



NASASV

NATIONAL ASSOCIATION OF SERVICES
AGAINST SEXUAL VIOLENCE

www.nasasv.org.au

NASASV Submission

Australian Law Reform Commission Inquiry into Justice Responses to Sexual Violence

June 2024

Acknowledgements

The National Association of Services against Sexual Violence wishes to acknowledge state member agencies who contributed to this submission directly.

NASASV also wishes to acknowledge and thank the many sexual assault victims who, in sharing their experiences with our member services, continue to inform our practice and support our work to prevent sexual violence.

NASASV acknowledges Aboriginal and Torres Strait Islander peoples as Australia's First Nations and Traditional Owners and custodians of Country. We pay respects to Elders past and present. We acknowledge that sovereignty was never ceded and recognise their continuing connection to land, waters, and culture.

About NASASV

The National Association of Services against Sexual Violence (NASASV) is the peak body for over 120 specialist sexual assault services who provide prevention, response and healing and recover services to people who have experienced sexual violence in Australia. Our goal is the elimination of sexual violence through increasing community awareness, advocacy to improve policy and legislation and promotion of good practice to improve services to victims of sexual violence.

Specialist sexual violence services support adult and child victim-survivors of all genders with a continuum of services across the lifespan. They offer a suite of specialist services that sit across all four pillars of the National Plan.

Prevention and Early Intervention

- Sexual violence prevention – consent and RRE in schools
- Early intervention initiatives for groups who experience increased risk of sexual violence
- Training for frontline and allied health workers - sexual violence education, responding to disclosures, etc.
- Training and secondary consultation to community organisations

Response

- Trauma specialised crisis support and assistance to access medical and forensic care.
- Support with reporting to police and dealing with the criminal justice system.
- Legal advocacy and court support

Healing & Recovery

- Recovery focused specialist counselling using evidence-based trauma therapies
- Therapeutic group work to promote healing and recovery
- Counselling support for partners and family members.
- Therapeutic services for young people who have engaged in harmful sexual behaviours

In assisting those living with the effects of sexual violence, Sexual Assault Services under the umbrella of NASASV recognise that the mental health impact of sexual violence is a traumatic reaction. Service provision is trauma informed and specialised, based on frameworks of international best practice for working with trauma and provided within a framework of quality assurance and continuous improvement.

More information about NASASV is available on our website at [NASASV](#)

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Approach to this submission

NASASV welcomes the opportunity to provide feedback on the Australia Law Reform Commission (ALRC) Justice Responses to Sexual Violence Issues Paper (issues paper).

There is no question that considerable policy, systemic, and justice reform is urgently required in sexual violence prevention and response across the nation.

As the national peak body for specialist sexual violence services, NASASV is well placed to comment on recommended policy and system reform in the prevention and response systems however jurisdictional differences in legislative and justice responses makes a uniform approach to justice reforms more challenging.

NASASV therefore acknowledges the important contributions of the submissions to the ALRC from our state based sexual violence peak body colleagues Sexual Assault Services Victoria (SASVic), Queensland Sexual Assault Network (QSAN), and the Centre for Women's Safety and Wellbeing of Western Australia (CWSW), each of whom are best placed to comment on specific recommendations to address the needs of their various jurisdictional environments.

The focus of this submission is therefore on overarching cross-jurisdictional recommendations in addition to broader system reform.

Sexual violence rates in Australia are high and reports of sexual assault are increasing. Recent data has clarified that sexual violence is even more common than previously understood. Responding to the impacts and effective prevention of future sexual violence will require significantly more investment over time.

Sexual violence rates in Australia are high and increasing

Recent ANROWS¹ data (2022) shows the lifetime prevalence of sexual violence has been underestimated:

- 51 per cent of women in their twenties have experienced sexual violence
- 34 per cent of women in their forties
- 26 per cent of women aged 68 to 73
- First nations women report three times as many incidents of sexual violence as non-Indigenous women
- 1 in 25 men have experienced sexual assault
- More than 1 in 10 girls experience sexual abuse before the age of 15
- Women who experience childhood sexual abuse are three times more likely to experience sexual assault later in life. For men, the risk is five times greater

¹ Townsend, N., Loxton, D., Egan, N., Barnes, I., Byrnes, E., & Forder, P. (2022). A life course approach to determining the prevalence and impact of sexual violence in Australia: Findings from the Australian Longitudinal Study on Women's Health (Research report 14/2022). ANROWS.

