

# Sexual Violence Reform Priorities.



Full Stop Australia acknowledges the Traditional Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to Elders both past and present.

## About Us

Full Stop Australia is an accredited, nationally focused, not-for-profit organisation which has been working in the field of sexual, domestic and family violence since 1971. We offer expert and confidential telephone, online and face-to-face counselling to people of all genders who have experienced sexual, domestic or family violence, and specialist help for their supporters and those experiencing vicarious trauma. We also provide best practice training and professional services to support frontline workers, government, the corporate and not-for-profit sector and advocate with governments, the media and the community to prevent and put a full stop to sexual, domestic and family violence.

Full Stop Australia, as a national service, draws upon the experiences of our counsellors supporting people impacted by sexual, domestic and family violence in different jurisdictions, as well as our clients and other survivor advocates who are part of our [National Survivor Advocate Program](#), to advocate for consistent approaches to family, domestic and sexual violence nationally.

## Consultation

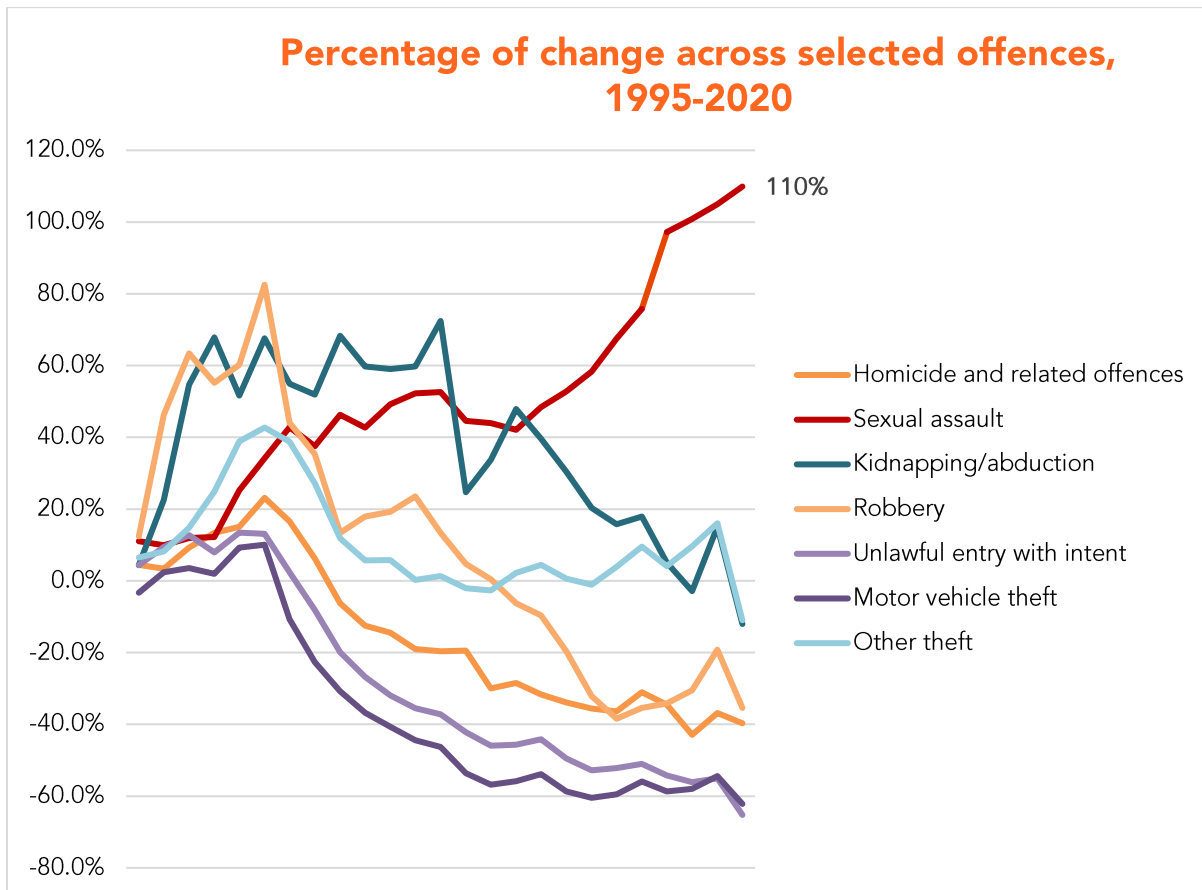
In preparing this submission we consulted with Full Stop Australia's clinical and client services team, clients and survivor advocates and colleagues in the sexual, domestic and family violence sector. On 9 August 2022, Full Stop Australia hosted the *Voices of Survivors* event to provide an opportunity to sexual assault survivors to contribute to the reform agenda. Survivors were invited to share their views, experiences, and recommendations across matters relating to prevention and early intervention, response, and recovery in a series of panel discussions.

