



Submission to the NSW Law Reform Commission's  
review of consent in relation to sexual assault  
offences

Prepared by  
Domestic Violence NSW

## About Domestic Violence NSW

Domestic Violence NSW Inc is the peak body for specialist domestic and family violence services in NSW. Domestic Violence NSW provides a representative and advocacy function for specialist services and the women, families and communities they support.

Domestic Violence NSW's mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice. We work with our members, state and federal government and communities to create a safer NSW for all.

Domestic Violence NSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence including:

- Crisis and refuge services
- Transitional accommodation and community housing providers
- Family support services
- Neighbourhood centres and drop in centres
- Specialist homelessness service providers
- Men's behaviour change programs and networks
- Community organisations working with high risk communities
- Specialist women's legal support services
- Women and children's support services
- Safe at Home programs

Domestic Violence NSW members are all non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. Many of our members have multiple government and non-government funding streams.

Domestic Violence NSW advocates for best practice, continuous system improvements and innovative policy responses to domestic and family violence including building workforce capacity and representation at all levels of government. We provide policy advice to multiple departments in the NSW Government on prevention and response. We work with communities and the media to increase awareness and represent the sector on a number of state and federal advisory bodies. We co-convene and provide a secretariat function for the NSW Women's Alliance with Rape and Domestic Violence Services Australia.

We acknowledge the work and practice wisdom of specialist women's services and domestic and family violence practitioners in the sector that underpin the recommendations in this submission. Domestic Violence NSW thanks the specialist services that have developed best practice over decades of working with women and children and shared their expertise with us. We also pay tribute to those who have experienced domestic or family violence and to our advocates, colleagues and partners in government and non-government agencies.

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## Endorsement of submissions

Domestic Violence NSW endorses the submission of **Rape and Domestic Violence Services Australia (RDVSA)**.

## Domestic Violence NSW submission approach

In regards to the Terms of Reference for the review of consent in relation to sexual assault offences, this submission from Domestic Violence NSW broadly addresses:

- whether s 61HA should be amended;
- relevant issues relating to the practical application of s 61HA, including the experiences of sexual assault survivors in the criminal justice system; and
- sexual assault expert opinion.

To formulate this submission, Domestic Violence NSW opted to survey its membership to hear directly from frontline workers, and indirectly the experiences of their clients.

Domestic Violence NSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence, such as crisis and refuge services, community organisations working with high risk communities, specialist women's legal support services, and women and children's support services.

## Recommendations

### *"Free agreement" model of consent laws*

- The majority of Domestic Violence NSW members (over 76%) **support consideration of active consent ("enthusiastic consent") in NSW legislation**, meaning a person does not consent if they do not "say or do anything to communicate consent" (for example, "lack of a verbal no").
- Members state that fear, past trauma, exhaustion, illness, disability and intoxication (drugs or alcohol) can impede consent. "Enthusiastic consent" would be beneficial in establishing a clear idea of what consent is and what it should look like. Consent needs to be clearly stated and understood by both parties.
- Members also note that the issue lies in the difficulty in reporting of sexual assault and the level of evidence required, which equates to a low conviction rate.

### *Specialist courts and restorative justice settings*

- Domestic Violence NSW members overwhelmingly **support the establishment of specialist courts, or pilot specialist court models, for sexual assault cases in NSW.**
- Members state that specialist sexual assault courts provide a safer setting for victims, specially trained and trauma-informed court staff, magistrates and judges with expertise, greater understanding of the needs of victims, and can assist with lessening the risk of re-traumatising victims.
- Court staff should be trained in the emotional and lifelong impacts of sexual assault, and this should be taken into consideration when convicting a perpetrator.
- Specialist courts should be funded in rural and remote locations.
- To improve the quality of justice, lessen trauma and better support victims of sexual assault, Domestic Violence NSW members support:
  - restorative justice models
  - better ways for police and support services to collaborate
  - justice principles in place to cater for all age categories – as young as 10
  - specialist services to cater for the needs of younger victims and perpetrators
  - mixed gender police attending a crime or being available at a police station when rape/sexual assault is reported and statements are taken
  - counsellors with specialist knowledge of this issue
  - services being encouraged to stay with the victim whilst statements are taken
  - training of police training in sexual assault
  - processing sexual assault cases faster through the legal system
  - designated police/detectives with sexual assault expertise need to where possible work with victims and work with community services supporting victims so everyone is clear about the process
  - audio visual links for victims need to be used in court where possible
  - victims need to be supported and have alternatives to participating in the justice process

