



STANDING COMMITTEE ON SOCIAL ISSUES

Legislative Council, Parliament of New South Wales

# **SEXUAL VIOLENCE: ADDRESSING THE CRIME**

Inquiry into the Incidence of Sexual Offences  
in New South Wales: Part II

## **SUMMARY AND RECOMMENDATIONS**

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The Social Issues Committee tabled the final Report of its Inquiry into Sexual Violence on 23 April 1995. The Report is over 530 pages in length and contains 203 recommendations for government action. The following document has been produced to provide a summary of the Report's major findings. It includes the Executive Summary, seven Key Recommendations and a complete list of the Report's Recommendations.

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## EXECUTIVE SUMMARY

In response to the findings of the International Crime Survey and consequent media headlines claiming Australia to be the most sexually violent of those nations surveyed, the Standing Committee on Social Issues was asked to inquire into the validity of this assertion. In doing so, it was also called upon to investigate other available statistics and emerging issues in the area of sexual violence. The Committee commenced its Inquiry on 8 September 1992 and in December the following year tabled and released its first report, *Sexual Violence: the Hidden Crime*. This publication examined, in detail, the results of the International Crime Surveys, along with incidence data from other nations, Australia and New South Wales. The conclusions from that study are reviewed in Chapter Two of this Report.

This Report, Part II of the Inquiry, examines emerging issues in the area of sexual violence. It is the result of extensive research that included 13 days of hearings with testimony from 56 individuals. Hearings were held in Parliament House, Sydney, as well as a number of regional rural areas including Lismore, Parkes, Broken Hill and Dubbo. A total of 65 written submissions were received during the course of this Inquiry.

In line with the Committee's first report, the parameters of this study are sexual violence experienced by women over the age of 18 years.

The Report has been divided into three sections which examine sexual violence from the perspective of the victim/survivor, the convicted offender and the community. The Report makes a total of 193 recommendations on a broad range of issues including, although not limited to, legislative change, training of medical officers, police officer in-service training, judicial education on gender issues, closed circuit television and one-way screens in the court room, sex offender management, community education and boys' education strategies,

Before each of the three sections are considered, Chapter Three provides an overview of sexual violence in the legal context. The Chapter examines the range of legislative changes to sexual violence law over the last 14 years. It also investigates the issue of consent as well as an accused's defence of mistaken belief as to consent. The Chapter explores the legal position in a number of other jurisdictions including, Victoria, Western Australia, the ACT and Canada. A range of recommendations are made in that Chapter, the aim of which is to improve the position of victims/survivors of sexual violence within the legal system without deleteriously eroding the rights of the accused. A number of those recommendations draw from the experiences in the abovementioned jurisdictions.

Section One, which looks at issues faced by the victim/survivor of sexual violence, is made up of Chapters Four to Nine. In particular, the Section reviews the services involved in providing the victim/survivor with support, care and justice.

Chapter Four looks at the first specialised service for victims/survivors of sexual violence in New South Wales - the Sydney Rape Crisis Centre. The Service operates from a confidential, community-based centre and provides a statewide service 24 hours a day, seven days a week. Given that funding for the Centre primarily comes from the New South Wales Health Department, any recommendations concerning the Centre are deferred to the Chapter Five which examines state-run services.

Chapter Five traces the steps taken by the victim/survivor who chooses to attend one of the state's Sexual Assault Services and a number of related issues. From the outset, the Committee clearly states its view that the provision of services to victims/survivors of sexual violence is to be considered a fundamental human right, not a privilege. It recommends the government accept this premise and use it as the overriding principle guiding the allocation of resources for the provision of services.

The Chapter looks at the current service provision model, the priority assigned to Sexual Assault Services, the balance of priorities and medical assessment and management. This latter issue examines in detail a range of associated concerns including medical under- and post-graduate training, continuing professional education and the innovative use of technology in in-service training. The Committee considers there to be an urgent need for all facets of medical education to equip doctors with a full appreciation of the impact sexual violence has upon its victims/survivors, the extent and nature of the violence and the doctor's role in overall victim care.

Given the traumatic and invasive nature of sexual violence, many female victims/survivors prefer a female medical officer to conduct the forensic examination. Such officers are, however, not always readily available. This concern, along with the proposed use of women's health nurse practitioners, is discussed in Chapter Five.

The Committee calls for the establishment of a Steering Committee to examine the provision of medical services to sexual assault victims/survivors, the availability of female medical officers, in-service training for interested medical officers and the use of innovative technology in the provision of that training.

Various research studies suggest that only a small number of sexual violence victims/survivors report to the police, and an even smaller proportion proceed past this point and on through the criminal justice system. The steps taken by the victim/survivor who reports the assault to the police are outlined in Chapter Six in addition to a number of related issues brought to the Committee's attention.

Submissions and evidence suggested the issue of greatest concern to be the attitude of police officers with many victims/survivors feeling they would not be believed or their complaint not taken seriously by the police. Accordingly, the Committee reviewed the various training programs undertaken by police officers who either directly or indirectly deal with victims/survivors of sexual violence. While the Committee is reasonably satisfied with the current Initial Response Officers Course, its greatest concern lies with the attitudes and practices of senior police officers and their potentially negative impact in relation to younger officers, resource allocation, operational procedures and complaints about police handling of sexual violence. The Committee considers there to be a real need to educate senior officers who would have undergone their initial training when violence against women was either ignored or not perceived as the responsibility of police. To increase police sensitivity to victims/survivors of sexual violence the Committee wishes to see a training module of sexual violence against women designed and made compulsory for all police (including officers in middle and senior management non-operational positions) who had not undertaken training in the area of sexual violence in the past five years.

The Committee also reviewed the Victorian Police Code of Practice for Dealing with Sexual Violence and found considerable merit in such a standardised approach. The Committee would like to see a similar Code devised and introduced into the New South Wales Police Service by December 1996. The final issue considered by the Committee related to the numbers of female police officers within the New South Wales Police Service. While increasing numbers of women are entering the Service and occupying junior ranks, there is a dearth of females in the more senior ranks. The Committee considers there to be numerous advantages in having significant numbers of female police officers in senior ranks. Such women would, for example, impact upon and change the police corporate culture which has traditionally been male-oriented. In doing so myths, stereotypes and negative attitudes held by male colleagues toward sexual violence victims/survivors would be challenged.

Chapter Seven details the process involved in those cases that proceed through the legal system. A number of specific issues were raised with the Committee given that many victims/survivors feel that progress through the judicial system is akin to "being raped all over again". The Committee made a number of

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recommendations designed to minimise the trauma for victim/survivor complainants and witnesses. Specifically recommendations called for the use of closed circuit television and one-way screens, the provision of private waiting areas, ready availability of support persons and the provision to close courts.

Attention is given to the issue of judicial attitudes, the need for judicial education and the establishment of a Gender Equity Taskforce. Consideration is also given to the attitudes held by jurors given that they are likely to have the same prejudices and negative attitudes and believe the same myths as society in general holds towards sexual violence.

A number of specific population groups and their particular needs are examined in Chapter Eight. Amongst those groups reviewed are Aboriginal/Torres Strait Islander victims/survivors, those from non-English speaking backgrounds, victims/survivors with disabilities (including physical, intellectual and psychiatric), victims/survivors in rural New South Wales, those from specific institutions such as church communities and prisons, lesbians and sex workers. While each group has its own specific needs which have been addressed, a number of recurrent themes arose in the discussion: the need for service providers, including police and judges, to treat victims/survivors with sensitivity, improved data collection and analysis, and access to the judicial system for all.

Chapter Nine reviews a number of government agencies that provide departmental policy and procedural advice on sexual violence issues in addition to liaison, cooperation and coordination across departments. Those agencies reviewed include the (now disbanded) Sexual Assault Committee, the Department for Women, the Premier's Council for Women, the Office of the Director of Public Prosecutions Sexual Assault Review Committee and the Victims Advisory Committee.

Assisting in the process of inter-agency coordination is the recently released set of inter-agency guidelines for responding to adult victims/survivors of sexual assault. The Committee sees the introduction of these guidelines as a positive step in inter-agency cooperation and coordination.

Section II examines issues associated with the convicted sexual assault offender. On this matter the Committee considers the primary issue to be that of managing the convicted sex offender (including treatment programs) to minimise the risk of re-offending. The Committee recognises that the issue of treating and managing sex offenders is a contentious one and that there are those who argue the inappropriateness of directing resources, particularly finances, to offenders when services to victims/survivors are so under-financed. The Committee does not see

the issue as an either/or situation: it is not a case of providing services to victims/survivors or treating sex offenders. The Committee realistically acknowledges that sex offenders will eventually be released back into the community and are likely to continue offending unless active steps are taken to challenge and change deviant behaviours. The Committee sees the provision of appropriate offender management strategies as essential in preventing more women from becoming victims/survivors of sexual violence.

