

DEDICATION

This report is dedicated
to those women
whose lives have been altered
by sexual violence,
yet have found the dignity and strength
to survive.

Committee Members

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OF THE
STANDING COMMITTEE ON SOCIAL ISSUES**

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FUNCTIONS OF THE STANDING COMMITTEE ON SOCIAL ISSUES

The functions of the Committee are to inquire into, consider, and report to the Legislative Council on:

- any proposal, matter or thing concerned with the social development of the people in all areas of NSW
- the equality of access to the services and benefits provided by the government and non-government sector to the people in all areas of NSW
- the opportunities available to the people in all areas of NSW to attain their optimum level of personal development
- and the role of government in promoting the welfare of the people in all areas of NSW.

OPERATIONS OF THE COMMITTEE

Matters for inquiry may be referred to the Committee by resolution of the Legislative Council, a Minister of the Crown, or by way of relevant annual reports and petitions.

The Committee has the legislative power to:

- summon witnesses
 - make visits of inspection
 - call upon the services of government organisations and their staff, with the consent of the appropriate minister
 - accept written submissions concerning inquiries from any person or organisation
 - conduct hearings in public
-

TERMS OF REFERENCE

That the Standing Committee on Social Issues examine and report on:

- 1 the European Community 1989 Crime Survey which claimed that, of 14 developed countries surveyed, Australia reported the highest level of sexual incidents (sexual incidents included sexual assaults and offensive sexual behaviour);
- 2 research into sexual violence and other related issues;
- 3 any discrepancies in that research; and
- 4 emerging issues in the area of sexual violence.

This Report examines Points 1 to 3.

The Committee's Second Report, to be released in 1994, will consider Point 4.

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CHAIRMAN'S FOREWORD

In 1992 there was considerable media reporting on the results of the International Crime Surveys which found that, in the area of sexual incidents against women over 18 years of age, Australia ranked highest of the countries surveyed. To ascertain the accuracy of the result and to examine other data and research in the area the Minister for Community Services, the Hon. Jim Longley, M.P. referred the matter to the Standing Committee on Social Issues.

This Report represents Part One of the Sexual Violence Inquiry. It provides extensive statistical analysis of the results of international, national and state surveys that measure sexual offences. However, the Report focuses principally on the findings of the International Crime Surveys of 1989 and 1992. Our research shows that both surveys were seriously flawed methodologically in the area of sexual violence.

This report also reviews Australian and NSW studies and statistics. There are a number of problems inherent in these data. Victims' surveys and police statistics, for example, downplay the incidence of sexual violence, by the latter sometimes including a number of incidents in the one case, where a victim reports multiple attacks in the one complaint, and by the former having a ceiling for the number of attacks counted for any individual surveyed. Such ceilings ranged from two to five attacks in the surveys examined by the Committee, and for the survey conducted by the Australian Bureau of Statistics (ABS), it was three assaults.

NSW crime statistics tell us that there were 1,880 cases of sexual assault in 1992. ABS victims' surveys tell us that, for every case that becomes a crime statistic, there are at least three other cases that do not, because victims do not report. From these figures, one might be tempted to conclude that the level of sexual violence in NSW in 1992 was four times the official figure, suggesting that there were at least 7,520 occurrences of sexual assault in the state in that year. Given the limitations of official data, however, such a figure would still not convey the full extent of the crime. If there is a bottom line from all the statistical information in this Report, it is that there is more sexual violence in our society than is measured by any of the studies reviewed.

As well as requiring considerable and complex statistical analysis and research, Part One of the Inquiry has provided Members with a comprehensive insight into the nature of sexual offences and the reporting practices of victims. Whilst this Report deals primarily with figures and numbers, we have all been mindful of the

serious and disturbing nature of sexual incidents. Though our findings show that the International Crime Survey could not justify the claim that Australia is the most sexually violent nation surveyed, the Committee nevertheless remains very concerned about this issue. Sexual violence can be horrifically destructive for its victims - and there are far too many victims. In Part Two of the Report, due for release in 1994, we will be examining ways of addressing this situation, including law reform, education and the provision of relevant services.

I am grateful to the Members of the Committee who have provided valuable contributions to this Report. It is testament to our strong commitment to the issues discussed that this Report has the support of all ten Members of the Committee, representing five different political parties.

Particular thanks are due to the staff of the Committee. Although the collection, collation and analysis of the various sets of statistics must have presented considerably more challenge than the usual Parliamentary Report, Director, Dr Jennifer Knight and Senior Project Officers, Glen Baird and Alexandra Shehadie have met all the Committee's demands and produced a document that is not only comprehensive but comprehensible - no mean feat when dealing with such technical matters. Committee Officer Heather Crichton and Assistant Committee Officer Annie Marshall have also played an important role in the preparation of this Report, especially in relation to its graphics, for which Annie Marshall deserves special commendation.