The following work summarises the discussions and findings from these discussions in the hope of providing Australian Governments with the lived expertise of those who have been impacted by sexual violence and have navigated the very services, strategies and response pathways which are currently being reviewed.

Full Stop Australia sincerely thanks the survivor advocates who generously shared their insight and experiences. We have heard your voices and have attempted to shine a light on your own individual experiences and expertise to drive the change needed for those impacted by sexual violence.

## Overview

**Sexual assault is the fastest growing violent crime across Australia.** Recent data from the Australian Bureau of Statistics reports that whilst there was a decrease in personal crimes such as homicide, theft, and kidnapping in the past 25 years, **sexual assault increased by 110%.**



Graph 1 Victims, Selected offences, 1993–2020: Australian Bureau of Statistics Recorded Crime – Victims (starting from 1995 to account for data gaps)

Full Stop Australia has been on the frontline, providing trauma specialist counselling and care coordination to people impacted by family, domestic and sexual violence throughout this time and has experienced this increase in demand for support firsthand. **Even in just the last two years, Full Stop Australia saw a 26% increase in calls** received across our services, **with 90% of those callers being new clients contacting us for the first time.** This call demand has not been accompanied by an increase in core funding, meaning more and more sexual assault survivors are unable to get through when they call for support.

Against this backdrop, just 1.5% of sexual assaults result in a conviction. Moreover, survivors of sexual assault report that, in many of not most cases, their encounters with the criminal justice system was extremely re-traumatising. In the words of one survivor: **“for me the ‘justice’ process was worse than the experience itself.”**

Each [Australian Attorney General](#) has now acknowledged that we are failing victim-survivors of sexual violence and have committed to investigating broad, sweeping and transformational system changes.

Indeed, across Australia, our current response to sexual violence is at crisis point. Despite the rise in sexual assault reporting, there has been a lack of leadership, investment or consideration of sexual violence survivors and the services they rely upon for support. The entire system requires fundamental, systemic and transformational change.

The time has come for real and meaningful change. We cannot wait another 5 years.

## Intersectionality

An important fundamental consideration when recognising and responding to sexual violence is the understanding that each victim-survivor is unique, has differing needs and wants, and that many are subject to compounding forms of discrimination and structural inequality. Any sexual violence reforms must consider such additional barriers and impacts, especially those affecting First Nations peoples, culturally and linguistically diverse communities, people with disability, and people in regional, rural and remote communities.

In the consultation with survivor advocates as part of the development of this submission, one victim-survivor highlighted the necessity of an intersectional approach as follows: **“an intersectional approach [needs to be] integrated throughout... people from different communities have different experiences [of sexual violence and accessing services].”** Another victim-survivor emphasised the necessity of an intersectional approach, warning that a failure to do so **“perpetuates harmful stereotypes,”** stating **“I want to stop the harmful language in the first instance and encourage a conversation on better wording to convey actual intention.”**

Additionally our sexual violence reform efforts need a specific focus on protecting and supporting children and young people. Sexual assault prevalence rates are higher for young people, with 63% of reported sexual assault victims being under the age of 18.<sup>1</sup>

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<sup>1</sup> Australian Bureau of Statistics, *Sexual Violence: Victimization* (Report, 2021).

## Legal System Reform

The justice system is not working for survivors of sexual violence. Despite decades of legislative reform, sexual offences remain under-reported, under-prosecuted and under-convicted.<sup>2</sup> Many victim-survivors find the criminal justice process to be extremely challenging and re-traumatising. Recent evidence and procedural reforms (such as the recent enactment of affirmative consent laws and the introduction of jury directions) will go some way to ensuring the court process is safer and more inclusive for victim-survivors of sexual violence, but much more needs to be done.