Chapter Ten asks two fundamental questions in relation to the nature of sex offending: who is the offender, and why does he offend? In seeking an answer to the first question the profile of the sex offender is reviewed, including factors such as age, relationship to victim/survivor, socio-economic status and re-offending pattern. The second question is answered through a review of the various theoretical explanations of sex offending including organic and biological theories, development theories (including psychoanalytical and psychodynamic theories, learning and social learning theories), structural theories and eclectic approaches. In conclusion, the Committee accepts that no one factor causes perpetrators to be sexually violent and it is a complex interaction of numerous factors over time. The Committee also considered the eclectic explanation of sexual violence to provide the most complete understanding of sexual offending.

Once convicted, an adult male sex offender progresses through the criminal justice system, initially appearing in court and then proceeding through the correctional system. Chapter Eleven discusses issues encountered by the convicted sex offender that arise at each stage.

In Chapter Twelve the issue of offender management is examined in considerable detail. The Committee recommends that a sex offender management program be established and makes a number of recommendations detailing the direction the Committee wishes to see such a program take.

Chapter Twelve also reviews available treatment regimes including those that have an organic/physical basis as well as psychoanalytical and behavioural therapies and cognitive-behavioural regimes including the Kingston Sexual Behaviour Clinic in Canada. Existing programs in New South Wales were also reviewed including the programs at Cedar Cottage, the Special Care Centre, Long Bay Correctional Centre, the Juvenile Sex Offender Program, the former Sex Offenders' Assessment Program at the Cooma Correctional Centre and programs proposed by the Department of Corrective Services and the New South Wales Probation Services.



Included in the Chapter's recommendations are details of the proposed offender management program's guiding principles, structure, recruitment and assessment, course content (with a special emphasis on relapse prevention training) and post-release assessment and management. Consideration is also given to the location of the program, evaluation and research, community education and public relations, recidivism and the courts.

Having considered the needs of the victim/survivor for effective and appropriate services to provide support, care and justice and the necessity of managing convicted offenders effectively to minimise the risk of reoffending, the Committee's attention turns to the issue of prevention. Section III recognises that the community has a role to play in preventing women from experiencing sexual violence and men from becoming perpetrators. The Committee considers it essential that strong and effective preventative strategies be put in place to stop women experiencing sexual violence (Chapter Thirteen) and men from offending in this violent manner (Chapter Fourteen).

The section examines cultural attitudes and norms pertaining to men and women and discusses the impact society's values, power imbalances and gender roles have upon sexual violence. To put the chapters' discussions in perspective, the issue of gender construction - the process whereby males become "masculine" and females "feminine" and the definition of these terms in Australian culture - are also examined. One construction of masculinity, for example, assumes boys, and in turn men, are dominant, aggressive (both physically and sexually), strong and powerful. One construction of femininity assumes girls and therefore women, are the opposite - submissive, passive, weak and powerless.

Also underpinning the recommendations proposed in Section III are the myths that prevail throughout society about sexual violence, its victims/survivors and/or perpetrators. The myths say, for example, that women are in some way responsible for the sexual violence they experience, or they secretly want and enjoy the violence. Another set of myths say that men can't control their sexual urges, or "real" men don't take "no" for an answer. The Committee considers it imperative that all false sexual violence myths and images are confronted, challenged and changed by society.

A range of strategies the Committee wishes to see put in place to prevent women being subjected to sexual violence are proposed in Chapter Thirteen. Strategies are proposed in three areas: the community (through the development of a national Declaration of Violence Against Women and a wide-ranging community education and awareness campaign), the media (with mechanisms put in place to counter negative portrayals of women) and educational institutions (through the

availability of information and material to female secondary school students). In addition, the issue of public safety is considered with calls for pilot Women's Safety Audits in two Local Government Areas and all state universities.

The emphasis of Chapter Fourteen is upon strategies to prevent men becoming sex offenders. The Committee considers it imperative that men accept they are responsible for their own violent behaviour and choose to stop being violent. Once again, a strong component of the proposed strategies is a community education and awareness campaign designed to change attitudes in Australian society and lead to community intolerance of violence against women.

Strategies directed at the community and all levels of educational institutions are proposed. The Committee considers there to be a need for boys in primary and secondary school as well as young men at university to become aware of a range of issues such as power, gender and violence that influence the development of their values and attitudes. The Committee recommends the development of a Gender Equity Strategy in education as a matter of priority. In addition, the Committee fully supported recommendations of the 1994 Inquiry into Boys' Education and calls upon the current government to adopt and implement all recommendations. In supporting boys' education, the Committee is very definite in its view that strategies to assist boys should not be at the expense of strategies to assist girls. The Committee does not wish to see competition for resources between the proposed boys' education strategy and girls' education strategies already in place.

The Committee reviewed and supports a peer education program carried out by the Wentworth Sexual Assault Service on the Hawksbury campus of the University of Western Sydney. The Committee proposes funding for the further development of the program and its introduction on all state university campuses along with an independent evaluation of the program to ascertain its effectiveness in attitudinal change and reporting of sexual violence.

In forwarding its recommendations, the Committee realises that this is the first time since the early 1980s that the issues of sexual violence has been considered in such detail. The Committee now looks to the government to demonstrate its commitment to the women of New South Wales through the full implementation of all recommendations forwarded.



## KEY RECOMMENDATIONS

### KEY RECOMMENDATION ONE - LEGISLATIVE CHANGE

That the Attorney-General:

- i) investigate, as a matter of urgency, the use of Section 409B of the New South Wales *Crimes Act*, 1990 to stay proceedings in sexual assault prosecutions. The situation in other jurisdictions including Victoria, Western Australia, the Australian Capital Territory and Canada should be examined during the course of the proposed investigation. (see Recommendation 2); and
- ii) give, as a matter of priority, a reference to the New South Wales Law Reform Commission to inquire into legislation covering sexual offences and the relevant procedural and evidentiary processes that affect the complainant. The inquiry should be undertaken with appropriate collaboration with the Criminal Law Review Division of the Attorney General's Department and involve extensive empirical research and wide community consultation. Particular attention should be given to the issue of consent in sexual offences and the situation in other jurisdictions, including Victoria, Western Australia, the Australian Capital Territory and Canada, should be examined (see Recommendation 7).

### KEY RECOMMENDATION TWO - PROVISION OF SERVICES TO THE VICTIM/SURVIVOR

That the government accept and recognise as an operating principle of policy formulation and program development that the provision of optimal services to victims/survivors of sexual violence is a fundamental human right (see Recommendation 10).

**KEY RECOMMENDATION THREE -  
PROVISION OF SERVICES TO THE VICTIM/SURVIVOR**

That the Minister for Health

- accept responsibility for the equitable provision of services to victims/survivors of sexual violence across the state;
- implement strategies and produce and issue guidelines to ensure all areas and districts of the New South Wales Health Department give uniform priority to the provision of adequate and appropriate services to victims/survivors of sexual violence; and
- instruct all areas and districts of the New South Wales Health Department to provide adequate and appropriate services to victims/survivors of sexual violence (see Recommendation 14).

**KEY RECOMMENDATION FOUR - JUDICIAL EDUCATION**

That a Gender Equity Taskforce be established in New South Wales to identify areas of gender bias in the state's judicial system and to identify specific and appropriate measures and strategies to rectify the identified shortcomings (see Recommendation 42).

**KEY RECOMMENDATION FIVE - OFFENDER MANAGEMENT**

That the Department of Corrective Services establish a management program for adult offenders who commit sexual offences against women (see Recommendation 151).

