

Frequently Asked Questions

What is sexual violence?

For the Inquiry, the ALRC adopted the nationally consistent definition set out in the [National Plan to End Violence against Women and Children 2022–2032](#), which defines sexual violence as:

sexual activity that happens where consent is not freely given or obtained, is withdrawn or the person is unable to consent due to their age or other factors. It occurs any time a person is forced, coerced or manipulated into any sexual activity. Such activity can be sexualised touching, sexual abuse, sexual assault, rape, sexual harassment and intimidation and forced or coerced watching or engaging in pornography. Sexual violence can be non-physical and include unwanted sexualised comments, intrusive sexualised questions or harassment of a sexual nature. Forms of modern slavery, such as forced marriage, servitude or trafficking in persons may involve sexual violence.

About the problem of sexual violence

Sexual violence is one of the most common and serious harms confronting Australia today. It is experienced by many people in Australia across different age groups. Sexual violence is gendered. Most people who experience it are women and girls. Men are more likely to use it.

- Sexual abuse and violence
 - About 1 in 3 girls experience child sexual abuse, and about 1 in 5 women have experienced sexual violence since the age of 15.
 - About 1 in 7 boys experience child sexual abuse, and about 1 in 16 men have experienced sexual violence since the age of 15.
- Sexual harassment
 - In 2021-22, 13% of women had experienced sexual harassment in the last 12 months.
 - In 2021-22, 4.5% of men had experienced sexual harassment in the last 12 months.
- Different groups experience sexual violence at higher rates
 - Aboriginal and Torres Strait Islander women are estimated to be 3 times more likely to experience sexual violence than non-Aboriginal and Torres Strait Islander women.
 - About 21% of people with disability experienced sexual violence since the age of 15, compared to 10% of people without disability.

- A study has found that 48.6% of LGBTIQ participants reported having been coerced or forced into sexual acts, and 8.9% had experienced sexual assault in the past 12 months.
- About 70-90% of women in custody are estimated to have a history of emotional, sexual, or physical abuse.
- Data on the prevalence of sexual violence is limited for other groups, such as older people, women who are migrants, refugees or impacted by insecure visa status, and women from cultural and linguistically diverse backgrounds, but research suggests they have increased risks of experiencing sexual violence or face unique barriers to having their experiences recognised and addressed.

These figures may underestimate the true extent of sexual violence, because of limited data. For more information on the problem of sexual violence, and the sources that the ALRC drew on, see Chapter 2 of the [Final Report](#).

What is the ‘justice system’?

In the ALRC’s report the justice system is defined as the system that responds to criminal offences, civil unlawfulness, and other harms. It can include the courts, tribunals, regulators, police, solicitors, prosecutors, and counsel. The term is used broadly to include justice pathways such as restorative justice and victims of crime schemes. When referring to the system that responds to criminal offences, the report generally uses the term ‘criminal justice system’. The ALRC acknowledges that the justice system does not always feel just, or bring about just outcomes.

What did the ALRC hear?

The ALRC was guided by what people who have experienced sexual violence told us they wanted or needed from the justice system – their ‘justice needs’. Chapter 2 of the Final Report highlights the importance of:

- Having information and communication;
- Being able to participate, make choices, and have a voice;
- Feeling validated and recognised;
- Having the person responsible for the harm be accountable and for the criminal justice system to be accountable as well; and
- Feeling or being safe.

What has the ALRC recommended?

The ALRC's Final Report makes a total of 64 recommendations. The recommendations are broadly grouped into three categories:

- Addressing barriers to access and engagement with the justice system
- Strengthening the criminal justice system's accountability and justice system processes
- Expanding justice pathways and the remedies available

What happens to the recommendations now?

It is now up to the Government to review and consider the ALRC's recommendations for implementation.

How did the Inquiry come about?

In January 2024, the [Attorney-General referred an Inquiry into Justice Responses to Sexual Violence to the ALRC](#), as part of the Australian Government's commitment to strengthening and harmonising sexual assault and consent laws. The Inquiry's [Terms of Reference](#) directed the ALRC to seek the promotion and consideration of just outcomes for people who have experienced sexual violence, including minimising re-traumatisation.

Who led the Inquiry?

The Inquiry was led by ALRC President, [the Hon Justice Mordecai Bromberg](#), along with part time Commissioners [the Hon Marcia Neave AO](#), and [Judge Liesl Kudelka](#). The ALRC President and Commissioners bring a combined wealth of experience and expertise in law reform across a range of areas, including on the topic of sexual violence.

What has the Inquiry produced?

The Inquiry has produced an Issues Paper, and a Final Report *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*, along with an accompanying Summary Report. These documents, as well as all published submissions, can be found on the [ALRC website](#).