Survivor advocates reiterated the barriers to reporting sexual violence and the failure of the justice system as a whole to deliver safe processes and just outcomes. One survivor-advocate spoke to the continued failures they experienced from the police in reporting and investigating their incident, stating they **"found the police failures and processes extremely retraumatising,"** with another survivor stating **"the justice system responses were reactivating and retraumatising. They create additional harms if you participate in them."** There was a consensus that if victim-survivors are being encouraged to come forward and disclose their experience of sexual violence, police and judicial responders need to be equipped to respond adequately. One survivor described their devastating experience of reporting sexual violence to the police **"the police didn't even get back to me. They straight up dismissed me."** This was a common theme across the roundtable with many survivor advocates detailing the myriad of challenges they experienced when navigating the justice system, specifically the lack of trauma-informed practice from first-responders, bias from police and a lack of understanding around diverse situations. One survivor concluded by stating **"for me the 'justice' process was worse than the experience itself."**

Survivor advocates spoke extensively to the impacts of the lack of trauma-informed practice across the justice system. There is no sexual violence equivalent to police domestic violence liaison officers in many states and territories. And there is no sexual violence equivalent of coordinated system responses, court support and case management services. Survivor advocates recounted instances where no female police officers were available when reporting sexual violence, and the distressing impact it had on them to retell their experiences to a male officer. One survivor-advocate spoke to the urgent need for law enforcement to collaborate with frontline workers such as social workers and counsellors to better ensure a trauma-informed environment for victim-survivors. Another survivor-advocate spoke to the importance of police and judicial training to be driven by people with lived-experience and specialist sexual violence services and administered through a trauma-informed lens. Survivor advocates also shed light on the additional barriers victim-survivors from marginalised groups face in navigating the justice system. For

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<sup>2</sup> NSW Law Reform Commission, 2020

example, a survivor-advocate discussed the unique experience of sex workers, explaining that **“there is a genuine fear of reporting if you are a sex worker”**. The survivor-advocate recounted several instances where sex workers were charged for other offences when attempting to report sexual violence to police. Additional barriers exist for victim-survivors from migrant and refugee backgrounds who may be reluctant to report due to their visa status, fears of government or police officials, or a lack of knowing what support avenues are accessible for them. Overall, the overwhelming message from survivor advocates at the roundtable was that reporting to police had a traumatising and distressing impact on them as victim-survivors, resulting in many regretting having reported or deciding not to report further instances at all. Victim-survivors should not have to choose between ensuring mental and psychological safety and stability and reporting the incident and pursuing justice.

To further reinforce this message, one survivor-advocate shared an experience where they were discouraged from reporting by a police officer because **“the police could not ensure they could provide sufficient protection for me”** if the perpetrator retaliated. There was a particular concern among survivors around defamation laws with one survivor stating **“many young people don’t really understand it so are scared of being caught up in [defamation laws].”**

Survivor advocates agreed that victim-survivors should be able to report sexual violence without fears of being misidentified as the perpetrator, being refused support, or being charged for separate offences. Police need to start believing victim-survivors as a basic proposition. Crucially, survivor advocates also discussed the challenges of navigating the justice system as a First Nations person. One survivor-advocate discussed the lack of culturally safe reporting mechanisms, explaining that there is an insufficient number of Aboriginal Community Liaison Officers in police services, and they are not provided with adequate support and training. Moreover, access to essential services such as forensics is particularly dire in rural areas where victim-survivors have to travel up to 8 hours for an examination. However, even when these services are accessed, survivor advocates spoke to how often these services are not necessarily culturally sensitive, with very few Aboriginal or Torres Strait Islander forensic officers working in hospital settings.

The survivor advocates spoke extensively on the challenges of the justice system regarding matters of sexual violence – in the reporting of their assault, the giving of evidence, and in accessing the supports they need through the process. As such, **Full Stop Australia urges each Australian Government to train and support all police officers, prosecutors, and judicial officers to equip them to consistently identify and respond to sexual violence and provide specialised training for those involved in investigating, prosecuting and determining sexual offence matters to ensure they respond in a trauma-informed and culturally appropriate way. This would involve a commitment from each of these agencies to adopt a trauma-informed model of supporting victims through the**

**process of reporting and giving evidence in criminal procedures. It would also require adequate supervision and support for police officers, prosecutors, and judicial officers, including managing secondary or vicarious trauma. Moreover, by establishing a Sexual Violence Liaison Officers in every police local area command, each state and territory government could take steps to ensure their police services are meeting the needs of individual communities.**

**As survivor advocates highlighted, liaison officers must also be trained in culturally sensitive practice. Finally, all complainants in sexual violence matters should have automatic access to court advocacy and case management workers, operating similarly to WDVCSs in NSW and Orange Door in Victoria, so that they have trauma-informed support throughout the process of reporting and giving evidence in court, as well as linking up with health and other services to support their recovery.**

Ultimately survivor advocates stated the need for a **“wrap around service”** or **“case management”** to provide support throughout the justice process.