## KEY RECOMMENDATION SIX - COMMUNITY EDUCATION

That the Department for Women devise, fund and conduct a statewide community education and awareness campaign:

- i) targeting women that:
- denounces unequivocally all forms of sexual violence against women;
  - emphasises society's responsibility for the prevention of sexual violence;
  - explains the law relating to sexual offences in a clear and accessible manner;
  - encourages all victims/survivors of sexual violence to report the incident and explains the legal procedures applicable to sexual violence cases and options for legal redress and encourage victims/survivors to make use of all available and appropriate services. The campaign is to emphasise that the system is there to assist them and that previously held negative perceptions of the police and courts may now be out-dated;
  - identifies and challenges false myths of sexual violence that discount the victim/survivor's experience, confound prosecution and hinder recovery for victim/survivors;
  - assures the victim/survivor she is never to blame; and
  - identifies and challenges existing gender power imbalances and negative constructs of gender (see **Recommendation 178**);

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- ii) targeting males that:
- makes it clear to both perpetrators and potential perpetrators that sexual violence is a crime and all males are personally responsible for their actions;
  - identifies and challenges the false myths of sexual violence that excuse and protect the perpetrator;
  - counters perceptions that offenders will not be caught or punished; and
  - identifies and challenges negative gender constructions of masculinity (see Recommendation 192).

One Member of the Committee expressed serious reservations about Key Recommendations Two and Three, believing they did not fulfil the role of key recommendations, that is, to ensure that specific strategies are prioritised.

The concern of this Committee Member is that these two recommendations, when taken out of context of other recommendations, are too general, and that general statements of human rights, without specific obligations, are susceptible to interpretation in ways not intended by their framers.

## RECOMMENDATIONS

### RECOMMENDATION 1

That the Attorney-General review, as a matter of urgency, the effect of the case *R v Henning* on Section 409B of the New South Wales *Crimes Act*, 1990.

### RECOMMENDATION 2

That the Attorney-General investigate, as a matter of urgency, the use of Section 409B of the New South Wales *Crimes Act*, 1990 to stay proceedings in sexual assault prosecutions. The situation in other jurisdictions including Victoria, Western Australia, the Australian Capital Territory and Canada should be examined during the course of the proposed investigation.

### RECOMMENDATION 3

That the Attorney-General introduce compulsory education for members of the judiciary on the purpose and original intent of section 409B of the New South Wales *Crimes Act*, 1990.

### RECOMMENDATION 4

That the Attorney-General amend s405C(2) of the *Crimes Act* 1900 to provide a proscriptive form of words for the corroboration warning, should a judge choose to give such a warning.

### RECOMMENDATION 5

That the Attorney-General amend s405B of the *Crimes Act*, 1990 requiring judges to give only one warning to the jury concerning delay in the reporting of sexual offences to overcome the current situation whereby judges can give two conflicting warnings to juries: a warning that the absence of delay in reporting sexual assault is not a factor that implies guilt; the second that the absence of delay should be taken into account in evaluating the evidence.

### RECOMMENDATION 6

That the Attorney-General ensure all members of the New South Wales judiciary are provided with compulsory education regarding the use of section 405B in the New South Wales *Crimes Act*, 1900 in sexual assault trials.

### RECOMMENDATION 7

That the Attorney-General give, as a matter of priority, a reference to the New South Wales Law Reform Commission to inquire into legislation covering sexual offences and the relevant procedural and evidentiary processes that affect the complainant. The inquiry should be undertaken with appropriate collaboration with the Criminal Law Review Division of the Attorney General's Department and



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involve extensive empirical research and wide community consultation. Particular attention should be given to the issue of consent in sexual offences and the situation in other jurisdictions, including Victoria, Western Australia, the Australian Capital Territory and Canada, should be examined.

### **RECOMMENDATION 8**

That as part of the review as set out in Recommendation 7, the New South Wales Law Reform Commission examine, through empirical and other relevant research and make recommendations regarding the defence of mistaken belief as to consent in sexual assault law. In conducting that review, consideration should be given to section 272(b)(2) of the Canadian *Criminal Code*.

### **RECOMMENDATION 9**

That the government consider seriously the results arising from the Gender Bias and the Law Program and implement all its proposed recommendations as a matter of priority.

### **RECOMMENDATION 10**

That the government accept and recognise as an operating principle of policy formulation and program development that the provision of optimal services to victims/survivors of sexual violence is a fundamental human right

### **RECOMMENDATION 11**

That the state government seek a commitment from the federal government that the provision of services to victims/survivors of sexual violence is a fundamental human right and base the allocation of resources for the provision of services upon this principle.

### **RECOMMENDATION 12**

That the Minister for Health guarantee the provision of dedicated services for sexual assault victims/survivors and ensure the Sexual Assault Services are not absorbed into other Departmental services.

### **RECOMMENDATION 13**

That the New South Wales Health Department establish the position of State Coordinator (Sexual Assault) to coordinate the policies and programs of the Sexual Assault Services across the state. The position is to be a full-time, permanent position within the Women's Health Unit of Central Administration, funded by the New South Wales Health Department, appropriately graded (Grade 10-11) and adequately resourced in terms of budget and support staff.

**RECOMMENDATION 14**

That the Minister for Health

- accept responsibility for the equitable provision of services to victims/survivors of sexual violence across the state;
- implement strategies and produce and issue guidelines to ensure all areas and districts of the New South Wales Health Department give uniform priority to the provision of adequate and appropriate services to victims/survivors of sexual violence; and
- instruct all areas and districts of the New South Wales Health Department to provide adequate and appropriate services to victims/survivors of sexual violence.

**RECOMMENDATION 15**

That all senior administrators in the New South Wales Health Department receive training about sexual violence related issues including:

- the extent and impact of sexual violence;
- sexual violence myths and stereotypes; and
- the role of sexual assault workers (counselling, court support, etc).

**RECOMMENDATION 16**

That the Women's Health and Sexual Assault Education Unit design and develop an in-service training course to inform senior health administrators of sexual violence related issues.

**RECOMMENDATION 17**

That the New South Wales Health Department provide the Women's Health and Sexual Assault Education Unit with necessary funding to design and develop the in-service training course proposed in Recommendation 16.

**RECOMMENDATION 18**

That, following the implementation of Recommendation 14, Sexual Assault Services allocate one day per month as a minimum to providing community education to local groups.

**RECOMMENDATION 19**

That the Minister for Health urge the Deans of the four Schools of Medicine in New South Wales to incorporate introductory training on sexual violence issues into their undergraduate medical curricula. Included would be issues such as:

- the criminal nature of sexual violence and relevant state legislation;
- the significance and extent of the problem;
- gender issues in violence;
- the doctor's role in overall victim care;
- relevant medico-legal issues;

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- working with other professionals (police, counsellors); and
- sexual violence myths and stereotypes.

### **RECOMMENDATION 20**

That the Minister for Health request the Australian Health Ministers' Council to approach the Royal Australian College of Obstetricians and Gynaecologists requesting that the College consider incorporating a sexual violence component into the training programs of obstetric and gynaecology medical residents and registrars.

### **RECOMMENDATION 21**

That the Minister for Health encourage the development of innovative technology for the in-service training of medical officers on sexual violence issues and ensure the Women's Health and Sexual Assault Education Unit is adequately funded to utilise such technology to the fullest possible extent.

### **RECOMMENDATION 22**

That the Women's Health Unit of the New South Wales Health Department monitor on a continuing basis the services provided by the Sydney Rape Crisis Centre and all Sexual Assault Services across the state.

### **RECOMMENDATION 23**

That the Minister for Health confer with his federal counterpart to secure a firm commitment for the continuation of federal National Women's Health Program funding for the New South Wales Women's Health and Sexual Assault Education Unit.

### **RECOMMENDATION 24**

That the Director, Nursing Branch, New South Wales Health Department work with the State Coordinator (Sexual Assault) proposed in Recommendation 13 and officers from the Office of the Director of Public Prosecutions to identify the role Women's Health Nurse Practitioners can play in collecting forensic evidence from victims/survivors of sexual assault presenting at Sexual Assault Services and address relevant issues including training and accreditation, the admissibility of evidence gathered by nurse practitioners in court, the legal acceptance of nurse practitioners and other medico-legal issues; and report to the Minister for Health by, or before, June 1996.

### **RECOMMENDATION 25**

That the Women's Health and Sexual Assault Education Unit conduct training sessions to provide Women's Health Nurse Practitioners with the necessary skills to gather forensic evidence and present findings to court as expert witnesses.

**RECOMMENDATION 26**

That the New South Wales Health Department provide the Women's Health and Sexual Assault Education Unit with necessary funding to design, develop and conduct the training sessions proposed in Recommendation 25.

**RECOMMENDATION 27**

That the New South Wales Health Department identify funding allocations to dedicated services for victims/survivors of sexual violence and ensure this information is readily available.