- In 2021, police recorded a 13% increase in victims of sexual assault on 2020 – this represents the 10th year in a row of increased reporting. In 2019, 44% of all sexual assault victims recorded by police were aged under 15 years; 24 % were aged between 10 and 14 years².

These alarming statistics highlight that sexual violence is much more common than previously thought and suggests that responding to the impacts and effective prevention of future sexual violence will require significantly more investment over time.

Impact of this increase on specialist sexual violence services

- Increase in demand for specialist sexual violence services across the country
- Some parts of Australia still have no access to specialist sexual violence services
- Due to increasing demand, victims in some areas face lengthy waits for counselling
- To respond to the high number of new referrals, services are limited to providing short-term counselling for their existing clients
- Sexual violence services are not resourced to undertake prevention work, but schools frequently seek their support to deliver consent education
- Sexual Violence sector continues to experience workforce issues across the nation and at all levels (counsellor/team leader/manager/prevention staff).

Response & Recovery System Reform

It is necessary when considering responses to sexual violence to acknowledge that the justice process is just one part of the sexual violence response and recovery system and one part in the healing journey for a victim-survivor. The true healing and recovery process for the victim-survivor only really begins with the completion of the justice process. Specialist sexual violence services walk alongside victim-survivors throughout the entire of their healing and recovery journey, including and well beyond the justice process. It is imperative therefore that any justice reform is accompanied by corresponding investment into the specialist sexual violence sector.

Equity of access to FMEs across the country

There are many parts of this country where victim-survivors of sexual assault have no access to specialist forensic and medical services. Forensic and medical examinations are the critical first step for those who have been recently sexually assaulted towards pursuing a justice response to the crime committed against them. A lack of access to forensic and medical examinations effectively prevents victim survivors from access to process of justice.

NASASV strongly recommends the development and implementation of accessible models for the delivery of forensic and medical examinations for regional and remote areas to ensure all victim-survivors of recent sexual assaults have access to justice responses. Specialist sexual violence services should be at the centre of the development of forensic and medical examination service models.

² [Personal Safety, Australia, 2016 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au)

Investment in specialist sexual violence services

Specialist sexual violence services throughout the nation are gravely underfunded. Further to this, there are many parts of Australia which have no access to specialist services at all.

It is widely understood that when victims receive timely support and evidence-based therapeutic responses from specialist sexual assault services that the harmful trauma impacts they experience can be greatly reduced. Chronic delays in receiving treatment and lack of access to sexual violence services can result in enduring episodic impacts for victims across multiple domains of their life throughout their lifespan. The costs to our society are profound, resulting in adult and child citizens whose life potential, job prospects, and capacity for healthy relationships and community connections are significantly reduced. Strengthening the availability and capacity of our national sexual assault sector to respond early to victims' needs will promote more rapid recovery and prevent the development of complex and entrenched symptoms.

NASASV strongly recommends that significant investment in the specialist sexual violence sector is required to ensure that the full suite of supports provided by specialist sexual violence services are available to all victim survivors throughout the country regardless of where they live.

The importance of investing in the existing specialist sexual violence sector was clearly identified in the Royal Commission into Institutional Responses to Child Sexual Abuse³ which in it recommended (Recommendation 9.6):

Volume 9. Advocacy, support and therapeutic treatment services recommendations.

Enhancing the capacity of specialist sexual assault services

Recommendation 9.6

The Australian Government and state and territory governments should address existing specialist sexual assault service gaps by increasing funding for adult and child sexual assault services in each jurisdiction, to provide advocacy and support and specialist therapeutic treatment for victims and survivors, particularly victims and survivors of institutional child sexual abuse. Funding agreements should require and enable services to:

- a. be trauma-informed and have an understanding of institutional child sexual abuse
- b. be collaborative, available, accessible, acceptable and high quality
- c. use collaborative community development approaches
- d. provide staff with supervision and professional development.

