



By email: [jrsv@alrc.gov.au](mailto:jrsv@alrc.gov.au)

Wednesday, 31 January 2024

To Whom It May Concern,

I am writing regarding the inquiry into **Justice Responses to Sexual Violence** in Australia.

I note that the inquiry, led by practitioner Marcia Neave and Judge Liesl Kudelka, is tasked with consideration of how to strengthen and harmonise sexual assault and consent laws to improve the experience for victim-survivors. The final report to the Attorney-General is due by 22 January 2025.

Any endeavour that aims to improve the process for victim-survivors is a worthy one.

It's my understanding that, under the scope of the inquiry, the Australian Law Reform Commission (ALRC) will employ a trauma-informed and holistic approach to support all stakeholders, particularly victim-survivors of sexual violence, and to minimise re-traumatisation.

I'm writing to ask if "all stakeholders", as listed above, includes those who have been accused of crimes, but not convicted? It could be suggested that any holistic review would also consider such matters.

It is a cornerstone of our legal system that defendants are innocent until proven guilty. However, the system, in its current form, allows the public identification of accused individuals, while, at the same time, protecting complainants. (I note that Queensland has recently fallen into line on this position as well).

It is, without doubt, necessary to offer complainants the protection of anonymity.

However, it is a punishment in itself for a defendant to be publicly named, prior to any conviction. Further, in some cases, a finding of guilt is not reached, but the accused has already paid a heavy price – often through reputation damage, lost earnings, and other 'pre-emptive' and long-lasting outcomes. They too, have suffered trauma at the hands of the system you are currently reviewing.

There have been high profile cases in recent times that illustrate this point. Any review must also take caution to further avoid, and improve, a situation where the law can be weaponised by a vexatious complainant or those with an ulterior motive.

We already see Apprehended Domestic Violence Orders (ADVOs) and false accusations regularly used as tactical weapons in matters of family law and civil disputes.

**I please implore you to give consideration to this point when conducting your review.**

Kind regards,