**RECOMMENDATION 28**

That the Women's Health Unit of the New South Wales Health Department convene a Steering Committee to investigate and report to the Minister for Health on:

- the provision of medical services to sexual assault victims/survivors, taking into consideration issues such as medical care, forensic examinations, follow-up medical care and court appearances, selection and training of medical officers, supervision and co-ordination of medical services, and funding implications;
- the availability of female medical officers to Sexual Assault Services;
- the provision of in-service training to medical officers interested in providing medical services to victims/survivors of sexual assault; and
- the role technology can play in the provision of in-service training to medical officers, especially in rural and isolated areas.

That the Steering Committee report to the Minister for Health by, or before, December 1996.

That the Steering Committee be chaired by the State Coordinator (Sexual Assault) proposed in Recommendation 13 and include representatives from Sexual Assault Service counsellors and medical officers and the Women's Health and Sexual Assault Education Unit as well as experts in medical and rural education.

**RECOMMENDATION 29**

That the Minister for Police review recruit police training to ensure the recommendations of the National Committee on Violence Against Women's publication *Training in the Area of Sexual Violence Against Women (1993)* are fully implemented including adequate discussion of the nature of sexual violence, consequences for the victim/survivor and strategies for responding which respect and affirm the victim/survivor.

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### **RECOMMENDATION 30**

That the Minister for Police ensure the following issues are adequately covered in the course content of the IROC training program:

- the impact and consequences of sexual violence on the victim/survivor;
- difficulties faced by women in dealing with a "male culture" police force and criminal justice system and the way the perceived/actual gender bias might frame the response to violence against women; and
- recognition of the social context of violence against women.

### **RECOMMENDATION 31**

That the Detective Education Program be evaluated to determine if adequate attention is given to adult sexual assault issues and if not that the course be restructured to ensure issues such as the nature and extent of sexual violence, consequences for the victim/survivor, and strategies for responding which respect and affirm the victim/survivor are incorporated.

### **RECOMMENDATION 32**

That the New South Wales Police Service design and develop, in conjunction with the Women's Health and Sexual Assault Education Unit, a module on sexual violence against women to increase police sensitivity to victims/survivors of sexual violence and to challenge prevailing myths and stereotypes of sexual violence; and that adequate resources be made available to fund the implementation of the module.

### **RECOMMENDATION 33**

That the Minister for Police instruct the New South Wales Police Service that attendance at the course proposed in Recommendation 32 be compulsory for all police (including officers in middle and senior management, non-operational positions), who have not undertaken training in the area of sexual violence in the past five years.

### **RECOMMENDATION 34**

That the course proposed in Recommendation 32 become standard practice within the Police Service to ensure training in matters of sexual violence is ongoing.

### **RECOMMENDATION 35**

That a Police Code of Practice for Sexual Assault Cases be devised and introduced into the New South Wales Police Service by December 1996. The Code is to be presented in a distinct format, issued to all members of the New South Wales Police Service and, upon request, be made available to other members of the community.

**RECOMMENDATION 36**

That the Police Code of Practice for Sexual Assault Cases proposed in Recommendation 35 be compiled in conjunction with the Department for Women and the New South Wales Law Reform Commission.

**RECOMMENDATION 37**

That victims/survivors of sexual violence whose cases do not proceed through the criminal justice system be entitled to a full and adequate explanation from the police as to why their case is not being taken further.

**RECOMMENDATION 38**

That the New South Wales Police Service develop and put in place a strategy to increase significantly the number of female officers in senior ranks within the Service.

**RECOMMENDATION 39**

That the Attorney-General encourage the Standing Committee on Attorneys-General to consider the establishment of a National Judicial Institute, or its equivalent, in Australia with a mandate

- (i) to foster high standards of judicial performance through programs that stimulate continuing professional and personal growth; and
- (ii) to engender a high level of social awareness, ethical sensitivity and pride of excellence within an independent judiciary.

**RECOMMENDATION 40**

That the Attorney-General commission an independent evaluation of conferences, seminars and workshops conducted by the Judicial Commission of New South Wales over the twelve month period of the financial year 1996-97 to determine the impact of such programs on attitudinal change amongst judicial officers.

**RECOMMENDATION 41**

That the Judicial Commission provide all judges and magistrates, upon appointment, with educational materials in relation to their functions including materials relating to the avoidance of gender bias, in addition to sexual violence issues including the extent and nature of sexual violence, sexual violence myths and stereotypes (including those that blame the victim/survivor and excuse and protect the perpetrator) and gender issues in violence.

**RECOMMENDATION 42**

That a Gender Equity Taskforce be established in New South Wales to identify areas of gender bias in the state's judicial system and to identify specific and appropriate measures and strategies to rectify the identified shortcomings.

**RECOMMENDATION 43**

That the Terms of Reference for the Gender Equity Taskforce include substantive law, the practice and procedure of the courts, the work and organisation of the legal profession, judicial education and training and the administration of justice.

**RECOMMENDATION 44**

That the membership of the Gender Equity Taskforce be drawn from a broad cross section of the community including the members of the judiciary, women's organisations, academics and interested laypersons.

**RECOMMENDATION 45**

That the Gender Equity Taskforce proposed in Recommendation 42 consider the issues of jury instruction guidelines (in the form of audio/video tapes and handbooks and pamphlets) and judicial instructions on sexual assault myth acceptance.

**RECOMMENDATION 46**

That expert witnesses, such as psychiatrists, psychologists, mental health nurses and sexual assault counsellors, be able to give evidence before the court to provide jurors and the judge with information that will help them reach an informed and accurate verdict in cases of sexual assault.

**RECOMMENDATION 47**

That the Attorney-General put in place mechanisms to guarantee sexual assault matters are given priority in criminal listings and brought to trial within, at least, a 12 month period.

**RECOMMENDATION 48**

That the Attorney-General ensure judges are strongly encouraged to utilise the provisions of the *Evidence Act* and limit questions that are insulting, degrading, humiliating or irrelevant during the cross-examination of the victim/survivor witness.

**RECOMMENDATION 49**

That opportunity be provided for Victim Impact Statements to be delivered at the Victims Compensation Tribunal rather than the court.

**RECOMMENDATION 50**

That the Attorney-General ensure victim/survivor witnesses are given adequate opportunity to meet with, and be briefed by, the prosecution team prior to the trial date.

**RECOMMENDATION 51**

That a specialist and permanent unit for adult victims/survivors of sexual assault be established within, at least, the Sydney Office of the Director of Public Prosecutions and that the Unit be appropriately resourced in terms of trained officers and support staff.

**RECOMMENDATION 52**

That the Department for Women revise and update the *Going to Court* booklet and ensure the publication is readily available at the Sydney Rape Crisis Centre, all Sexual Assault Services, Police Stations, Offices of the Director of Public Prosecutions and court houses, particularly those in rural areas.

**RECOMMENDATION 53**

That provision be made in all courthouses for victims/survivors and their supporters to have access to separate and private waiting areas.

**RECOMMENDATION 54**

That the New South Wales *Evidence Act* be amended to read as follows:-

Where the necessary facilities and equipment are available one of the following arrangements is to be made by the Judge for the giving of evidence by an adult victim witness -

- (a) she is to give evidence outside the courtroom but within the court precincts, and the evidence is to be transmitted to the courtroom by means of closed circuit television; or
- (b) while she is giving evidence, the defendant is to be held in a room apart from the courtroom and the evidence is to be transmitted to that room by means of closed circuit television.

Where the necessary facilities and equipment referred to above are not available, a screen, one-way glass or other device is, at the discretion of the victim witness, to be so placed in relation to the affected victim witness while she is giving evidence that -

- (a) the affected victim witness cannot see the defendant; but
- (b) the Judge, the jury, the defendant and his counsel can see the victim witness.

The Prosecutor may apply to a Judge for an order directing that the victim witness' evidence in chief may be taken, in whole or in part, and presented to the Court in the form of a video-taped recording of oral evidence given by the victim witness.



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Where in any proceedings on indictment evidence of an affected witness is given in the above manner, the Judge is to instruct the jury that the procedure is a routine practice of the Court and that they should not draw any inference as to the defendant's guilt from the use of the procedure.

### **RECOMMENDATION 55**

That legislation be introduced allowing for the decision to move into closed court to be at the discretion of the victim witness rather than the trial judge.

### **RECOMMENDATION 56**

That the Minister for Women intervene in the matter of guidelines for reporting sexual assault in the media and set in place alternative dispute resolution mechanisms to resolve the current impasse.

### **RECOMMENDATION 57**

That the Minister for Women appoint an independent mediator acceptable to the Media, Entertainment and Arts Alliance to adjudicate in the matter of reporting of sexual assault court cases by the media and to seek a resolution acceptable to both parties within a reasonable time frame.