- having safe rooms in courts, as are offered for ADVO matters
  - implement programs to educate perpetrators of sexual assault and other violent crimes
  - educational programs in juvenile justice centres
  - trauma-informed organisational assessments on justice centres and police and support services
  - provide high quality services and training to judiciary staff, lawyers and police, supported by a policy to reduce post traumatic stress disorder
  - tougher and consistent penalties
  - police more aware and trained specifically in child sexual assault
  - wrap around services – counselling services/health workers/women’s services/children’s services/legal
  - taking a victim statement recording, is used in court, so they don’t have to retell their account of the sexual assault and be cross examined as if they are the perpetrator
  - primary prevention of sexual assault would include providing women with easy access to surveillance devices (pens, necklaces etc.) and permit the recordings in court
  - align court processes with research on the effects of trauma, for example, victims of crime cannot easily recall all the details of their assault in a sequential manner
  - specialist support workers for each victim to provide one-on-one support.
- Not all victims see the judicial system as the vehicle for their recovery. Ask victims what they want as they are the experts on their experience.

### *Reporting of sexual assault*

- Domestic Violence NSW members report that approximately 42 per cent of their clients have disclosed they have been sexually assaulted, with only 12 per cent of these clients reporting the assault to Police.
- Victims do not report to Police due to:
  - the stigma around sexual assault
  - presenting as domestic violence and later disclosing sexual assault
  - survival, fear, shame, guilt, humiliation, embarrassment, self-blame, judgment, not being believed
  - no evidence
  - distrust in the justice system
  - untrained Police
  - their statements won’t be handled sensitively and the Police won’t be understanding
  - nothing comes of their report to the Police
  - having to re-tell their story for statements and the court process
  - the length of time sexual assault matters take to be finalised through the court process
  - not wanting to go through the court process, fear of court process.
  - fear of the trauma of the process
  - fear of reprisal from perpetrator

- past bad experiences with Police
  - Police were “friendly” to Person Of Interest (POI) when responding to call, and the Police commented on the Person In Need Of Protection’s (PINOP) behaviour
  - fear of ramifications from community in a small town
  - aren’t prepared to go through the trauma when they know the low conviction rates
  - fear of the impact on visa/residency status
  - fear it will impact on employment
  - fear it will impact on Family Law Court proceedings
  - fear of being triggered if talking about it
  - cultural and language barriers
  - incidents being historic
  - general understanding and knowledge regarding the trauma of investigations and trial and the rarity of convictions.
- Domestic Violence NSW members **support measures that will increase the confidence of victims to report incidences of sexual assault.**

### *Survivor stories*

- Domestic Violence NSW members report a range of **survivor experiences**, including:
  - their clients find the trial process itself traumatising, particularly cross-examination
  - women with disabilities may not tell anyone of a sexual assault for some days, which makes collection of forensics difficult, and they are not seen as good witnesses by the Police
  - therapeutic supports are lacking in non-metropolitan regions
  - high levels of victim blaming and lack of education with the Police Force and other staff in the justice system
  - providing evidence for a sexual assault is one of the most challenging and distressing issues for victims
  - it is hard to legally prove rape inside a marital/intimate partner relationship
  - the psychological abuse or fear instilled in victims makes them reluctant to come forward
  - the low conviction rate reinforces victim concerns about speaking up
  - the legal system permitting evidence gathered on devices more readily could dramatically help victims and successfully prosecute perpetrators
  - limited safe places to house victims
  - the need to reduce waiting lists for intense counselling services
  - need for increased funding for support services
  - the complexity of needs of domestic and family violence survivors – there is a significant chance that women who present with domestic violence have also endured sexual assault. Addressing the sexual assault charges is almost unthinkable for women with children unless the ex-abuser has sexually abused the children as well
  - women often do not identify when they have been sexually assaulted as this has been a pattern of their life. They have been blamed by friends, family and service providers
  - most women are aware that the court experience is a negative one and that the outcome will be humiliating. It is difficult to encourage women to report for fear of them being re-traumatised by the police and court systems