Full Stop Australia recommends the following additional commitments be included in our national strategy to improve the justice system for survivors of sexual violence:

### **Training and supporting all actors in the justice system to respond to sexual violence**

Actors in the justice system refers to employees of the government service systems who interact with or otherwise support victim-survivors including police, defence lawyers, prosecutors, witness assistance officers, court staff and judicial officers.

- Train and support all actors in the justice system to identify and respond appropriately and consistently to sexual violence and specialised training for police officers investigating sexual offences to ensure they respond in a trauma-informed and culturally appropriate way. This would involve a commitment from all actors in the justice system to adopt a trauma-informed model of supporting victims through the process of reporting and giving evidence in criminal procedures. It would also require adequate supervision and support for all actors in the justice system, including managing burnout, compassion fatigue, and secondary or vicarious trauma.
- Establish Sexual Violence Liaison Officers in every police local area command to meet the needs of individual communities. As survivor advocates highlighted, liaison officers across each police force must be trained in culturally sensitive practice. As an initial step, existing Domestic or Family Violence Liaison Officers could be trained to work specifically with survivors of sexual violence.

- Establish state and territory-wide automatic referral processes for police incidents of sexual assault, including those which occur in non-domestic settings. These should be triaged through 24/7 state or territory-wide sexual assault services to local sexual assault services.
- Undertake a review of the translation and interpreting services to ensure they provide appropriate assistance to enable police officers and civilian staff working in its communications centre, and on front counters in police stations to communicate meaningfully with all First Nations peoples, including in relation to sexual violence cases. This review of the translation and interpreting services should also be extended to include CALD communities and ensure appropriate and culturally specific assistance is being provided.
- Partner with community leaders, cultural and faith-based leaders in culturally and linguistically diverse communities and Elders in First Nations communities to co-design and implement local plans to enable people who have experienced sexual violence to come forward and make a complaint without fear of, or actual retaliation or retribution to them or their families, friends, or supporters.
- Implement ongoing competency-based sexual violence and trauma-informed training across each police service, including for frontline police, investigators, communications centre staff and staff working on front counters in police stations. This training must be evidence-based and trauma-informed and supported by professional supervision to ensure learnings are applied by individual officers and staff in practice.
- In consultation with people with lived experience including people from culturally and linguistically diverse backgrounds, LGBTIQ+ people and people with disability, First Nations peoples and legal and service system stakeholders, police services should review and update their operational policies and procedures about the investigation of sexual violence cases.
- In consultation with police services and Directors of Public Prosecution, state and territory governments must establish a clear, robust, transparent and easily accessible internal 'right to review' process of police and prosecutorial decisions for victim-survivors of sexual violence.

**More significant commitments to improving the criminal justice response to sexual violence:**

- Consistent with the specific actions under the [MAG Work Plan](#) to Strengthen Criminal Justice Responses to Sexual Violence, each Australian Government must commit to:
  - Reviewing the criminal offences and legal definitions (including consent) relating to sexual offending in the context of the unique characteristics of each jurisdiction's legislative framework and criminal justice system and progressing and implementing appropriate reforms.



- Implementing reforms which enable greater admissibility of tendency and coincidence evidence in child sexual abuse matters, and apply these changes to sexual offence proceedings involving adult victim-survivors.
- Enacting legislative protections for vulnerable witnesses giving evidence in criminal proceedings as well as victim-survivors of sexual offences.
- Developing a national approach to education and training to foster a trauma-informed, shared understanding among judicial officers, legal and justice sector professionals of the common myths and misconceptions about sexual assault.
- Committing to improving victim-survivors' understanding of, and access to, legal assistance and resources, including specialised legal services. Further consider the merits of independent victim-survivor advocates and other existing models of support operating domestically and internationally.
- Reviewing opportunities to provide tailored and accessible support to victim-survivor witnesses who require communication assistance or other non-legal services, including witness intermediary schemes, interpretation and translation services, or assistance animals.
- Committing to improving access to, and the operation of, audio visual link technologies, court support resources, specialist court facilities, and other available capabilities.
- Coordinating and collecting annual reporting on relevant actions to provide MAG and the public with greater visibility of efforts across Australia.
- Strengthening national datasets, sharing research and learnings (including via the National Working Group on Criminal Justice Responses to Sexual Assault), and commissioning academic research to build a shared evidence base that informs best practice policy development, implementation, and evaluation.
- Working in tandem with the MAG Work Plan, implement further evidence and procedural reforms to apply universally to all sexual violence cases including:
  - the right to closed courtrooms
  - access to legal representation
  - the entitlement to give evidence remotely
  - the entitlement to audio-visual record evidence (evidence-in-chief and cross-examination), which can be used in any re-hearing or subsequent proceeding
  - strengthening protections against cross-examination
  - access to witness intermediaries and support persons
  - access to independent legal advice and representation.
- Developing and implementing ongoing professional development and vicarious trauma support for experts who may be required to prepare reports and give evidence in criminal proceedings for sexual offences.
- Expanding forensic units across each state and territory to ensure universal availability of trauma-informed and culturally appropriate forensic examinations nation-wide. This would