### **RECOMMENDATION 58**

That, should the Media, Entertainment and Arts Alliance remain unwilling to implement satisfactory guidelines concerning the media treatment of sexual assault court cases, the Minister for Women, in conjunction with the Attorney-General, move to legislate appropriate criteria.

### **RECOMMENDATION 59**

That legislation be introduced enabling the victim/survivor witness to have a support person of her choice present in the courtroom for the duration of the proceedings, including closed court, and that, if needed, the support person be able to sit in close proximity to the victim/survivor witness at all times.

### **RECOMMENDATION 60**

That the Attorney-General give his full support at the Standing Committee on Attorneys-General to the establishment of a national fund (using the Canadian Legal Education and Action Fund as a model) under the National Women's Justice Program to promote the development of more appropriate legal responses, under both statute law and case law, to women's needs and perspectives through advocacy in courts and tribunals and other forums.

**RECOMMENDATION 61**

That the limitation period for victims/survivors of sexual assault to apply to the Victims Compensation Tribunal for financial redress be increased from two years to seven years to take into consideration the time sexual assault victims/survivors require to recover adequately from the assault to initiate compensation proceedings.

**RECOMMENDATION 62**

That the limitation period for adult survivors of childhood sexual assault to apply to the Victims Compensation Tribunal for financial redress be increased from two years to seven years from when the victim/survivor is 18 years of age or from the date of recollection of the incident, whichever comes last.

**RECOMMENDATION 63**

That, in choosing magistrates to chair the Victims Compensation Tribunal hearings, the Attorney-General consult widely to ensure those chosen have the necessary sensitivity and commitment to duty of care.

**RECOMMENDATION 64**

That the legislation be amended to enable reports by trained and experienced counsellors in Sexual Assault Services to be acceptable to the Victims Compensation Tribunal.

**RECOMMENDATION 65**

That the Victims Compensation Tribunal ensure its information brochure is readily available at the Sydney Rape Crisis Centre, all Sexual Assault Services, Police Stations, Offices of the Director of Public Prosecutions and court houses, particularly those in rural areas, and that the brochure be made available in community languages.

**RECOMMENDATION 66**

That the Attorney-General fully support the introduction of the proposed National Women's Justice Program in New South Wales and ensure adequate funding and resources are allocated to the program.

**RECOMMENDATION 67**

That the Gender Equity Taskforce proposed in Recommendation 42 consider, with a view to implementing, those recommendations contained in the *Report of the Chief Justice's Taskforce on Gender Bias (1994)* pertaining to women in the legal profession with a view to recruiting greater numbers of women to positions that are currently male-dominated.

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### **RECOMMENDATION 68**

That the Gender Equity Taskforce proposed in Recommendation 42 consider a range of issues including:

- juror attitudes and an examination of appropriate strategies to ensure the victim witness receives a fair hearing in the course of her deliberations;
- the practice of judges issuing cautionary instructions to the jury on sexual assault myth acceptance;
- the issue of delays in complaint as a component of judicial education;
- the need for the Chair and members of the Victims Compensation Tribunal to undertake training on the impact of sexual assault on victims/survivors and post-traumatic stress disorder; and
- funding for the recommendations contained in the Australian Law Reform Commission's Report, *Equality before the Law: Women's Equality Parts I and II* (1994).

### **RECOMMENDATION 69**

That the Minister for Health provide funding for the permanent position of Aboriginal Health Officer with the Women's Health and Sexual Assault Education Unit.

### **RECOMMENDATION 70**

That the Women's Health and Sexual Assault Unit provide training to appropriate Aboriginal women equipping them with fundamental skills to counsel victims/survivors of sexual violence in their local communities.

### **RECOMMENDATION 71**

That the government support the New South Wales Aboriginal Family Health Strategy and ensure adequate funding and resources are made available to establish sexual assault services for Aboriginal victims/survivors throughout the State.

### **RECOMMENDATION 72**

That the Minister for Police instruct all police officers not to act on a warrant if a victim/survivor of sexual violence presents at a police station to report a sexual assault.

### **RECOMMENDATION 73**

That the Attorney-General urge his Federal counterpart to examine, as a matter of priority, the implications for Aboriginal women arising from recommendations of the Royal Commission into Black Deaths in Custody.

**RECOMMENDATION 74**

That the Attorney-General ensure Aboriginal women are consulted prior to the implementation of recommendations from the Royal Commission into Aboriginal Deaths in Custody to ensure the specific needs of Aboriginal women are included in any policy and/or program response.

**RECOMMENDATION 75**

That the Police Service actively recruit Aboriginal women for Aboriginal Community Liaison Officer positions and provide appropriate support structures (including training and mentoring programs) for the women appointed to these positions.

**RECOMMENDATION 76**

That the Police Service provide training and information to Aboriginal Community Liaison Officers on issues associated with sexual violence (such as gender power imbalances, myths and societal attitudes).

**RECOMMENDATION 77**

That the Police Service develop a protocol for the appropriate response of Aboriginal Community Liaison Officers to sexual violence including provision for Aboriginal Community Liaison Officers to make available to victims/survivors information on legal rights and appropriate referral services.

**RECOMMENDATION 78**

That the Police Service advertise Aboriginal Community Liaison Officer positions with an essential requirement being "knowledge of local Aboriginal women's issues" to ensure Officers are sensitive to the needs and concerns of Aboriginal women.

**RECOMMENDATION 79**

That the Police Service consider those who have past convictions of offences against women and/or children to be ineligible for employment in the position of Aboriginal Community Liaison Officer.

**RECOMMENDATION 80**

That the Department for Women continue to monitor the implementation of the recommendations contained in the report, *dubay jahil: Aboriginal Women and the Law Report* and inform women in Aboriginal communities about the report.

**RECOMMENDATION 81**

That the Minister for Aboriginal Affairs urge his federal counterpart to encourage ATSIC to fund a series of ongoing workshops for Aboriginal women on legal issues and their legal rights. The workshops are:

## RECOMMENDATIONS

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- to be under the direct control of the Aboriginal women in their communities;
- to be presented by a female lawyer, preferably Aboriginal;
- to cover issues including family law, domestic violence, adult and child sexual abuse and care and protection matters.

### **RECOMMENDATION 82**

That the Office of the Director of Public Prosecutions and the Crown Prosecutors be advised of the expressed preference of Aboriginal women to have closed circuit television and other protective measures available to them when appearing before the court as a witness for the Crown in cases of sexual violence.

### **RECOMMENDATION 83**

That the training program on sexual assault conducted by the Office of the Director of Public Prosecutions for its officers include a core module on Aboriginal women and cultural awareness issues.

### **RECOMMENDATION 84**

That the Attorney-General urge his federal counterpart to ensure funding dedicated under the Justice Statement for the development of Aboriginal women's legal services be made available.

### **RECOMMENDATION 85**

The Office of Aboriginal Affairs and the Department for Women coordinate the production of a series of brochures and other information aimed at informing Aboriginal women of their legal rights and access to the legal system. The brochures are to be designed and presented in a manner that is culturally appropriate and accessible to Aboriginal women including those with literacy difficulties. Strategies are to be put in place to ensure the effective dissemination of the material.

### **RECOMMENDATION 86**

That the Attorney-General ensure the material produced as a result of Recommendation 85 be prominently displayed in Local Courts and readily accessible to Aboriginal women.

### **RECOMMENDATION 87**

That the Victims Compensation Tribunal undertake a publicity campaign to inform Aboriginal women of their rights to compensation and the procedure to apply for compensation.

**RECOMMENDATION 88**

That the Office of Aboriginal Affairs and the Victims Compensation Tribunal design and develop a set of brochures informing Aboriginal women of their entitlements to victims' compensation and the procedure to make claims.

**RECOMMENDATION 89**

That the Office of the Director of Public Prosecutions, when advising all victim witnesses of their rights to claim victims' compensation, and of the two year time limit which applies to claims, pay particular attention to the cultural appropriateness of the information being conveyed to Aboriginal women.

**RECOMMENDATION 90**

That the Attorney-General and Minister for Police instruct prosecution lawyers, Police prosecutors and police to ensure all Aboriginal victims/survivors are made aware of their entitlement to victims' compensation.

**RECOMMENDATION 91**

That the Gender Equity Taskforce proposed in Recommendation 42 include consideration of the Aboriginal female perspective in the courtroom.