- clients that are homeless and victims of domestic violence fear not being believed. If the client does not wish to talk about it, it is difficult for organisations to provide services
- many transgender women are victims of ongoing sexual assault, harassment and rape and their experiences of the Police means that they don't bother reporting
- Women only domestic violence and court advocacy services need additional training in dealing with sexual assault victims.

### *Other issues*

- Domestic Violence NSW members report **other issues impacting on consent, the disclosure and reporting of sexual assault, justice and service outcomes, survivor experiences, and prevention**, including:
  - Domestic violence services are aware a lot of sexual violence is occurring yet it remains undisclosed or unreported.
  - The Sexual Assault Report Anonymously (SARA) system is a valuable way for victims to tell their story and have confidence if they choose to pursue the matter.
  - Community education is also necessary if there is to be a change in attitudes towards consent.
  - Sexual assault between siblings and in intimate partner relationships is more common than we think.
  - A perpetrator should never be exonerated in the instance where the victim was under the influence of drugs or alcohol and thus had non-consensual sex.
  - Listen to the clients, it's their journey of experience.
  - There is a need for research to ascertain the percentage of women who present with domestic violence and later disclose sexual assault and don't report it.
  - Prevention programs should be a compulsory part of the school curriculum.
  - The issue of consent is clearly critical for high school students.
  - The response to domestic violence incidents by Police is not supportive for women, and therefore sexual assault is not disclosed.
  - The current justice system is not working – it doesn't support victims and is too ambiguous regarding consent.
  - Some services lack understanding of how sexual assault impacts on every aspect of a woman's life.
  - Specialist domestic violence services need additional funding to meet the growing need for these services.
  - Sentences for sexual assault are too lenient and not worth the emotional trauma.
  - Sending of sexually-based images needs clear consent.



## Domestic Violence NSW member survey

### Respondents

There were 21 individual responses from frontline workers in domestic and family violence specialist services.

### Survey questions

#### *"Free agreement" model of consent laws*

- Should NSW consider active consent ("enthusiastic consent"), meaning a person does not consent if they do not "say or do anything to communicate consent" (for example, "lack of a verbal no")?
- Why/why not?

#### *Specialist courts and restorative justice settings*

- Should NSW have specialist court or pilot specialist court models for sexual assault cases?
- Why/why not?
- What else can we do to improve the quality of justice, lessen trauma and better support victims of sexual assault in the communities you work?

#### *Reporting of sexual assault*

Relatively few sexual assault complaints to Police lead to criminal proceedings and even fewer result in convictions.

- Approximately what percentage of your clients have disclosed to you that they have been sexually assaulted?
- Again, approximately what percentage of your clients have reported to Police?
- What reasons have your clients given if they don't report to Police?

#### *Survivor stories*

- Please share any de-identified case studies of the challenges your service faces in supporting survivors of sexual assault or examples of your advocacy that you feel may be useful to bring to the attention of the inquiry.

#### *Other issues*

- Is there anything else you would like us to be aware of or add?

### Survey responses

Survey responses have been de-identified and provided in full below.

### *"Free agreement" model of consent laws*

Should NSW consider active consent ("enthusiastic consent"), meaning a person does not consent if they do not "say or do anything to communicate consent" (for example, "lack of a verbal no")?