It is disappointing that in 2024, we are yet to see the implementation of this recommendation or any significant investment in resourcing the specialist sexual violence sector.

Currently access to specialist services is largely dependent on where a victim-survivor is located. Further to this, existing specialist services are not sufficiently resourced to provide the full range of service supports to all who require them with consistency as they struggle to manage the increasing demand for services.

NASASV strongly recommends that all specialist sexual violence services throughout the country should be sufficiently resourced to ensure they can consistently offer the full range of services to adult and child victim survivors seeking support. Adequate resourcing of specialist services would ensure the delivery of best practice service models with an increased focus on collaborative multiagency working to reduce the risk re-traumatisation and improve engagement with justice processes and their wider support systems. Furthermore, adequate resourcing of specialist services would enable a greater focus on primary

³ [Royal Commission into Institutional Responses to Child Sexual Abuse | Final Report Recommendations | Volume 9: Advocacy, Support and Therapeutic Treatment Services Recommendations](#)

prevention and targeted early intervention initiatives which specialist sexual violence services are best placed to deliver.

NASASV recommends that specialist sexual violence services throughout the country are sufficiently resourced to consistently provide the following range of services:

- Trauma specialised crisis support and assistance to access forensic examinations and medical services
- Support with reporting to police
- Support and advocacy to navigate the criminal justice system and legal processes
- Advocacy, referrals and collaborative multiagency working to meet the complex and holistic needs of victim-survivors
- Recovery focused specialist counselling using evidence-based trauma therapies
- Therapeutic group work to promote healing and recovery
- Counselling support for partners and family members
- Specialist therapeutic services for young people who have engaged in harmful sexual behaviours.
- Sexual violence primary prevention initiatives
- Early intervention initiatives for groups who experience increased risk of sexual violence
- Training for frontline, health and allied health workers
- Training and secondary consultation to community organisations.

Justice Responses

Only a minority of sexual victims report their assault to police. According to the 2016 Personal Safety Survey⁴, of the 639,000 women who experienced sexual assault by a male perpetrator in the ten years prior to survey, only 13% (86,000) contacted the police about the most recent incident. For those who do decide to report, participating in our current justice processes often proves too difficult with many victim survivors commencing the process of reporting only to become disheartened and become part of the attrition statistics. For those who do choose to continue through the criminal justice system, prosecution rates are low, and conviction rates are even lower leaving many victim survivors with a sense of having been denied justice. Victim-survivors frequently report that their experience of the legal process is as re-traumatising as their original assault. Universally, victims report that their experience of the legal system resulted in them being minimised as mere 'witnesses' to violent crimes that were committed against them. Legal reform that addresses this inadequate response is desperately needed to circuit break these current poor outcomes of our criminal justice systems for sexual violence victims and ensure legal accountability for those who use sexual violence.

Justice navigators

NASASV strongly recommends that the Commission consider recommending the introduction of Justice Navigators based in the specialist sexual assault sector. Justice Navigators are modelled on the UK's Independent Sexual Violence Advisors. The UK guidance for ISVAs states that:

⁴ [Personal Safety, Australia, 2016 | Australian Bureau of Statistics \(abs.gov.au\)](https://abs.gov.au)

*ISVAs provide impartial information to the victim/survivor about all of their options, such as reporting to the police, accessing Sexual Assault Referral Centre (SARC) services, and specialist support such as pre-trial therapy and sexual violence counselling. ISVAs also provide information on other services that victims/survivors may require, for example in relation to health and social care, housing, or benefits.*⁵

The UK Home Office states that the core principles of an ISVA are to:

- tailor support to the individual needs of the victim or survivor
- provide accurate and impartial information to victims and survivors of sexual violence
- provide emotional and practical support to meet the needs of the victim or survivor
- provide support before, during and after court
- act as a single point of contact
- ensure the safety of victims and survivors and their dependants
- provide a professional service⁶

The Victorian Law Reform Commission reported that ISVAs are ‘an example of a reform to a system that is effective, cost-effective and affordable, the establishment of [independent sexual violence advocates] is hard to beat’.⁷

It is crucial that Justice Navigators be independent of government, allowing them to advocate to police, prosecution departments and courts as needed, without fear of repercussions to their job or experiencing conflict from being employed by an agency they then need to criticise.