**RECOMMENDATION 92**

That the Office of the Director of Public Prosecutions develop a network of female experts in the field of Aboriginal culture who can be called upon to dispute claims made in court that physical or sexual violence is a "normal" part of Aboriginal culture.

**RECOMMENDATION 93**

That the Office of the Director of Public Prosecutions conduct Aboriginal Cultural workshops, facilitated by Aboriginal women, to encourage better understanding of Aboriginal culture by the judiciary.

**RECOMMENDATION 94**

That, in conducting future sexual assault phone-ins, the Minister for Women ensure trained bilingual interviewers are readily available to assist survey respondents. These interpreters are to have the necessary skills and sensitivities to establish trust and acceptance with survey respondents.

**RECOMMENDATION 95**

That the Department for Women commission an independent study of access and relevance of Sexual Assault Services throughout New South Wales to non-English speaking background victims/survivors of sexual violence.

**RECOMMENDATION 96**

That the Minister for Women give a commitment to implement the findings and recommendations arising from the review proposed in Recommendation 95 within an appropriate time frame and ensure sufficient funding is made available.

**RECOMMENDATION 97**

That the Minister for Police authorise the adoption of clear policy guidelines requiring the use of interpreter services in cases of sexual assault in interviews with victims/survivors requiring interpreters.

**RECOMMENDATION 98**

That the Attorney-General enact legislation to protect the rights of women from non-English speaking backgrounds to an interpreter through the investigation process where they have been the target of sexual assault.

**RECOMMENDATION 99**

That the Attorney-General ensure female interpreters are provided on request in cases of sexual assault and that information about this choice be widely circulated amongst ethnic communities.

**RECOMMENDATION 100**

That the needs of non-English speaking background women with mental health problems be included in the independent review proposed in Recommendation 95.

**RECOMMENDATION 101**

That the Attorney-General recommend to the Standing Committee of Attorneys-General that the Women's Safety Survey to be undertaken by the Australian Bureau of Statistics in early 1996 ascertain the ethnic/cultural background of respondents in an attempt to determine the incidence of sexual violence against women from Aboriginal/Torres Strait Islander and non-English speaking backgrounds.

**RECOMMENDATION 102**

That all future sexual violence surveys undertaken by state agencies (for example the New South Wales Bureau of Crime Statistics and Research) include the ethnic/cultural background of the victim/survivor in an attempt to determine the incidence of sexual violence against women from Aboriginal/Torres Strait Islander and non-English speaking backgrounds.

**RECOMMENDATION 103**

That sexual violence incidence data collected by state government agencies, such as the New South Wales Health Department and the Police Service, include the ethnic/cultural background of the sexual violence victim/survivor in an attempt to

determine the incidence of sexual violence against women from Aboriginal/Torres Strait Islander and non-English speaking backgrounds.

**RECOMMENDATION 104**

That the Department for Women

- review all recommendations made in the report *Sexual Assault of People with an Intellectual Disability* (Carmody, 1990);
- identify those recommendations yet to be implemented;
- revise the Report's Schedule for Implementation of Recommendations and ensure all recommendations are adopted as a matter of priority.

**RECOMMENDATION 105**

That the Minister for Police implement the seven proposals for reform contained in the publication, *People with Intellectual Disability and the Criminal Justice System: Policing Issues* (New South Wales Law Reform Commission, 1993), including that:

- police should use appropriate ways of questioning victims/survivors of sexual violence with an intellectual disability
- there be no questioning of a victim/survivor of sexual violence with an intellectual disability if a Support Person is not present, unless the victim/survivor objects to the presence of such a person at the police interview;
- the refusal to prosecute by the police or to take a statement, on the grounds that a person has an intellectual disability and would be unable to give a statement should be subject to review;
- interviews with victims/survivors of sexual violence with an intellectual disability should be videotaped; and
- police should be involved in education programs for women with intellectual disabilities and carers as to legal rights, services available for victims/survivors of sexual violence, and guidelines as to recognising and reporting crime.

**RECOMMENDATION 106**

That the Minister for Health guarantee the continuation of the telephone typewriter at the Sydney Rape Crisis Centre.

**RECOMMENDATION 107**

That the Minister for Health require all psychiatric hospitals to develop protocols for reporting of sexual assault including the lodgement, investigation and follow-up of a complaint, counselling for the victim/survivor and appropriate and swift action against the perpetrator, whether staff or patient.



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### **RECOMMENDATION 108**

That the Minister for Health require all psychiatric hospitals to put in place strategies to protect female patients from sexual violence.

### **RECOMMENDATION 109**

That the New South Wales Health Department provide female patients in psychiatric hospitals who are/have been victims/survivors of sexual assault with access to appropriate sexual assault counselling services on a regular basis.

### **RECOMMENDATION 110**

That the Minister for Health ensure mental health professionals seeking employment in state psychiatric hospitals and related services are assessed on the basis of their demonstrated skills in, and sensitivity to, the particular problems and needs of victims/survivors of sexual violence who are mentally ill.

### **RECOMMENDATION 111**

That the Minister for Housing ensure housing set aside for women with mental illnesses is actually allocated to these women as a matter of priority and that the residents receive adequate assistance from on-site or outreach mental health workers.

### **RECOMMENDATION 112**

That the Attorney-General recommend to the Standing Committee of Attorneys-General that the Women's Safety Survey to be undertaken by the Australian Bureau of Statistics in early 1996 ascertain whether respondents have a disability (including intellectual and physical disabilities or mental illness) in an attempt to determine the incidence of sexual violence amongst victims/survivors with disabilities.

### **RECOMMENDATION 113**

That all future sexual violence surveys undertaken by state agencies (for example the New South Wales Bureau of Crime Statistics and Research) identify whether the sexual violence victim/survivor has a disability (including intellectual and physical disabilities or mental illness) in an attempt to determine the incidence of sexual violence against women with disabilities.

### **RECOMMENDATION 114**

That sexual violence incidence data collected by state government agencies, such as the New South Wales Health Department and the Police Service, identify whether the sexual violence victim/survivor has a disability (including intellectual, physical disabilities or mental illness) in an attempt to determine the incidence of sexual violence against women with disabilities.

**RECOMMENDATION 115**

That, having accepted that the provision of services to victims/survivors of sexual violence is a fundamental human right, the government ensure adequate services are available to sexual violence victims/survivors living in the state's rural and remote areas.

**RECOMMENDATION 116**

That the Minister for Health ensure Sexual Assault Services located in rural and remote areas are adequately staffed and resourced so Sexual Assault Counsellors can satisfactorily undertake all necessary functions including counselling, travel, community education and in-service training.

**RECOMMENDATION 117**

That the Attorney-General review the payment to expert witnesses appearing for the prosecution in sexual assault cases and ensure the payment at least covers all expenses incurred, including, in the case of general practitioners, the cost of a locum or income foregone as a result of closing the surgery while in court.

**RECOMMENDATION 118**

That the Attorney-General guarantee that officers from the Office of the Director of Public Prosecutions contact victim/survivor witnesses residing in rural areas at least once prior to the day of their trial. These officers are to utilise a range of options including face-to-face interviews, telephone, tele-conferencing, facsimile machines or E-mail.

**RECOMMENDATION 119**

That the New South Wales Health Department establish at least one Sexual Assault Service in the metropolitan Sydney area dedicated to working with victims/survivors of ritual abuse.

**RECOMMENDATION 120**

That the Women's Health and Sexual Assault Education Unit conduct specialised training sessions for those counsellors to work in the dedicated Sexual Assault Service for ritual abuse victims/survivors proposed in Recommendation 119.

**RECOMMENDATION 121**

That all training undertaken by the Women's Health and Sexual Assault Education Unit seek to raise the awareness of sexual assault counsellors to the extent, nature and characteristics of ritual abuse.

**RECOMMENDATION 122**

That the Department for Women ensure the document, *Ritual Abuse: Information for Health and Welfare Professionals* (1994) is widely distributed to Sexual Assault Services, Community Health Centres and other relevant agencies throughout New South Wales.

**RECOMMENDATION 123**

That the Minister for Health ensure adequate funding is made available to Christian counselling services to meet the needs of victims/survivors of sexual violence from Christian communities.

**RECOMMENDATION 124**

That the Minister for Women ensure material produced by the Department for Women addressing issues pertinent to victims/survivors of sexual violence is distributed to churches for dissemination at the local parish/congregation level.

**RECOMMENDATION 125**

That Sexual Assault Services located in close proximity to correctional centres visit the centres on a regular basis to conduct counselling sessions with those women inmates who are victims/survivors of sexual violence and that upon release these victims/survivors be directed to their nearest Sexual Assault Service for ongoing counselling if necessary.