Yes - NSW should consider enthusiastic consent	76.19% (16)
No - NSW shouldn't consider enthusiastic consent	23.81% (5)

#### Why?

- Fear immobilises victims. Past trauma can trigger silence and detachment making the person unable to say and do anything. Impediment or intoxication.
- This will strengthen the case when a person is intoxicated or drug affected.
- Consent is an issue that should be considered as a government issue, due to sexual assault rates (which are underreported) versus conviction and prosecution rates. Consent seems to be an issue always brought up during criminal proceedings and in public discourses with many different ideas and opinions attached to it. Consideration of "enthusiastic consent" would be beneficial in establishing clear idea of what consent is and what it should look like, and possibly clear up any uncertainty.
- Often victims of sexual assault experience a trauma response as evidence from research which means they often suffer extreme feelings of fear, then freeze/shut down and cannot fight or verbally respond/say no. Also, if a victim is exhausted, unwell, or under the influence of drugs or alcohol, and thus unable to provide proper verbal consent, it doesn't mean she's saying yes/consenting. In many sexual assault cases, the perpetrator has walked free when the female victim is under the influence of alcohol. This should automatically indicate the victim couldn't give consent, but our laws don't reflect this.
- To ascertain that a person is willingly engaging and not complying out of fear and in a frozen sympathetic nervous system response.
- Because active consent short-circuits the invisibility of rape and increases healthy sexual relations.
- The female may be fearful to say no; the female may be unsure.
- Someone might be too intoxicated or affected or scared to say no.
- There is too much risk around passive consent perceptions such as not doing or saying anything as women may feel intimidated or unable to assert themselves to express their consent intentions.
- Victims are not always able or willing to say "no" based on fear or repercussions, shock, freezing, previous trauma experiences that come up.
- So that the excuse of silence is not consent.
- Often people don't say anything because they are scared or unable to speak. It needs to be very clear for both parties.
- To be certain consent is gained.
- In interests of justice.

#### Why not?

- It's a person's right to say NO.
- People may not give their consent for many reasons, including fear. But if we are not aware of the whole story, our assistance to them is limited.
- Because it's possible to consent silently as it is possible to remain silent during sexual assault, so what is it really going to achieve? The real issue is difficulty in reporting and the level of evidence required equating to a low conviction rate.

- Because it will enable perpetrators to put forth an argument based on their interpretation of consent. Has to be the person has clearly stated they consent to sex.
- Consent is to say yes to agreeing what is happening. Unless a yes is given, then there is no real way to determine if it is consensual or not.
- There are many times when a person is unable to say no – if drunk or drug affected, intellectual disability, mental health, have trauma, are in fear, become dissociative.
- Consent needs to be clearly stated and understood by both parties.

### *Specialist courts and restorative justice settings*

Should NSW have specialist court or pilot specialist court models for sexual assault cases?

Yes	95.24% (20)
No	4.76% (1)

Why?

- Because they are very complex cases and often there is a lack of evidence, i.e. she says – he says.
- Safer setting for victims, presence of better trained and informed court staff at all levels.
- Sexual assault affects so many people and this is something that I believe our courts should be trained in the emotional and lifelong impacts this can have on a person and this should be taken into consideration when convicting a perpetrator.
- Court needs to be more sympathetic and understanding of the needs of victims. A specialist court would hopefully provide this.
- Equity and to lessen trauma.
- It is worth trialling something new. The current process is ineffective.
- It is such a huge problem and there are judgements and negative influences made of women in all levels of society including police and court officers. They need training and for it to be their area of specialisation to reduce the impact the judicial system has on victims.
- Informed understanding of barriers, lessons judgements/values of current decision makers.
- Specialist courts will ensure that magistrates and judges will have expertise in the area and better support provisions are likely to be made for victims.
- This is such a sensitive and complex issue that specialist training and expertise is critical as is a consistent understanding of the dynamics and approaches to addressing this issue in a justice context.
- Yes, because of risk of re-traumatising the victim.
- The comfort of the victim; the staff of the court need to be trained.
- The experience of trauma due to sexual assault requires a specialist approach and may encourage more women to report.
- Privacy/humiliation/confidentiality/safe for clients.
- Victims have usually experienced significant trauma already from the actual sexual assault and whatever medical assessments that followed. The legal and court system should aim to be as trauma-informed as possible (i.e. aim to prevent re-traumatising the client) so they don't have to continuously re-tell their story, see the perpetrator in court or have to be questioned repeatedly about the sexual assault incident.
- Sexual assault cases are complex and from research reveals judges, court officers etc. are uneducated about the impacts of sexual assault. A specialist court would be able to apply all of the knowledge and training in the field of sexual assault to ultimately ensure justice but also create a safe space in the legal system for survivors.

