

30 May 2024

Christopher Ash
Principal Legal Officer
Australian Law Reform Commission
Via email to [REDACTED]

Dear Christopher

Embolden is pleased to submit a response to the Australian Law Reform Commission (ALRC)'s Inquiry into justice responses to sexual violence.

Embolden is the peak body for domestic, family and sexual violence (DFS) services in South Australia, representing 23 member organisations and services delivering specialist DFS services across our state.

Embolden endorses and commends to the ALRC the response to the Inquiry provided by Yarrow Place Rape and Sexual Assault Service, which is a member of Embolden. Yarrow Place sits within the Health and Recovery, Trauma Safety Services of the Women's and Children's Health Network and is South Australia's lead specialist sexual violence service. Yarrow Place is SA's representative on the national peak body NASASV, the National Association of Services Against Sexual Violence. Yarrow Place's submission to the Inquiry has been informed by specialist expertise and practice experience, and in consultation with victim-survivors of sexual violence.

Along with Yarrow Place, Embolden supports systemic changes that improve access to and outcomes from criminal justice processes for victim-survivors of sexual violence, and that reduce potential re-traumatisation for victim-survivors and witnesses in sexual violence offences. It is critical that justice responses reflect current leading practice understandings and principles of consent and victim-survivor rights and that any national harmonisation is aligned to leading practice.

[REDACTED] settings, to enhance the likelihood that [REDACTED] trauma-responsive; [REDACTED] victim-survivors of sexual violence to [REDACTED] justice processes, while maintaining [REDACTED] efforts to improve current criminal justice responses;

- the strengthening of supports for victim-survivors to understand and exercise their rights through criminal justice processes, including the availability of independent legal advice throughout proceedings and 'justice navigator' services that are culturally safe for First Nations and culturally and linguistically diverse women and are accessible.

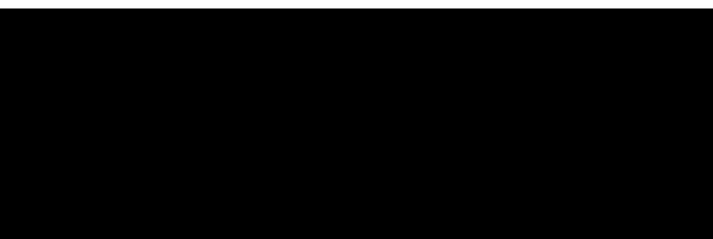
In February of this year, Embolden provided a submission to the South Australian Government's review of sexual consent laws and related criminal justice processes. This submission, which is available [here](#), outlined Embolden's position on a range of procedural issues that are also being considered through the ALRC's Inquiry. These include: directions to juries/jud [REDACTED], protections for victim-survivors such as ground rules and evidence recording hearings, and strengthening victim-survivors' right to privacy.

In relation to evidence recording hearings, Embolden's position is that all victim-survivors of sexual violence should have the right to choose whether they appear in person in court proceedings or have their evidence pre-recorded, regardless of their age at the time of the alleged offence or subsequent criminal justice process. Additionally, Embolden is opposed to blanket provisions allowing defendants to be present, albeit not seen by the 'vulnerable person', at evidence recording hearings. It is difficult to reconcile such provisions with the primary objective of evidence recording hearings to reduce the risk of systemic re-traumatisation for victim-survivors of sexual violence. An option would be to allow the defendant to be present only on the prior agreement of the complainant, with the complainant having access to no-cost independent legal advice.

Embolden also supports continued action nationally to develop and embed ground rules hearings and the intermediary supports required for victim-survivors experiencing additional barriers.

To realise their benefits for victim-survivors, changes to criminal justice processes must be supported by robust and ongoing education of the police and judiciary, in partnership with sexual violence specialists, and evaluation and monitoring of outcomes. Ideally, criteria and requirements for evaluation and monitoring would be embedded within relevant legislation.

Thank you again for the opportunity to respond to the ALRC's Inquiry into justice responses to sexual violence. Any correspondence can be directed to Mary Leaker, General Manager Embolden at [REDACTED]



Maria Hagias Susie Smith
Co-chairs, on behalf of the Board of Embolden