also involve the employment of culturally appropriate forensic examination staff so that Aboriginal and Torres Strait Islander victim-survivors have greater access to culturally appropriate forensic examinations. High-quality forensic medical services must be available to all victims of sexual violence across the country. These services must all be trauma-informed and culturally competent.

### Reforms to civil laws

- Reform defamation laws to ensure adequate protection of freedom of speech in cases of serious investigative journalism where the subject of the reporting may not want a matter exposed, and to introduce a standard direction or presumption in favour of confidentiality and suppression or non-publication of witness details in any defamation court proceeding where the defamatory material includes allegations of sexual harassment.
- Reform civil procedure to protect alleged victims of sexual harassment who are witnesses in civil matters, such as having the proceedings conducted in a closed courtroom, giving evidence from a remote room, having their evidence in chief be audio-visually recorded prior to the hearing, having an audio-visual recording of their evidence during the hearing be re-used in any subsequent proceedings, being protected from direct cross-examination by a self-represented party, and having a support person present while giving evidence.

## Access to Trauma Specialist Counselling, Care Coordination, Case Management and Court Support

Service systems need to be equipped to provide support to victim-survivors at the different points along the continuum throughout their engagement with the criminal justice system. The notion of “No Wrong Door” should extend across the range of government, non-government and primary health services which might be an entry point for seeking information and access to support and justice.

Survivor advocates at the forum discussion reiterated that most people impacted by sexual violence do not know where to go to for help and cannot access a specialist sexual violence service. They agreed what is needed is a ***“one stop shop that makes it easy to navigate all the services and processes”***.

**Indeed, we need to make it simpler and more streamlined for victim-survivors to access critical supports, including through integrated service models which involve proactive referral to trauma specialist sexual violence services. We recommend each Australian government implement a state and territory-wide triage approaches through state and territory-wide 24/7 sexual violence crisis lines which can provide**

**immediate trauma specialist support and connect survivors to localised trauma specialist services operating during business hours. In this way, sexual violence victim-survivors could be assured of a trauma informed response to their disclosure, not having to re-tell their story, and being supported whilst they're linked in with ongoing wraparound services at the local level.**

Victim-survivors stated that being able to find or access services was problematic and re-traumatising, one survivor stated *"coming from a disabled experience... the survivor is the one who has to pull together a network of support. It is completely on the survivor"* and another survivor agreeing, stating *"I was reaching out constantly... but it was downplayed."* Other survivors echoed the difficulty in being able to access services with multiple survivors stating the stressful, draining, lonely and traumatising experience it was to attempt to navigate which services were available to provide support. One survivor, who experienced domestic violence and sexual violence said *"I was extremely supported in DV. I could not believe there was next to no support for sexual assault."* Access to services is a critical priority and must be adequately addressed in our sexual violence reform efforts to ensure that all survivors of sexual violence can access the support they need to be safe and recover from the impacts of their experiences. Furthermore, survivors expressed their desire for a case management system, similar to that which is provided for people impacted by domestic and family violence. This extended to support and advocacy in reporting to police and attending court.

*"I think having a service to attend the station with victims is vital. At [service name] we used to go to the station with survivors and be there with them. We received good feedback saying it was good to have someone who understood the laws and also wasn't in a uniform or linked to police. However, a lack of funding stopped us as we were doing this as a volunteer."*

Not only is access to services a critical priority but also a public awareness campaign of what services are available for support. Many survivors stated that they were unaware of the services available to them, with many survivors never accessing the services available to them.