- To minimise the re-traumatisation of victims, and have the ability to have closed courts.
- Until the system better supports victims to ensure their safety in the broader court arena, victims will not report or seek redress through the judicial system. This is a specialised area and requires a more specialised response.

#### Why not?

- Because it is unlikely that they will be funded and available in rural and remote locations, some of which have high rates of sexual assault. It is more equitable to have specific court days and work to improve and change the way the courts and the judiciary run sexual assault cases.

#### What else can we do to improve the quality of justice, lessen trauma and better support victims of sexual assault in the communities you work?

- All of these things – restorative justice models, better ways for police and support services to collaborate, other things that would make the system more friendly.
- Victims of sexual assault are often NOT adults so there needs to be justice principles in place to cater for all age categories – as young as 10 – and that specialist services are in place to cater for the needs of younger victims and perpetrators.
- Having mixed gender police who attend a crime or at police station when rape/sexual assault is reported and statements taken, having a counsellor with specialist knowledge of this issue.
- I think there needs to be more knowledge around the lifelong impacts this sort of trauma can have and there needs to be no stigma around sexual assault such as: “She asked for it”, “Look at the way she dresses”.
- All – restorative justice models, better ways for police & support services to collaborate, other things that would make the system more friendly.
- Better ways for police and support services to collaborate.
- It is worth trialling something new. The current process is ineffective.
- It is important for police and services to be able to work together. Victims often require extensive support and often services are discouraged from staying with the victim whilst statements are being done.
- Media attention in relation to gender inequity and male entitlement so to begin changing judgement of women in our society.
- Police training and insight.
- There needs to be a much reduced time frame between the assault and the matter being brought to court to lessen the trauma for victims. Designated police/detectives with sexual assault expertise need to where possible work with victims and work with community services supporting victims so everyone is clear about the process. Video links needs to be used in court where possible.
- Victims need to be supported and have alternatives to participating in the justice process other than being in court facing the perpetrator and being viciously cross examined by their legal representative. Being sexually assaulted is trauma enough and being further abused and violated by the system is not acceptable. Having safe rooms in these courts, as are offered for ADVO matters, would also be helpful.
- Implement programs to educate perpetrators of sexual assault and other violent crimes. Have educational programs in juvenile justice centres. Carry out trauma-informed organisational assessments on justice centres and police and support services.
- Hospital setting, police response.
- Provide high quality services and training to judiciary staff, lawyers and police, supported by a policy to reduce post traumatic stress disorder.

- Ask victims what they want as they are the experts on their experience.
- Tougher and consistent penalties.
- Police more aware and trained specifically in child sexual assault.
- Restorative justice models in communities.
- Wrap around services – counselling services/health workers/women’s services/children’s services/legal.
- Processing sexual assault cases faster through the legal system. Victims are re-traumatised when their case is a long, drawn out one over years to get a result/outcome. Taking a victim statement recording once or twice which is used in court so they don’t have to retell their account of the sexual assault and be cross examined as if they are the perpetrator. Primary prevention of sexual assault would include providing women with easy access to surveillance devices (pens, necklaces etc.) and permit the recordings in court. Due to the scientific impacts of trauma on the brain, victims of crime cannot easily recall all the details of their assault in a sequential manner. However, the current legal system expects them to do just that (and in an open court environment that is also very anxiety-provoking for most people). This practice isn’t aligned with research on the effects of trauma on the brain and should be changed.
- Continued training and knowledge to those involved in these cases is essential to respond and understand the complexity of such matters more effectively.
- Specialist support workers for each victim to provide one-on-one support. Audio Visual Link opportunities for victims.
- Increase access to services through resourcing. Currently, past sexual assault incidents are not given priority and that is why many of the women have a historical experience that is still impacting on their day to day life. Not all victims see the judicial system as the vehicle for their recovery.

*Reporting of sexual assault*

Relatively few sexual assault complaints to Police lead to criminal proceedings and even fewer result in convictions. Approximately what percentage of your clients have disclosed to you that they have been sexually assaulted?

