul>
<b>Ambassadors and Advocates Programs</b>	<ul style="list-style-type: none"> <li>• Forums</li> <li>• Workshops</li> <li>• Training (online and face-to-face)</li> <li>• Resource portal</li> <li>• Networking events</li> </ul>
<b>Youth Program</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Events in tertiary education settings</li> </ul>
<b>Workplace Accreditation Program</b>	<ul style="list-style-type: none"> <li>• Codes of Conduct required for all participating workplaces</li> <li>• Online library</li> </ul>
<b>Diversity Program</b>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Forums</li> <li>• Resources</li> </ul>

Going beyond the 'yes is yes, no is no' understanding, this work explores consent through, for example:


- Linking attitudes to behaviours, and challenging attitudes that excuse and minimise sexual violence.
- Challenging gender norms e.g. those that promote male entitlement and female submission.
- Promoting the role of the bystander by showing people what they can do if they witness or become aware of sexual violence and giving advice on how to challenge attitudes that excuse and minimise violence (e.g. how to respond to a rape 'joke').
- Promoting respectful relationships, and the central role consent plays in this.


## Insights from social media

White Ribbon reaches an average of 3,948,627 people each month on Facebook. Discussions on our Facebook page give some insight into the knowledge, attitudes and behaviours of the general public.


Facebook user comments demonstrate various levels of understanding in regards to consent and issues related to consent. Some examples are provided below. These comments reinforce the need for heightened investment in social awareness campaigns in order to:


- improve people's understanding of sexual assault and consent, including legal frameworks;
- clearly explicate the link between sexual assault and attitudes that excuse and minimise violence;
- encourage honest conversations about consent and sexuality that help challenge gender norms;
- support victims and survivors to share their experiences and seek help; and
- build the confidence of people to act as bystanders and to deal with disclosures of sexual assault.

██████████ And that's why women don't report sexual assault  
Like · Reply · 6w  4

██████████ I've always thought if something like this happened to me, I wouldn't even bother reporting it, there is zero justice for victims of sexual Assault. I'd probably sooner go vigilante  
Like · Reply · 6w  1


██████████ I know what you mean. I would do the same.  
Like · Reply · 6w

██████████ Yet when there is a report of rape on Facebook you see guys joking about it and tagging their mates. We have still have so far to go.  
Like · Reply · 1y  10

██████████ These 'guys' don't represent normal. They are pathetic individuals.  
Like · Reply · 1y  9



██████████ Really ?  
Like · Reply · 1y

██████████ Yes, really  
Like · Reply · 1y


██████████ Actually they do represent normal for a lot of women. Male failure to LISTEN to our experiences is part of the problem.  
Like · Reply · 1y  1

██████████ And this ,everything explained in this article is what we mean when we say "rape culture " That is rape culture .where men are conditioned to not take consent seriously and where women are shamed and blamed for rape .  
Like · Reply · 1y  20

██████████ I don't think it's so black and white. I've experienced sexual assault by partners. Saying no sometimes isn't an actual option.

██████████ A lot of us take our sexual assault with us to the grave. . Why? Because is too much to deal with.  
Like · Reply · 6w   4

██████████ The other day my 7 yo son said to his 5 yo brother "let's call ourselves the "REspect No!" brothers!" Music to my ears 😊  
Like · Reply · 45w · Edited

██████████ Thanks for a great article. It's powerful when men speak out against sexual assault.  
Like · Reply · 4w  2

## Next steps

This review, and any subsequent reform to sexual consent provisions in the Crimes Act 1900, is an important opportunity for violence prevention agencies operating in NSW to shine a spotlight on the issue of consent and sexual assault. We will be able to draw upon this reference in our practical work. However, this work needs to be adequately funded for maximum impact.

We commend the NSW Government's recent budget announcement of \$380,000 for supporting the implementation of the Sexual Assault Strategy and hope that some of this funding will be allocated to prevention.

This approach will ensure that the important work of this review, regardless of the outcome, is consolidated and supported across the continuum of responses to sexual violence.

## References

VicHealth (2014). *Australian's attitudes to violence against women*. Retrieved from:

<https://www.vichealth.vic.gov.au/media-and-resources/publications/2013-national-community-attitudes-towards-violence-against-women-survey>.

VicHealth (2014b). *2013 National Community Attitudes towards Violence Against Women Survey (NCAS). Attitudes to violence against women among people born in non-main English speaking countries*. Retrieved from: <https://www.vichealth.vic.gov.au/media-and-resources/publications/2013-national-community-attitudes-towards-violence-against-women-survey>.