While we understand that the focus of the Commission’s Inquiry is on the legal process, it is important to note that Justice Navigators, like ISVAs, should be designed to be survivor-centric, and so provide support beyond the criminal justice process, both in terms of support prior to and post criminal justice proceedings and in terms of other support, ranging from while engaging in compensation or restorative justice proceedings to addressing needs around housing, responding to enduring records of sexual violence including online images, .

Justice Navigators extend and complement the work the Australian specialist sexual assault sector has done for decades in supporting victim-survivors through the criminal justice system. However, growing demand on services has meant that many specialist services have less capacity to do this work than in the past. Funding for Justice Navigators would address this negative trend. Justice Navigators complement the therapeutic work done with victim-survivors by the specialist sexual assault sector.

⁵ Home Office, *The Role of the Independent Sexual Violence Adviser: Essential Elements*, September 2017, p. 5. Available: <https://assets.publishing.service.gov.uk/media/5a823641ed915d74e3402543/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf>

⁶ Home Office, *The Role of the Independent Sexual Violence Adviser: Essential Elements*, September 2017, p. 3. Available: <https://assets.publishing.service.gov.uk/media/5a823641ed915d74e3402543/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf>

⁷ VLRC, *Improving the justice response system to sexual offences: report*, p.259.

Other justice recommendations

Specialisation

NASASV members strongly endorse the need for greater specialisation in relation to sexual violence in the court system. While different approaches are seen as appropriate in different jurisdictions, including specialist lists, specialisation of magistrates, barristers, solicitors and other legal workers and specialist courts, there is unanimity on the need for courts to understand the specific dynamics of sexual violence, including the long-standing barriers to justice and procedural fairness for sexual assault survivors.

Accountability

NASASV strongly recommends the introduction of independent scrutiny of prosecution decisions, through mechanisms such as independent panels.

Expert advice

NASASV is the representative body for the over 100 specialist sexual assault services in Australia, who work with many thousands of clients. In several states, policy development and quality improvement in relation to the criminal justice process is aided by expert advice from the funded sexual assault sector peak body. In the national context, however, there is no ongoing funding for NASASV, and the sexual sector is consequently hampered in its work to inform the Commonwealth's policy decisions. Funding for NASASV would strengthen policy advice to government, and, in turn, contribute to improved responses to sexual offending in the criminal justice system.

Workforce

Across the country, the specialist sexual assault sector has expanded; this, combined with an overall skills shortage, is creating significant difficulties for the sector to recruit experienced workers. There is greater churn than in the past, with a greater number of newer workers staying for shorter periods. Additionally, legislative and other reforms are changing, intensifying the need for the sexual assault sector to provide updated training on the legal process for its workers.

NASASV has developed evidence-based national [standards](#) to guide specialist services (National Standards of Practice Manual for Services Against Sexual Violence (Third Edition)). These standards provide an important resource to inform workforce development

Beyond the sexual assault sector, there is a welcome and increased expectation that generalist workers can respond to disclosures of sexual assault, including when to refer survivors into specialist services, who can in turn support them through reporting to police, accessing forensic medical examinations and other process related to the criminal justice system.

A specialist sexual assault funded workforce plan is needed to:

- identify strategies to recruit workers into the specialist sexual assault sector
- identify training and other capacity building needed to train specialist sexual assault workers, from novice workers through to workers' careers
- identify training and other capacity building needed to equip non-sexual assault sector services to respond appropriately to disclosures of sexual assault and identification of harmful sexual behaviour.