Range of responses

(81, 80, 70, 66, 60, 60, 65, 50, 50, 46, 46, 40, 26, 25, 25, 32, 28, 20, 15, 5)

Average across 21 responses

42%

Approximately what percentage of them have reported to Police?

Range of responses

(49, 40, 20, 15, 10, 10, 30, 15, 15, 12, 12, 8, 6, 6, 6, 3, 2, 2, 1, 0)

Average across 21 responses

12%

What reasons have your clients given if they don’t report to Police?



- Fear, shame, guilt. Having to tell your story for statements, the court process. The time the matter takes to be finalised through the court process.
- Not being believed. Shame. No evidence.

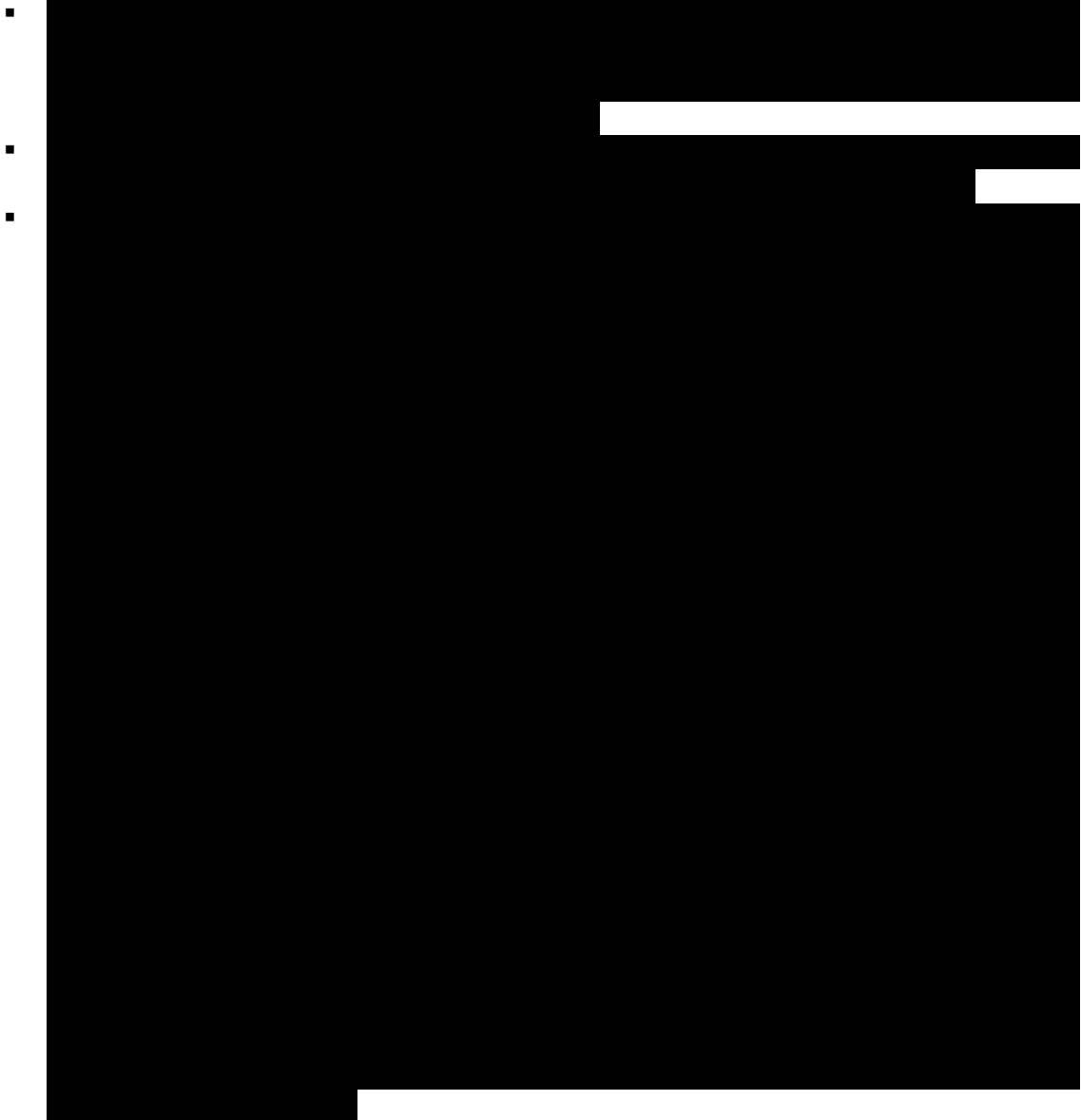
- Fear, shame, lack of faith in the justice system.
- They won't have their statements handled sensitively. They already feel extremely ashamed about the sexual assault and blame themselves, and telling someone like the police will only make it worse/increase those feelings. They may not be believed or taken seriously. The process is too slow – telling the police is only one part of the hard journey ahead.
- Not believed, judged, humiliation, untrained police, nothing becomes of report to police.
- Fear.
- Not wanting to go through the court process.
- Women presenting domestic violence and later disclosing sexual assault – the reasons for not reporting are predominately survival based along with shame, and a belief they will not be believed.
- The sexual assault has occurred during the relationship and eventually they leave/call the police for domestic violence but the sexual assault is not disclosed.
- Organised crime links / fear / distrust.
- Fear of the trauma of the process, distrust of the system, fear they won't be believed, fear of reprisal from perpetrator, past bad experiences with police.
- Fear they won't be believed, issues with police being understanding, fear of repercussions by perpetrator, embarrassment, shame, self-blame, not willing to talk about it.
- Not believed, police were "friendly" to Person Of Interest (POI) when responding to call, police commented on Person In Need Of Protection (PINOP) behaviour, police not actively listening, fear of court process.
- Shame, fear of not being believed, fear of ramifications from perpetrator and community in small town.
- They aren't prepared to go through the trauma when they know the conviction rates.
- They don't believe they will be heard or believed.
- Fear: of not being believed, of being blamed, of court processes, will impact on their visa/residency status/application. Fear husband will send them back to a country where they risk being killed. Feeling shame and self-blame. Fear their family will find out and the cultural ramifications – honour killing. Fear it will impact on their employment. Fear it will impact on Family Law Court proceedings. Fear of being triggered if talking about it.
- Fear the police won't believe them, knowing that others have previously gotten off, and the stigma around sexual assault.
- Fear of and distrust police, shame, guilt, cultural and language barriers, fear of repercussions, lack of knowledge of support services/Court/police.
- They are embarrassed and think it is their fault, particularly if the incidents are historic.
- They vast majority of our referrals come from police, hence our high reporting statistics. General understanding and knowledge regarding the rarity of convictions and trauma of investigations and trial generally behind reluctance to report.