# White Ribbon Australia



# The White Ribbon social change movement

**Vision:** A nation that respects women, in which every woman lives in safety, free from all forms of men's abuse.

**Purpose:** Engaging men to make women's safety a man's issue too.

White Ribbon Australia (White Ribbon) is the world's largest movement of men and boys working to end men's violence against women. We focus on **primary prevention**: stopping violence before it starts. Men are central to achieving the social change necessary to preventing men's violence against women. Men must stand up, speak out and act to change the social norms, attitudes and behaviours that are at the root of men's violence against women.

Through education, awareness-raising and creative campaigns, prevention programs and partnerships, we highlight the positive role men play in preventing men's violence against women, and enable them to be part of this social change.

White Ribbon works to highlight the importance of diversity and inclusion throughout all aspects of the White Ribbon social change movement. White Ribbon reaches out to Aboriginal and Torres Strait Islander communities and those from multicultural backgrounds to prevent violence against women.

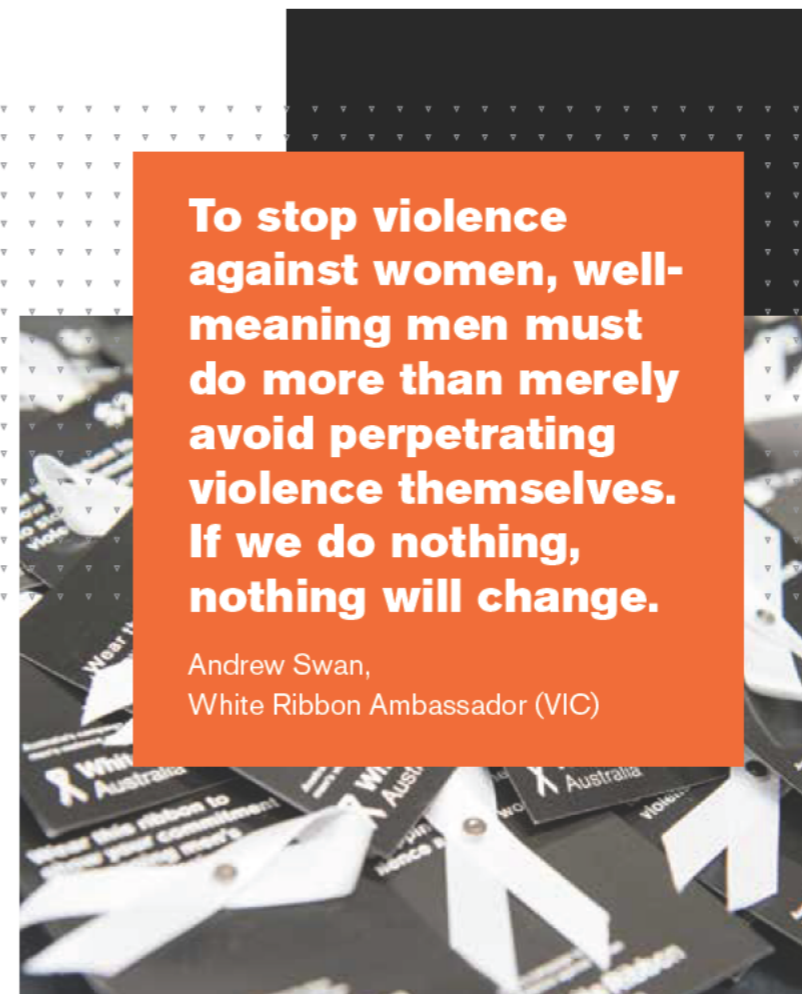
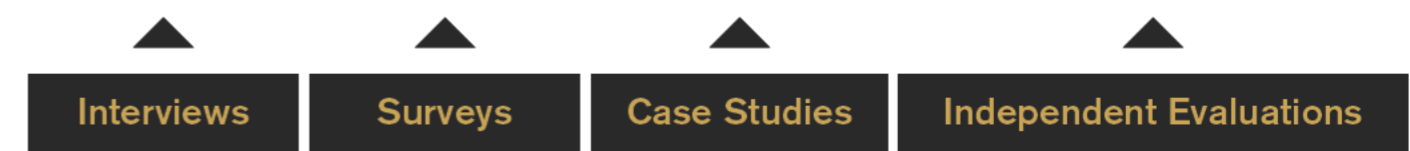


# The White Ribbon social change movement

It is important to understand which practices result in positive change, and can therefore be replicated. We do this by building evidence, and collecting and evaluating data directly from participants of programs by means of interviews, surveys and case studies. We also rely on external independent evaluations.