**RECOMMENDATION 126**

That the New South Wales Health Department provide in-service training in the types of behavioural characteristics and long term psychological effects that may stem from childhood sexual abuse to counsellors and clinicians enabling them to recognise cases of childhood sexual abuse.

**RECOMMENDATION 127**

That the Department for Women commission research to ascertain the extent of adult survivors of childhood sexual abuse in New South Wales and to identify the needs of these adult survivors.

**RECOMMENDATION 128**

That the Department for Women commission research to determine the extent to which women who have been sexually abused as children are subjected to violent crime as adults.

**RECOMMENDATION 129**

That the Women's Health Unit within the New South Wales Health Department develop, as a matter of priority, a strategy to enable adult survivors of childhood sexual abuse to access Sexual Assault Services and ensure all Sexual Assault Services implement the strategy once it is released.

**RECOMMENDATION 130**

That the government accept and recognise as an operating principle of policy formulation and program provision the provision of optimal services to survivors of childhood sexual abuse to be a fundamental human right.

**RECOMMENDATION 131**

That in developing policies and services for survivors of childhood sexual abuse, the Women's Health Unit of the New South Wales Health Department take into account the need for a range of services and ensure the adequate provision of such services.

**RECOMMENDATION 132**

That the Minister for Health urge his federal counterpart, through the Australian Health Ministers' Council, to make available Medicare coverage to adult survivors of child sexual abuse undertaking trauma therapy from registered psychologists to assist in their recovery from the effects of child sexual abuse.

**RECOMMENDATION 133**

That the Women's Health and Sexual Assault Unit, in conjunction with the Judicial Commission of New South Wales, the Police Academy and the Law Society, design and conduct training sessions for police officers, the legal profession and the judiciary covering issues such as the dynamics and effects of child sexual abuse upon adult survivors seeking access to justice, obstructions in the criminal justice system that hinder survivors from accessing justice, the impact of negative community attitudes upon survivors and appropriate responses to reports by survivors of sexual abuse experienced in childhood.

**RECOMMENDATION 134**

That adult survivors of childhood sexual abuse be involved in the design and development of the programs proposed in Recommendation 133.

**RECOMMENDATION 135**

That the Attorney-General's Department consult with adult survivors of child sexual abuse to determine the effectiveness of current laws to protect survivors of childhood sexual abuse and to develop improved strategies. Areas for consideration are to include statutes of limitations, standards of evidence for adult survivors, "mitigating circumstances" and the use of expert witnesses.

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### **RECOMMENDATION 136**

That the Department for Women, in conjunction with the Attorney-General's Department, consider in detail, taking into account available overseas research, the issue of recovered memories of women who experienced childhood sexual abuse and develop a definitive statement on the government's position towards this issue.

### **RECOMMENDATION 137**

That the Attorney-General's Department develop a set of guidelines to be used in court cases where the evidence of survivors of childhood sexual assault is based upon recovered memories.

### **RECOMMENDATION 138**

That the New South Wales Police Services and Judicial Commission of New South Wales ensure in-service courses include the needs of sex industry workers who are victims/survivors of sexual violence.

### **RECOMMENDATION 139**

That the Women's Health and Sexual Assault Education Unit incorporate the needs faced by victims/survivors of sexual violence from the sex industry into the courses they conduct for sexual assault workers.

### **RECOMMENDATION 140**

That the Women's Health and Sexual Assault Education Unit incorporate the specific needs faced by lesbian victims/survivors into the courses they conduct for sexual assault workers.

### **RECOMMENDATION 141**

That the government allocate adequate resources to research of sexual violence in New South Wales and undertake a range of research strategies to provide a comprehensive picture of the sexual violence experienced by migrant and Aboriginal women, lesbians, women with disabilities, women in the state's correctional system, women in church communities, survivors of childhood sexual assault and women in rural and remote parts of the state. Relevant community based organisations are to be consulted in the process of developing appropriate and effective research strategies.

### **RECOMMENDATION 142**

That responsibility for the New South Wales Police Services' response to sexual violence become the administrative responsibility of the most senior female police officer within the New South Wales Police Service.

**RECOMMENDATION 143**

That Sexual Assault Response Teams:

- i) be established in one metropolitan region and one rural region as a pilot project to provide an integrated team of experts to respond to adult female sexual assault notifications;
- ii) include trained and skilled police, legal counsel, medical and counselling services drawn from the New South Wales Health Department, New South Wales Police Service and Office of the Director of Public Prosecution;
- iii) be independently managed;
- iv) incorporate on site interview and medical examination facilities on site;
- v) be independently evaluated after three years of operation.

**RECOMMENDATION 144**

That the Gender Equity Taskforce proposed in Recommendation 42 encourage judges sentencing sexual assault cases to treat stranger and non-stranger sexual assault with equal severity.

**RECOMMENDATION 145**

That the New South Wales Bureau of Crime Statistics and Research examine sentencing patterns to determine the occurrence of discrepancies in sentencing between stranger and non-stranger sexual assault.

**RECOMMENDATION 146**

That the Attorney-General commission an independent evaluation of the Sentencing Information System to determine the impact it has upon reducing sentencing disparity.

**RECOMMENDATION 147**

That the Gender Equity Taskforce proposed in Recommendation 42 consider the issue of sentencing disparity in cases of sexual assault.

**RECOMMENDATION 148**

That the Gender Equity Taskforce proposed in Recommendation 42 encourage judges setting bond and bail orders in sexual assault cases to take into account dangers faced by the victim and the community generally and treat stranger and non-stranger sexual assault with equal severity.

**RECOMMENDATION 149**

That the New South Wales Bureau of Crime Statistics and Research examine possible discrepancies in the setting of bond and bail orders between stranger and non-stranger sexual assault.

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### **RECOMMENDATION 150**

That the Minister for Community Services ensure adequate resources are consistently provided to the Department of Juvenile Justice's Sex Offender Program so that

- the program can function effectively; and
- adequate funding be provided to service juvenile sex offenders in rural areas.

### **RECOMMENDATION 151**

That the Department of Corrective Services establish a management program for adult offenders who commit sexual offences against women.

### **RECOMMENDATION 152**

That the government ensure funding allocations are made in the 1996-97 budget for the implementation of the proposed sex offender management program by the Department of Corrective Services.

### **RECOMMENDATION 153**

That, in establishing the proposed sex offender program, the Department of Corrective Services adopt the following principles:

1. all activities will support the objectives of reducing the risk posed when an offender is released into the community;
2. the entire correctional environment (including all Departmental staff) will be oriented towards changing the offender's criminal behaviour;
3. each offender will be treated as an individual - the program will assess the risk the offender presents and address the problems that lead to the offender's criminal behaviour;
4. the community has a responsibility to assist in the reintegration of offenders;
5. offenders will be accountable for their behaviour; they will learn to identify and accept responsibility for their own offence cycle; and
6. the program will take a long-term perspective.

### **RECOMMENDATION 154**

That the proposed sex offender management program adopt an eclectic approach incorporating cognitive-behavioural techniques.

### **RECOMMENDATION 155**

That the structure of the proposed sex offender management program consist of three tiers corresponding to the levels of security in the correctional system: maximum security, minimum security and release into the community.

**RECOMMENDATION 156**

That the proposed sex offender management program include all offenders of adult female sexual offences.

**RECOMMENDATION 157**

That upon entering the proposed sex offender management program all participants undergo a comprehensive assessment to identify individual risk factors and personal cycles of offending.

**RECOMMENDATION 158**

That the proposed sex offender management program incorporate issues such as victim empathy, social skills training, relationship therapy and anger management.

**RECOMMENDATION 159**

That the proposed sex offender management program incorporate a strong relapse prevention component.

**RECOMMENDATION 160**

That provision be made for anti-androgen medication therapy in the proposed sex offender management program.

**RECOMMENDATION 161**

That the involvement of sex offenders in drug therapy be voluntary, conducted with the informed consent of participants and under appropriate and adequate medical supervision.

**RECOMMENDATION 162**

That the proposed sex offender management program include a comprehensive post-release assessment component to ensure continuing treatment compliance once back in the community.

**RECOMMENDATION 163**

That the proposed sex offender management program include a post-release treatment component to correct those problems identified in post-release assessment and implement and supervise relapse prevention programs.

**RECOMMENDATION 164**

That the initial intensive phase of the proposed sex offender management program be conducted at a dedicated Correctional Centre within metropolitan Sydney and a dedicated Correctional Centre in regional New South Wales.



