

**The Hon Marcia Neave AO  
Commissioner  
Australian Law Reform Commission**

**The Hon Judge Liesl Kudelka  
Commissioner  
Australian Law Reform Commission**

Dear Ms Neave AO and Judge Kudelka,

**Submission to the Australian Law Reform Commission's Inquiry into Justice Responses to Sexual Violence in Australia**

We write to you as independent Co-Chairs of the Oversight Committee for the ACT's Sexual Assault (Police) Review (the Review), following our letter of 27 February 2024.

The Review was established in May 2022 in response to Recommendation 15 of the *Listen. Take Action to Prevent, Believe and Heal* Report (SAPRP Report), which recommended the ACT Government establish and fund an independent cross-agency taskforce to review reported sexual assault cases that were not progressed to charge.

The Sexual Assault (Police) Review Oversight Committee was established to lead the Review, with ourselves as independent Co-Chairs. Other members of this cross-agency Oversight Committee included: the Chief Police Officer, the Director of Public Prosecutions, the Victims of Crime Commissioner and the Domestic, Family and Sexual Violence Coordinator-General.

The Review has conducted a review of sexual offences reported to ACT Policing between 1 July 2020 – 31 December 2021 that did not progress to charge, as well as any additional matters that did not progress to charge and were referred to the Review by victim-survivors. This includes cases deemed unfounded, unclear or withdrawn and involves consideration of penetrative and non-penetrative sexual offences.

For your background, the Review's Terms of Reference provided that the purpose of the Review is:

- a) to better understand the reasons for the low number of sexual offence reports proceeding to the point of charge, including but not limited to:
  - a. identifying whether current police processes are being adhered to and whether any changes should be made to police processes in relation to the conduct of investigations;
  - b. identifying whether decisions are legally sound in all cases and whether those decisions are clearly recorded, reviewed and communicated to the Director of Public Prosecutions and the complainant;
  - c. identifying any systemic cultural or practical changes or additional services that may be required to better support child and adult complainants and uphold their rights under the Victims Charter; and
  - d. any other relevant matter.
- b) for each case reviewed, to:
  - a. identify what, if any, further investigation should be undertaken;
  - b. identify whether there is a reasonable prospect of conviction after the investigation; then
  - c. consider whether criminal charges should be laid.

On 28 March 2024, the Oversight Committee delivered our Report to ACT Government. The Report identified that the reason why so few cases progress to the point of charge in the ACT context is because there is limited investigation of sexual offences. This is explained through an analysis of data across 6 themes and the lived experiences of victim-survivors.

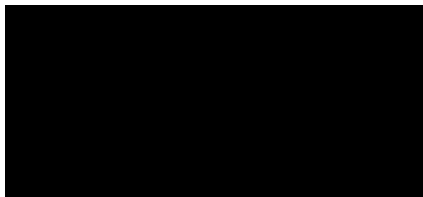
In response to these findings, the Report made 28 Recommendations which seek to support policy, practice, and process improvements that, if implemented, may improve victim-survivor experiences engaging with police and could reduce the ACT's high attrition rates.

The ACT Government has publicly released the Report and will release their official response in this term of government. We are pleased to enclose the Report with this letter. The Report is also accessible online at <https://www.act.gov.au/open/sexual-assault-police-review>.

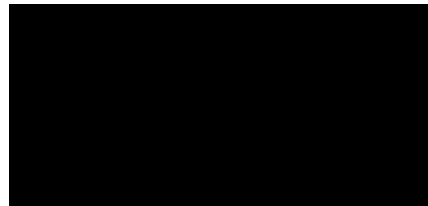
We consider the Report is particularly relevant to questions 6 and 7 of the Issues Paper.

We are available to provide further information as relevant to support you in undertaking this important inquiry and we look forward to meeting with you on Tuesday, 28 May 2024 to discuss this work further.

Kind regards,



Karen Fryar  
Co-Chair, Oversight Committee  
Sexual Assault (Police) Review  
**23 May 2024**



Professor Christine Nixon  
Co-Chair, Oversight Committee  
Sexual Assault (Police) Review  
**23 May 2024**