## Building the evidence base

- **Numbers: Measurement of outcomes and results**
- **Narrative: Stories and anecdotes of positive change**



White Ribbon has developed a social impact measurement framework that measures how our programs and activities contribute to primary prevention. There is an emphasis on measuring male engagement and the practical tools that support them in preventing violence against women. The framework focuses on changes in people's awareness, knowledge and attitudes towards men's violence against women and gender equality.

Recent data shows promising results, indicating that White Ribbon Ambassadors are highly active and willing to expand knowledge about their role in preventing men's violence against women. Through the resources provided, they feel more confident in standing up and speak out. Compared to the general population, Ambassadors have higher attitudes supportive of gender equality.

# How this social movement engages people:

## Ambassadors, Advocates and Supporters

**White Ribbon Ambassadors** are men who raise awareness of the social change that is necessary to prevent men's violence against women.

The Ambassador program equips men and boys with knowledge and resources to proactively engage their community in the prevention of men's violence against women.

Our Ambassadors come from a wide range of sectors, ages, cultures, linguistically diverse communities and Aboriginal and Torres Strait Islander communities.

White Ribbon acknowledges the significant role of women in advocating for change over the years, recognising the importance of men working alongside women in the social change movement. **White Ribbon Advocates** stand together with White Ribbon Ambassadors as representatives of White Ribbon in their community.

**White Ribbon Supporters** sustain and localise the White Ribbon movement. Through the activation of people, networks and opportunities to make violence against women a men's issue too.

Supporters sustain and localise the White Ribbon movement in their communities by hosting, supporting and participating in events and working to drive our message through their personal and/or professional networks.



**1087**  
ambassadors



**155**  
advocates



**4662**  
supporters

## Fathers

The Fatherhood project ensures fathers and father figures experience respectful relationships with their families, and take active steps to respond to, and prevent men's violence against women.

The project includes educational webinars and training, interactive Fatherhood resources including practical tips and tools, event activations, social media and marketing campaign activity, an expert reference group and focus group workshops, key collaborations and social impact measurement opportunities throughout.



# How this social movement engages people:

## Committees

White Ribbon Committees are formalised volunteer groups of passionate Ambassadors, Advocates and Supporters who represent and coordinate the White Ribbon social change movement.

There are currently 21 Committees activating community owned and driven initiatives throughout metropolitan, regional and rural areas of Australia.

Committees are integral to:



## Workplace Accreditation

The White Ribbon Australia Workplace Accreditation Program is our world leading violence prevention initiative focused on providing organisations with strategies and tools to actively prevent and effectively respond to violence against women and drive gender equality.

Organisations that demonstrate a commitment to tackling violence against women and meet and exceed 15 criteria across three standards as independently assessed, become accredited as White Ribbon Workplaces.

**169**  
workplaces  
accredited by the  
White Ribbon  
Workplace  
Accreditation  
Program



## How this social movement engages people:

### Breaking the Silence Schools Program

White Ribbon's Breaking the Silence Schools Program creates attitudinal and behavioural change in Australian schools, leading to generational change in preventing violence against women and girls.


The professional development program supports principals and senior teachers to promote schools as respectful centres for education, safe workplaces, and vehicles for community culture change.


 **500+**

Since its commencement in 2009, over **500** schools have completed **Breaking the Silence** to become White Ribbon Schools.

 **220,000**

This Program has reached over **220k** students and **18k** teachers to date, of which 5.7% identify as Aboriginal & Torres Strait Islander.

 **115** schools completed the 2017 program.

 White Ribbon is able to offer Breaking the Silence to schools across QLD, NT, NSW, ACT, SA and TAS in 2018.

### Youth

The Youth Engagement Program engages and collaborates with young people, especially boys and young men, between the ages of 15 to 24 years old to drive change in their communities. This is done by directly engaging with young people themselves, as well as with organisations and institutions providing services to them. A pilot is underway to support young people to better understand domestic and family violence, the role they can play in prevention, being an active bystander and taking action to contribute to prevention. A Youth Advisory Group is also in the process of being established.