### *Survivor stories*

Please share any de-identified case studies of the challenges your service faces in supporting survivors of sexual assault or examples of your advocacy that you feel may be useful to bring to the attention of the inquiry.

- Our clients mostly report good experience lately with police and sexual assault specialist services/health etc. and sensitive treatment by investigation and support services. It is the trial process itself that is traumatising, particularly cross-examination.

- Women with disabilities may not tell anyone for some days which makes collection of forensics difficult. They also are not seen as good witnesses by the police. My experience of women who have cognitive disability or brain damage from past assaults is they are sexually assaulted and victimised more due to their powerlessness.
- Lack of therapeutic supports in our region. Victim blaming and lack of education with the Police Force.
- Providing evidence for a sexual assault is one of the most challenging and distressing issues for victims. Usually the crime is so well concealed/hidden from public view and orchestrated by perpetrators. It's hard to legally prove rape inside a marital/intimate partner relationship for similar reasons it's hard to prove incest. The psychological abuse or fear instilled in victims makes them reluctant to come forward. The low conviction rate reinforces their concerns about speaking up. If victims could use surveillance devices (e.g. in cases where there's ongoing sexual assault) or potential victims could wear them on occasions where they fear there's a risk of sexual assault, and the legal system permitted the evidence gathered on devices more readily, it could dramatically help victims (and successfully prosecute perpetrators). If police and other staff in the justice system were more focused on asking questions about the perpetrator's behaviour versus what the victim was wearing (victim blaming questions), this would also be helpful.
- Limits in safe places to house these victims, waiting lists for intense counselling services, lack of trained services/staff.
- Funding unfortunately.
- The needs of domestic and family violence survivors are complex. There is a significant chance that women who present with domestic violence have also endured sexual assault. Dealing with the domestic violence is often all they can cope with emotionally, logistically and financially. Particularly women with children who are aiming to arrange through the courts safe living arrangements for themselves and their children. This can take years and be harrowing enough in itself if the perpetrator uses the Family Law Court as the last bastion of power. Addressing the sexual assault charges is almost unthinkable for women with children unless the ex-abuser has sexually abused the children as well.
- Support after the incident, now where to live, lack of money, lack of long term support.
- 
- 



