



Health
Women's and Children's
Health Network

29th May 2024

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

yarrowplace
rape and sexual assault service

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Dear Christopher,

Yarrow Place is pleased to have the opportunity to provide a response to the Justice Responses to Sexual Violence.

Yarrow Place is part of the Women's and Children's Health Network within SA Health and is situated within the Health and Recovery, Trauma Safety Services Division. We are South Australia's lead specialist sexual violence service, representing the State on the Board of NASASV (National Association of Services Against Sexual Violence) and Embolden, South Australia's peak body for domestic, family, and sexual violence.

Yarrow Place has specific expertise in sexual violence in that we provide both therapeutic interventions / supports and forensic healthcare responses to victim survivors of all genders who are over 16 years of age at the time of assault. Additionally, we deliver therapeutic care to young people in State care who are being subjected to Child Sexual Exploitation.

Attached to this letter is our detailed response to the questions posed in the submission process. This response is inclusive of the voices of some of the victim survivors who are part of our Consumer Engagement (Lived Experience) committee.

In summary, Yarrow Place welcomes the exploration of options for enhanced outcomes for victim survivors. Initiatives such as specialist sexual violence courts (or specialist listings) aim to reduce the trauma and impact of justice involvement, which many of our consumers experience currently. We support enhanced restorative justice opportunities, not as a replacement for improvements to the current system, but as a means of providing greater choice for victim survivors in South Australia.

Moreover, Yarrow Place conducts between 300 and 400 Forensic Medical Examinations or 'Just In Case' forensic procedures annually. We are keen to explore barriers to fully utilising this and other evidence to achieve justice outcomes for our consumers. Our consumers report that the justice system is often re-traumatising, with long delays, lack of transparency, and complexities that increase anxiety on their journey to justice; with very few experiencing an outcome that meets their expectation or need.

Strengthening our justice responses to sexual violence in South Australia and nationally is imperative. It holds perpetrators accountable and provides victim survivors with pathways that contribute to their safety and healing.

Kind regards,

[REDACTED]
Sarah Cooper & Kate Travers – Co-Managers Yarrow Place

Yarrow Place – Justice Responses to Sexual Violence submission:

Questions 1-4:

- Enhance Reporting Mechanisms:
 - Improve existing mechanisms for reporting sexual violence to make them more accessible and supportive for victim survivors.
 - Implement options for anonymous reporting, which can help identify repeat offenders and reduce victim survivors' fear of retaliation.
- Simplify Legal Processes:
 - Simplify the legal process for victim survivors by providing clear guidance and support through judicial proceeding to make the system more user-friendly and trauma aware.
 - Increase transparency in judicial decision making, ensuring victim survivors are informed and understand the rationale behind outcomes.
- Standardise Reporting Methods:
 - Develop and advocate for standardised reporting methods across Australia to ensure consistency and reliability in handling sexual violence cases.
- Research and Inclusivity:
 - Yarrow Place is conducting state-based research into barriers to help seeking and reporting for survivors of sexual violence. This research highlights that certain groups, including Culturally and Linguistically Diverse, Aboriginal, LGBTQIA+, rural and remote communities and older people, face additional barriers. Any changes should be inclusive and involve consultation with these vulnerable communities.
- Additional Recommendations:
 - Consistency and safety – ensuring consistent responses and information provided to victim survivors. Recommending specialised officers to ensure safe and supportive responses.
 - Centralised information – creating a centralised location for information regarding services and options.
 - Community Awareness – Increase community awareness about services, reporting options, and consent. Many lived experience committee members did not initially report to police or a service provider, and some did not recognise the offence as sexual violence at the time of the assault.

Questions 5-7:

- Safety Concerns with reporting:
 - Most lived experience advocates did not feel safe reporting to police due to fear of the response and risk of further traumatisation. Those from vulnerable groups such as consumers identify as Aboriginal and / or LGBTQIA+ as well as those living with a disability, faced additional concerns and barriers, resulting in most not reporting.

Consistency of Responses:

Responses highlighted the importance of consistency. Some lived experience advocates reported safe experiences with police, where others felt unheard or unsafe. Advocates who received a positive response felt it aided in their healing and progress in proceedings.

Training for Police:

- We suggest extending the current DFSV training to all police officers, including general duty officers and first responders.
 - Provide specialist training and support with input from lived experience advocates.
 - Positive feedback has been received on the value of training this includes lived experience voices / perspectives.
- Trauma Informed Responses:
 - Advocate for trauma-informed responses for all sexual violence survivors, regardless of their relationship to the perpetrator.
- Addressing Communication Difficulties:
 - Address communication difficulties faced by survivors by reinvigorating the previously available Communication Pathways Program.
 - Raise awareness of how trauma can create barriers to communication beyond recognised communication difficulties.

Questions 8-10:

- Yarrow Place would welcome any opportunities to enhance trauma informed responses to victim survivors.
- All lived experience advocates reported that they found contact with the DOPP distressing and traumatising at times.
- Advocates advised that the questioning often felt accusatory, as though they were to blame for the crime. Many stated that they would not go through the process again if given a choice.
- Victim survivors felt they needed better support and guidance throughout this process.
- Training to DOPP staff to ensure trauma informed responses and awareness of the process's impact on victim survivors.
- Allow victim survivors to have their own legal representation throughout the process rather than serving as a witness in their own cases.
- Offer more information and support regarding Witness Assistance Services and where possible utilise a "navigator" role to support the victim survivor in negotiating the complex systems.

Questions 11-13:

- Introduce specialist courts or listings to improve court experiences for survivors.
- Utilise audio-visual recording to reduce the impact on survivors when giving evidence.
- Address barriers caused by time delays in the court process.

Questions 18-20:

- Support research on the impact of on memory, and responsive behaviour in sexual violence cases.
- Recognition given to current efforts but see significant opportunities for improvement in SA.
- Advocate for Judge-alone trials in specialist courts or listings to minimise the influence of myths and misinformation on survivor testimony.

Questions 45 – 47:

- Welcome improvements and extensions to restorative justice options in SA.
- Value providing greater choice for survivors.
- Emphasise the importance of also strengthening criminal and civil justice options.

Advocate for consumer-led input in designing restorative justice models for sexual violence cases.

Advocates recommended:

- Sexual violence specific disclosure scheme for victims to identify repeat offenders, even outside of the context of domestic and family violence.
- Address defamation laws that silence victim survivors, allowing them to speak out against sexual violence.
- Ensure impact statements are read based on survivors' wishes. Some survivors feel the need to voice their impact, while others do not want offenders to know how it affected them.
- Provide support and protection for survivors across other systems, such as the Family Court.