**“Great work... a must for all schools. Huge implications to society if done well by all schools.”**

Teacher,  
Secondary School,  
NSW

**“It’s important to pioneer change. We can all make an impact and it all starts with standing up and speaking out. Empowering and educating men and women.”**

Jacinta, 21  
NSW,  
White Ribbon Advocate

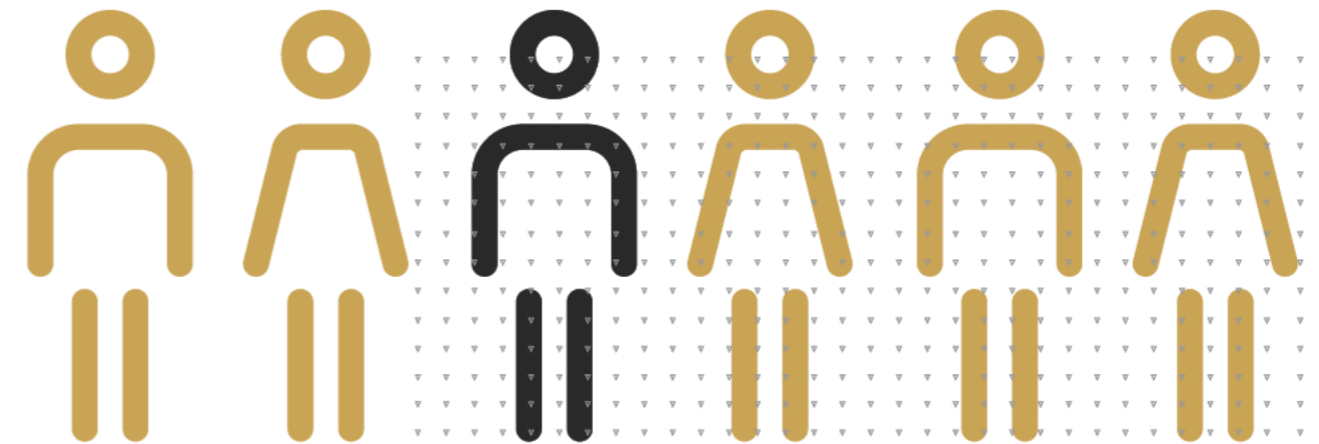
## How this social movement engages people:

### The Oath

**“I will stand up, speak out and act to end men’s violence against women.”**

The White Ribbon Oath is a commitment to promote positive attitudes and behaviours towards women.

Take the Oath at [www.whiteribbon.org.au](http://www.whiteribbon.org.au).



### Campaigns

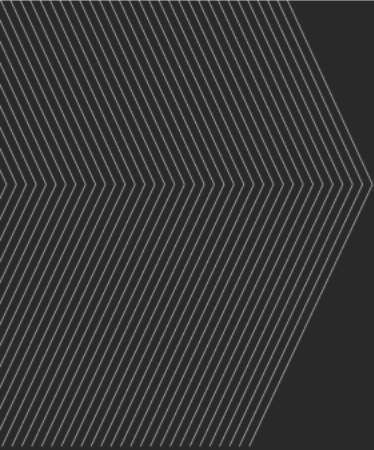
White Ribbon runs awareness, education and fundraising campaigns throughout the year. These campaigns such as White Ribbon Day (25 November), the 16 Days of Activism (25 November – 10 December) and White Ribbon Night (last Friday in July) encourage people to stand up, speak out and act to prevent men’s violence against women.

This includes the development of resources such as the STOP Kit, which provides tools to help people identify and respond to violence against women.

Find out more at [www.whiteribbon.org.au/day](http://www.whiteribbon.org.au/day).

How you can help  
**STOP**  
violence against  
women





# Contact Us

White Ribbon Australia  
P 02 9045 8444 (NSW only)  
P 1300 967 298 (outside NSW)  
F 02 9045 8448  
E [admin@whiteribbon.org.au](mailto:admin@whiteribbon.org.au)  
PO Box 6303  
North Sydney  
NSW 2059  
[www.whiteribbon.org.au](http://www.whiteribbon.org.au)

# Stay Connected

-  [facebook.com/whiteribbonaustralia](https://facebook.com/whiteribbonaustralia)
-  [@WhiteRibbonAust](https://twitter.com/WhiteRibbonAust)
-  [@WhiteRibbonAust](https://instagram.com/WhiteRibbonAust)
-  [White Ribbon Australia](https://www.linkedin.com/company/WhiteRibbonAustralia)