The Hon Dr Marlene Goldsmith, M.L.C.
Chairman

EXECUTIVE SUMMARY

In September 1992, the Standing Committee on Social Issues was asked to examine the results of the 1989 International Crime Survey and other sexual violence research and identify discrepancies in the research. This Report is the result of an extensive examination undertaken by the Committee which included hearings and briefings in Sydney and an interstate and an overseas study tour.

Chapter One of this Report demonstrates that sexual violence is unlike other crimes. The Committee believes that this uniqueness has a major effect on data collection and consequently upon estimates of the level of sexual victimisation.

The various tools available to measure sexual violence are reviewed in Chapter Two along with a number of other technical data considerations such as measurement reliability and validity.

The results of the two International Crime Surveys (ICS) are analysed in detail in Chapter Three. The 1989 survey, which defined sexual incidents very broadly to include both sexual assaults and offensive sexual behaviour, found that:

- of the nations surveyed, Australian women reported the highest rate of overall sexual victimisation (including both sexual incidents and sexual assault);
- a smaller proportion of incidents were described as sexual assaults by Australian respondents in comparison with those surveyed in some other countries;
- no Australian women described the sexual victimisation they experienced as completed rape;
- female respondents in the United States reported a higher rate of sexual assault (rape, attempted rape and indecent assault) than Australian respondents in 1988; and
- the results were subject to a standard error of up to 70%.

In the 1992 International Crime Survey the word "assault" was added, refining the sexual incidents question to include the more serious types of offences. Results from this second sweep suggest that:

- Australia recorded the third highest victimisation rate for sexual incidents occurring in 1991;
- Australia experienced a reduction of risk of sexual incidents between the two survey sweeps of 52%, the largest reduction of all participating nations; and
- Australia recorded the fourth highest victimisation rate for sexual assaults occurring in 1991.

When data from the two surveys are combined Australia ranked highest of all nations for sexual incidents, and third for sexual assaults.

The Committee believes that the ICS results are not so much an indication of the incidence of sexual violence *per se* as an indication of the willingness of those surveyed to report. The Committee concludes that the validity of the results from the ICS surveys is severely limited by a range of factors including:

- national differences in the way women interpret questions and cultural sensitivity to sexual offences;
- technical problems including small sample sizes and low response rates;
- bias introduced by the interview methodology, varying levels of telephone ownership and telephone culture and acceptability; and
- methodological limitations inherent in victims' surveys, such as questionnaire design and conduct, memory decay, the timing of fieldwork, and the reliability and validity of collected data; and
- Australia's mild climate and distinct urbanisation patterns.

The impact such a wide range of factors had upon the data is such that the Committee believes the ICS results are unfounded and invalid.

The Committee therefore concludes that the media attention placed on the finding that Australia had the highest incidence of sexual offences in the world was unfounded. The Committee does not consider it appropriate for the Government to take account of ICS results in considering policy options in relation to sexual violence.

The Committee appreciates the reasons for initially including questions relating to sexual incidents in the ICS. However, the Committee is of the opinion that, because sexual offences differ qualitatively from other crimes, it is not appropriate for questions relating to sexual incidents to be included in future international crime surveys until the identified methodological problems are addressed.

Chapter Four examines sexual violence in a number of nations. The data are drawn from information provided to a sub-Committee of the Social Issues Committee that undertook a study tour of some participating ICS nations.

The extent and nature of sexual violence in Australia is reviewed in Chapter Five. Data from the Australian component of ICS surveys, the Police Commissioners' Australian Crime Statistics Sub-Committee and national and interstate Crime Victims' surveys are examined. The results of these surveys are relevant to trends in sexual violence and reporting rates.

New South Wales sexual violence statistics are examined in Chapter Six. Official statistics, crime victims' surveys including the NSW inclusion in the ICS, self-selecting surveys and data from service providers are analysed.

An overview of the data from Australia and New South Wales is provided in Chapter Seven. When all available data sources are considered the Australian incidence rate for sexual violence ranges from 1.5 to 184.4 per 1,000 population, while the prevalence rate ranges from 0.5% to 7.26%. The ICS surveys report the highest prevalence and incidence rates. These estimates vary so considerably from the other results that they are difficult to reconcile with data from other sources.