- A lot of the clients I have dealt with are homeless and victims of domestic violence, in these case the fear of not been believed is huge. We have been able to offer support and referrals for counselling however a lot of the time the client does not want to dig up these memories, we do what we can to make their life a little better by finding them somewhere safe to live however at the end of the day if the client does not wish to talk about it there is not much more we are able to do.
- Many trans-gender women are victims of ongoing sexual assault, harassment and rape and their experiences of police means that they don't bother reporting. Experiencing these types of crimes on such a regular basis means that they feel there's no point in reporting. Many are afraid of negative responses towards their sexual orientation as well. If they are sexually assaulted etc. by police, which has been disclosed to staff (women clients have also stated this), it would be very rare to take this further.
- As a women's only domestic violence and court advocacy service, we are untrained in dealing with sexual assault victims. We need more training.



## *Other issues*

- We are a domestic violence service and so we know a lot of sexual violence will be occurring yet remains undisclosed or unreported.
- The Sexual Assault Report Anonymously (SARA) system is a valuable way for victims to tell their story and have the confidence if they choose to pursue the matter, this will support the process.
- The importance of community and social attitudes towards consent play a large role in the ways individuals/communities view sexual assault. Community education is also necessary if there is to be a change. Starting in schools, media campaigns and in workplaces to readdress some of the many negative social stereotypes regarding consent/sexual assault.
- Sexual assault within families - between siblings and in intimate partner relationships is more common than we think. It's so hard to prove anything for victims going through this. A perpetrator should never be exonerated in the instance where the victim was under the influence of drugs or alcohol and thus had non-consensual sex. Just because she isn't saying no, doesn't mean she's saying yes! There's a rape culture in our society that is reflected in our patriarchal judicial system and the prevalence of male-biased decisions/outcomes that needs to be radically addressed.
- Listen to the clients, it's their journey of experience.
- There is a need for an up-to-date piece of research to ascertain the percentage of women who present with domestic violence and later disclose sexual assault and don't report it. A better understanding of its prevalence may help to inform how services and courts respond to domestic violence survivors initially.
- Prevention programs should be added as a compulsory part of the school curriculum. If they are already in place they should get more funding.
- When we run Love Bites with year 10 high school students the issue of consent is clearly quite critical. [REDACTED]
- I have facilitated domestic violence groups where women discuss sexually assault, it always leads to discussion on 'shared knowledge' of police response being one of victim blaming. Even if a 'victim' has had a professional response and shared her experience, the common dialogue by women is to avoid reporting. This is increased by the feeling women have had when the response to domestic violence incidents by police is not supportive to the women.
- Our current system is not working. It doesn't support victims and is too ambiguous for the other party around did they consent or not.
- The challenges faced by women and lack of understanding of some services re how sexual assault impacts on every aspect of a woman's life. The need for specialist domestic violence services continues to grow in line with the problems however funding to enable those needs to be met continue to diminish.
- I know from my own personal experience, it would not report due to fear of not being believed and it being easier not to be judged for what had occurred and knowing that the sentences on sexual assault are way too lenient and it would not be worth the emotional trauma it would cause going through it all over again.
- Sending lured photographs over social media is getting more and more people into troubled territory, particularly with the absence of consent, or the absence of clear consent.