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### **RECOMMENDATION 165**

That the proposed sex offender management program have a built-in evaluation component designed and established in conjunction with a University and incorporating a longitudinal study to track offender behaviour over time.

### **RECOMMENDATION 166**

That the proposed sex offender management program be independently evaluated at three yearly intervals.

### **RECOMMENDATION 167**

That the proposed sex offender management program actively encourage professional staff to undertake empirical research projects, present papers at relevant conferences and publish in appropriate academic and professional journals.

### **RECOMMENDATION 168**

That the introduction of the proposed sex offender management program include a community education program highlighting the rationale for treating sex offenders and the benefits for victims/survivors of sexual violence.

### **RECOMMENDATION 169**

That the proposed community education program target two population groups: the general community, and organisations dealing specifically with victims/survivors of sexual violence.

### **RECOMMENDATION 170**

That the proposed community education program utilise a diverse range of materials including printed brochures, videos, and information seminars in Sydney and major regional rural centres to ensure the public is informed of the program and its rationale.

### **RECOMMENDATION 171**

That the proposed sex offender management program include a public relations component designed to allay ongoing and specific community fears and concerns.

### **RECOMMENDATION 172**

That the Judicial Commission of New South Wales conduct information seminars for judges and magistrates to appraise them fully of the objectives, structure, content and operations of the sex offender management program.

**RECOMMENDATION 173**

That the Minister for Women, through the forum of the Commonwealth-States Ministers' Conference on the Status of Women, urge the Federal government to re-establish and resource adequately the National Committee on Violence Against Women.

**RECOMMENDATION 174**

That the Minister for Women encourage her federal/state/territorial counterparts to develop, adopt and implement a Declaration on Violence Against Women with specific reference to sexual violence against women.

**RECOMMENDATION 175**

That the proposed Declaration on Violence Against Women be inclusive of all Australian women and include Aboriginal and Torres Strait Island women, women with a disability, women from non-English speaking backgrounds and women in rural and isolated areas.

**RECOMMENDATION 176**

That the proposed Declaration on Violence Against Women be succinct, jargon free, reader-friendly and widely distributed.

**RECOMMENDATION 177**

That the Minister for Women urge her federal counterpart to reinstate the Commonwealth Community Education Program: STOP VIOLENCE AGAINST WOMEN conducted by the Office of the Status of Women and continue it for, at least, a further three years.

**RECOMMENDATION 178**

That the Department for Women devise, fund and conduct a statewide community education and awareness campaign aimed at women that

- denounces unequivocally all forms of sexual violence against women;
- emphasises society's responsibility for the prevention of sexual violence;
- explains the law relating to sexual offences in a clear and accessible manner;
- encourages all victims/survivors of sexual violence to report the incident and explains the legal procedures applicable to sexual violence cases and options for legal redress and encourage victims/survivors to make use of all available and appropriate services. The campaign is to emphasise that the system is there to assist them and that previously held negative perceptions of the police and courts may now be out-dated;
- identifies and challenges false myths of sexual violence that discount the victim/survivor's experience, confound prosecution and hinder recovery for victim/survivors;

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- assures the victim/survivor she is never to blame; and
- identifies and challenges existing gender power imbalances and negative constructs of gender.

### **RECOMMENDATION 179**

That the proposed community education and awareness campaign include the production of educational materials, pamphlets, posters, videos, billboards, and the use of all forms of the mass media.

### **RECOMMENDATION 180**

That the development of the proposed community education and awareness campaign include wide consultation with relevant non-government organisations particularly those agencies dealing specifically with victims/survivors of sexual violence.

### **RECOMMENDATION 181**

That the proposed community education and awareness campaign also be directed to:

- women from non-English speaking backgrounds;
- Aboriginal and Torres Strait Island women;
- adult survivors of childhood sexual abuse;
- women with disabilities; and
- women in rural and isolated areas.

Campaigns aimed at non-English speaking background women and Aboriginal and Torres Strait Islander women are to be culturally appropriate, and available in all major community languages. Relevant ethnic and Aboriginal communities are to be involved in the design and development of the campaigns.

### **RECOMMENDATION 182**

That the Minister for Women ensure adequate resources are available to accommodate the anticipated increased demand for services to arise from the proposed community education and awareness campaign.

### **RECOMMENDATION 183**

That the proposed community and awareness campaign contain a comprehensive, planned and reliable evaluation component.

### **RECOMMENDATION 184**

That the Minister for Transport direct that no advertisements placed externally or internally on government buses, bus shelters and trains and on State Rail Authority billboards are to contain exploitative and demeaning images of girls and women.

**RECOMMENDATION 185**

That the Minister for Women urge her Federal counterpart to examine the effectiveness of industry self-regulatory systems and the ability of this system to reflect community attitudes regarding the portrayal of women and, if considered necessary, find means to strengthen the self-regulation systems and request the Australian Broadcasting Authority conduct an inquiry on the development of a Code of Practice on the portrayal of women.

**RECOMMENDATION 186**

That the Department for Women fund and conduct a series of seminars for news journalists and presenters to examine issues such as the nature and extent of sexual violence, false myths and stereotypes, gender issues in violence and the role of the media in shaping public perceptions of violence against women.

**RECOMMENDATION 187**

That the Department of School Education develop or adapt curriculum material for use in years K - 12 that examines issues such as the construction of gender in its social, cultural and historical context, non-violent resolution of conflict and violence against women.

**RECOMMENDATION 188**

That the Minister for School Education ensure all female high school students receive material that provides them with information on:

- accessing sexual assault and victim support services and the police; and
- providing support to friends experiencing sexual violence.

**RECOMMENDATION 189**

That the Minister for School Education ensure material on accessing sexual assault services and the police is available in all state secondary high schools.

**RECOMMENDATION 190**

That the Department for Women undertake a pilot Women's Safety Audit in one metropolitan Local Government Area and one regional rural centre and evaluate the feasibility of conducting further Safety Audits statewide.

**RECOMMENDATION 191**

That the Minister for School Education seek the cooperation of his Federal counterpart to ensure Vice-chancellors of all universities in New South Wales undertake Safety Audits on their campuses and fully implement all recommendations arising from the Audits as a matter of priority.

**RECOMMENDATION 192**

That the proposed statewide community education and awareness campaign (see Recommendation 178) include a component targeting males and:

- make it clear to both perpetrators and potential perpetrators that sexual violence is a crime and all males are personally responsible for their actions;
- identify and challenge the false myths of sexual violence that excuse and protect the perpetrator;
- counter perceptions that offenders will not be caught or punished; and
- identify and challenge negative gender constructions of masculinity.

**RECOMMENDATION 193**

That the proposed community education and awareness campaign targeting men also be directed to men from non-English speaking backgrounds, Aboriginal and Torres Strait Island women and men in rural and isolated areas.

**RECOMMENDATION 194**

That the proposed public education and awareness campaign directed at males utilise high profile males such as actors, performers, and sporting identities.

**RECOMMENDATION 195**

That the proposed public education and awareness campaign directed at males ensure those advertisements screened on television are during male oriented programs such as football and basketball matches.

**RECOMMENDATION 196**

That the Ministry for Women provide funding for the development, trialing and evaluation of a project utilising non-perpetrating male community members opposing violence.

**RECOMMENDATION 197**

That the Minister for School Education adopt and implement all recommendations made in the report from the 1994 Inquiry into Boys' Education, *Challenges and Opportunities*.

**RECOMMENDATION 198**

That the Department of School Education develop a Gender Equity Strategy in education as a matter of priority and include programs for boys, programs for girls and programs for both boys and girls.

**RECOMMENDATION 199**

That the Minister for Education ensure education strategies for boys are complementary to girls' education strategies and there is no competition for resources between the two strategies.

**RECOMMENDATION 200**

That the Minister for School Education ensure boys' education strategies are strongly grounded in an understanding of the construction of gender and the ways in which gender stereotypes may inhibit learning and subsequent life choices.

**RECOMMENDATION 201**

That the Department of School Education provide funding for Stop Rape Workshops to be further developed, trialed and evaluated to determine the appropriateness of conducting the workshops statewide.

**RECOMMENDATION 202**

That the Department for Women fund sexual violence peer education programs similar to the model provided by the Wentworth Sexual Assault Service on all state university campuses.

**RECOMMENDATION 203**

That the Department for Women commission an independent evaluation of the peer education program after two years to ascertain its effectiveness in attitudinal change, and reporting of sexual violence.