Australian national surveys appear to produce more reliable data through superior methodology and larger sample sizes. The Australian Victims of Crime, the NSW Crime and Safety and the National Social Science Surveys, for example, reveal patterns of victimisation that correspond to each other but not to the ICS.

Data from the Australian Victims of Crime Survey of 1983, and the NSW Crime and Safety Survey in 1992, suggest that the risk of sexual assault has remained unchanged over the period, with approximately 6 in every 1,000 women experiencing a sexual assault in any one year.

However, data from these surveys also suggest that the rate of reporting sexual offences to the police has remained static at approximately 25%. This result is difficult to reconcile with the fact that recorded crime statistics showed a 165%

increase in reported sexual offences over the period from 1983 and 1992. Statistical experts were unable to explain the discrepancy.

Despite the extensive research undertaken by the Committee, confident assertions regarding the true scope of sexual violence in New South Wales remain premature. Certain conclusions can be drawn from the data that are available and various estimates can be calculated. However, the exact incidence of sexual victimisation cannot be ascertained while the number of women who, for various reasons, do not report their victimisation to police, victims' surveys or self-reporting surveys remains unknown. For a crime of such magnitude, the lack of attempts to coordinate or "triangulate" data sources, by those whose expertise and roles focus on the analysis of such data is disappointing.

This report is therefore able to paint only as much of the picture as is possible from available data. Given this limitation, the Committee forwards a number of recommendations designed to ensure that future available data are as accurate as possible and that the most complete picture of sexual violence can be obtained.

The Committee believes that repeated surveys of sexual victimisation are essential and recommends the continuation of the NSW Crime and Safety surveys. It also recommends the ongoing collation and analysis of data from all available sources to produce more reliable estimates of the prevalence and incidence of sexual offences in New South Wales.

Further, the Committee concludes that multiple victimisation is significant and should be monitored to ensure that groups of women at particular and enduring risk of sexual assault are identified and policy responses and prevention strategies are targeted accordingly.

The Committee recognises that a key component in gaining a more complete picture of the nature and extent of sexual violence is the willingness of women to report sexual violence to police or participate in surveys and disclose their experiences to interviewers. The Committee believes that this requires further examination.

It is the hope of the Committee that the collection of data undertaken and recommendations forwarded in this Report will assist in the development of more accurate and realistic estimates of sexual violence in Australia.

None of the above is to allege, however, that Australia is the most sexually violent country in the world, as was publicly claimed in the wake of the International

Crime Surveys. Sexual violence in the past was a largely hidden crime. It is the more socially advanced countries, those aware of and sensitive to the issue of sexual violence, that have done most to expose its existence. Paradoxically, a comparatively high ranking for such violence, on an international scale, is an indicator, in one way, of success rather than failure: Australia is a country that acknowledges sexual violence.

RECOMMENDATIONS

RECOMMENDATION ONE

The Standing Committee on Social Issues recommends that the Attorney General convey to the Standing Committee of Attorneys General the Social Issues Committee's conclusions that the findings of the International Crime Surveys, in relation to questions on sexual incidents, are unfounded and invalid.

RECOMMENDATION TWO

That the Government recognise the limitations which render the findings of the International Crime Surveys in relation to sexual incidents unfounded and invalid, and not consider these findings in policy decisions relating to sexual violence.

RECOMMENDATION THREE

That the Attorney General encourage the Standing Committee of Attorneys General:

- to advise the Australian Institute of Criminology of the inappropriateness of including questions on sexual incidents in future International Crime Surveys unless and until the methodological problems of the surveys are addressed; and
- to encourage the Australian Institute of Criminology to urge the International Crime Survey administrators to exclude such questions from future surveys unless or until the methodological problems of the surveys are addressed.

RECOMMENDATION FOUR

That the Attorney General encourage the Standing Committee of Attorneys General to advise the Australian Institute of Criminology that, should questions on sexual incidents be retained in future International Crime Surveys, the Australian administration of the survey exclude these questions unless and until the methodological problems of the surveys are addressed.

RECOMMENDATION FIVE

That the Attorney General recommend to the Standing Committee of Attorneys General that the Australian Bureau of Statistics design, develop and administer a survey to ascertain the nature and extent of violence against women in Australia, using as a model the Canadian Violence Against Women Survey.

RECOMMENDATION SIX

That the Attorney General and the Minister for Police and Emergency Services:

- . maintain support for, and commitment to, the objectives of the National Crime Statistics Unit in producing nationally comparable data on sexual incidents; and**
- . ensure that appropriate administrative procedures relating to recording crime statistics in New South Wales are maintained, reviewed and amended as necessary.**

RECOMMENDATION SEVEN

That the Minister for the Status and Advancement of Women ensure that sexual violence phone-ins continue to be conducted on a regular basis to update information on sexual violence and provide victims with an opportunity to speak of their experiences.

RECOMMENDATION EIGHT

That the Minister for the Status and Advancement of Women ensure that women from non-English speaking backgrounds, Aboriginal women, and women with disabilities are specifically targeted in future sexual violence phone-ins.

RECOMMENDATION NINE

That the Attorney General ensure that NSW Crime and Safety Surveys continue to be conducted on a regular basis, enabling trends in victimisation rates to be monitored to assist in the identification and evaluation of policy options for the prevention of sexual violence in New South Wales and assistance to victims.

RECOMMENDATION TEN

That the Attorney General request the NSW Bureau of Crime Statistics and Research:

to continue to gather and analyse data from all available sources on the prevalence and incidence of categories of sexual incidents in New South Wales; and

to investigate and report on the feasibility of calculating more reliable estimates of sexual victimisation prevalence and incidence in New South Wales by collating data from these various sources.

RECOMMENDATION ELEVEN

That the Attorney General request the NSW Bureau of Crime Statistics and Research investigate and report on strategies to ensure that repeat sexual victimisation is recorded in official statistics and victims' surveys in New South Wales, enabling groups of women at particular and enduring risk of sexual violence to be identified, and resources and prevention strategies targeted accordingly.

GLOSSARY

Australian Bureau of Statistics (ABS)	The central statistical authority for the Australian Commonwealth government, which, under agreed arrangements, also provides statistical services for the state governments.
Australian Institute of Criminology (AIC)	A federally-funded organisation which conducts research; provides independent, expert advice; and disseminates statistics and other information, with a national focus, in relation to crime, crime prevention and criminal justice.
Computer-Assisted Telephone Interviewing (CATI):	The utilisation, during a telephone survey interview, of a computer program which minimises interviewer error by standardising the routing of questions and ensuring that acceptable responses are entered for each question before the interview can proceed.
Counting rules:	The rules applied by police or statisticians to count the numbers of victims and/or the number of offences that have occurred when preparing official statistics from individual crime reports.
Incidence rate:	An estimate of the total number of offences or incidents occurring within a discrete community (or segment thereof) during a given period of time, taking into account multiple victimisation. Usually expressed in terms of incidents per 1,000 of the population being examined.
Indecent assault:	A sexual offence with a degree of seriousness less than that of sexual assault. In the ICS, it excluded grabbing or touching, and was grouped with rape and attempted rape in the category of sexual assault.

Glossary

International Crime Survey (ICS):	A cross-national victimisation survey first conducted in 1989 and repeated in 1992 which attempted to compare international data on crime levels and the characteristics of and responses to crime in participating countries. Also referred to as the International Crime Victims' Survey.
Memory Decay:	The phenomenon whereby respondents to surveys fail to recall and report incidents that have occurred within the reference period.
Mode effects:	The potential bias that may be introduced by the application of a particular survey interview methodology producing results that may differ from those produced by an alternative methodology.
Multiple victimisation:	Instances where a victim has experienced more than one incident of sexual victimisation. While the full extent of multiple victimisation should be taken into account in calculating incidence rates, survey questions often impose a ceiling whereby a maximum number of incidents [for example, three or four] are recorded for each respondent, regardless of the actual number of victimisations experienced.
Non-sampling error:	The bias that may be introduced into a survey by errors made by the interviewers or the respondents, or factors such as national or cultural differences in interpretations or definitions.
NSW Bureau of Crime Statistics and Research:	A unit within the NSW Attorney General's Department responsible for research on the development and evaluation of government policy within the criminal justice area, and which maintains a database of criminal offences reported to and recorded by police in NSW.

Offensive Sexual Behaviour:	An instance of sexual victimisation with a degree of seriousness less than the offences of sexual and indecent assault, and which may or may not be proscribed by the criminal law, and may or may not involve physical contact. In the ICS, offensive sexual behaviour is defined to include grabbing and touching.
Official statistics:	Published data based on information on reported crime recorded by the police.
Phone-ins:	Self-selecting surveys giving victims the opportunity to respond anonymously by telephone during a specified period of time to discuss their experiences.
Prevalence rate:	An estimate of the total number of people experiencing some form of victimisation within a discrete community, or segment thereof, during a given period of time. Multiple victimisation is not included in estimating prevalence rates, which is usually expressed in terms of a percentage of the population being examined. Also known as the victimisation rate.
Qualitative data:	Data which relate to the nature and characteristics of particular occurrences, and which are descriptive or subjective in nature. Such data often relate to the feelings and experiences of survey respondents, and are difficult to codify numerically.
Quantitative data:	Data which relate to the prevalence and incidence of particular occurrences in a community, or factors relating to those occurrences, as revealed by survey respondents or as recorded in official statistics, and which have a numerical focus.
Random Digit Dialling:	A technique often used in conjunction with telephone interviewing to generate a random sample and to ensure that respondents with unlisted telephone numbers are included in the potential sample.

Glossary

Rape:	In common law, the penetration of a victim's vagina by a perpetrator's penis, without consent. In some jurisdictions, the term "rape" remains in the criminal law but has been amended to include other forms of sexual assault. In other jurisdictions, the offence of "sexual assault" has replaced rape.
Rape-related Post-Traumatic Stress Disorder:	A documented syndrome related to the immediate and on-going physical and mental health impact of sexual violence on victims.
Rape Shield:	Legislation which makes evidence relating to a victim's prior sexual history inadmissible in court.
Recency bias:	The bias that may be introduced to survey results when incidents that have occurred more recently are recalled and reported more frequently by respondents than incidents which occurred at an earlier time within the reference period.
Reference period:	The time period within which respondents to surveys are asked to recall incidents as having occurred to them.
Relative Standard Error:	A measure of the likely variation between an estimate based on a survey sample, and the estimate that would have been produced with a sample comprising the whole population, expressed as a percentage of the estimate.
Reliability:	The consistency or dependability of data. A reliable measurement tool will produce similar results when repeated under similar conditions of testing at different times.
Representative sample:	A survey sample which reflects the demographic composition of the community from which it is drawn, or has been appropriately weighted to satisfy this criterion.

- Response rate:** The percentage of all people initially contacted to participate in a survey who agree to be interviewed and for whom an interview is successfully completed.
- Reverse Record Checks:** Victims' surveys in which the sample comprises actual victims of crime identified from police records, which serve to test whether details reported by the respondents in the survey are in accordance with the details provided to the police at the time of the offence.
- Sample:** The group of the population participating in a given survey.
- Sampling error:** The bias that may be introduced into survey results when the survey's sample is not representative of the community at large.
- Screening questions:** Survey questions which identify those respondents of whom further related questions will be asked.
- Self-selecting surveys:** Publicised data collection initiatives whereby information is received from respondents who voluntarily choose to participate. Such initiatives often aim to collect information on offences which have never been reported to police. Also known as self-reporting surveys.
- Service providers:** Organisations which provide assistance to victims of sexual assault, such as counselling and medical attention. Service providers include, for example, Sexual Assault Centres of the NSW Health Department.
- Sexual assault:** An instance of sexual victimisation of the most serious degree. In the criminal law of NSW, sexual assault includes attempted or actual sexual intercourse without consent, whether or not aggravating circumstances are present, and assault with intent to have sexual intercourse. In the ICS, sexual assault included rape, attempted rape and indecent assault.

Glossary

Sexual incident:	An instance of sexual victimisation of any form, from offensive behaviour to serious sexual assault, regardless of whether the experience is defined as criminal.
Sexual offence:	An instance of sexual victimisation proscribed by the criminal law; in victims' surveys, an instance of sexual victimisation which the victim considers to be criminal, and which may include offensive sexual behaviour in addition to sexual and indecent assault.
Sexual victimisation:	Any form of sexual behaviour, whether physical or non-physical, which is perpetrated without the consent of the victim.
Sexual Violence:	A generic term for the more serious instances of sexual victimisation which involve physical contact, including sexual and indecent assault.
Sweep:	One of a series of surveys which are repeatedly administered over time to assess trends.
Telephone culture:	The cultural attitudes that a given community demonstrate in relation to telephone usage.
Telephone penetration:	The extent to which householders in a given community own telephones.
Telescoping:	The phenomenon whereby respondents in surveys report incidents that have occurred outside the reference period as having occurred within the reference period.
Under-reporting:	The effect of a proportion of victims choosing not to report their victimisation to police or survey interviewers, resulting in the level of sexual victimisation suggested by recorded, official crime statistics and victims' survey results being lower than the actual level of sexual victimisation occurring in a community.

- Validity:** The relationship between what a tool actually measures and what was intended to be measured.
- Victims' survey:** A measurement tool which attempts to estimate the level of crime in a community by producing estimates based on the responses of a random sample selected from the community, including victimisation not reported to the police. Also known as victimisation surveys.
- Weighting:** A statistical process applied to survey results to ensure that data from the survey sample are representative of the demographic characteristics of the entire population.