One survivor in particular noted that she didn't even learn about the services available for many years after being sexually assaulted: *"I was an advocate for 5 years before I learned victims' services exists. I'd engaged with so many doctors, psychologists and lawyers before I was finally told about victims' services."*

Moreover, even those victim-survivors who were made aware of specialist sexual assault services relayed they were told they would need to wait 6-months-to-a-year to access them.

In the words of one survivor, ***"The scheme offers 20 free sessions, but I know survivors who have called 30+ counsellors on that list and none of them have had availability. There needs to be an availability/booking service so survivors don't need to ring 30+ people before they can book a session."***

Consequentially, survivor advocates at the forum spoke to their experience in calling a trauma specialist counselling line and being left on hold for long periods of time. This is particularly dangerous as several victim-survivors described being in a suicidal state when they reached out for support, with one survivor-advocate sharing, ***"when you're sitting in the car and you're unsure whether you will even make it home safe, it is crushing when no one picks up on the other end of the line."*** Another survivor-advocate shared this sentiment, suggesting that she would have benefitted from in-patient care due to suicide ideation triggered by her experience of sexual violence. For this survivor-advocate, generational trauma in the home meant she was unable to access adequate support from family, and as a result she was left to live in an unsafe environment without the appropriate trauma-informed support. Addressing this gap is particularly important as the largest growing age bracket of victims of sexual assaults are aged between 13 to 20 years, many of whom still live in the family home.

In addition to immediate increases in core funding to trauma specialist counselling services, survivor advocates also discussed the critical need for further trauma specialist counselling outreach to regional and remote areas. There are limited specialist sexual violence counselling services that are non-government and based in community settings such as women's health, Aboriginal community-controlled organisations or via the primary health setting. Concerningly, there are a lack of referral and triage systems for victim-survivors of sexual violence and limited system integration.

Consequently, many victim-survivors resorted to pursuing counselling through private psychology practices, however, the expense of private therapy continues to be a significant barrier for victim-survivors. Even with a Medicare subsidy under a Mental Health Treatment Plan, victim-survivors are left to foot significant out-of-pocket expenses. One survivor-advocate estimates that ***they spent over \$15,000 on counselling in the past 3 years, in a period when they were unable to sustain stable employment because of their trauma.*** Victim-survivors should not be forced to choose between affording basic living costs and accessing essential health care.

The critical role trauma-specialist counselling and support plays for a victim-survivor cannot be overstated. Given the shared views of survivor advocates at the roundtable, the participants felt it was essential that Australian Governments increase the funding to ensure that every person impacted by sexual violence has trauma-specialist support available to them. This includes care-coordination, case management and court support. As one survivor-advocate emphasised, ***"we ask victim-survivors to speak out and ask for help, and then when they do no one is***

*there to listen*". We must ensure that no-one impacted by sexual violence is left waiting for essential trauma-informed support. Additionally, survivor advocates spoke to the expansion of trauma specialist counselling services in women's health, Aboriginal health, and community and neighbourhood centres across each state and territory to ensure universal access. Survivor advocates reiterated that ongoing and consistent support from a trusted practitioner was instrumental to their healing.

**Informed by the voices of victim-survivors, Full Stop Australia is calling for survivors of sexual violence to be afforded access to care coordination through Primary Health Networks, and case management and court support through local specialist sexual violence services in non-government settings, similar to Women's Domestic Violence Court Advocacy Services (WDVCAS) and Local Support Services (LSS) in NSW and Orange Door in Victoria. We submit that both the Primary Health Networks and integrated domestic and family violence service system infrastructure could be leveraged and extended to include support for people impacted by sexual violence beyond that which occurs in a domestic setting (as discussed further below).**

**Full Stop Australia also recommends the Australian Governments invest in workforce development to ensure frontline staff can identify and respond to sexual violence and complex trauma, manage their own vicarious trauma, and link up with other professionals as part of a community of practice. This should include funding for training and developing a trauma-specialist sexual violence counselling workforce in line with the [NASASV National Standards of Practice Manual for Services Against Sexual Violence](#). Full Stop Australia seeks to be resourced to clinically train, support and mentor trauma specialist counsellors in a range of community settings across the state. Our sister services in each state and territory, represented on NASASV are also similarly well-placed to implement this workforce development strategy.**

It is noted that Full Stop Australia has already developed and implemented training and resources to support frontline responses to sexual, domestic and family violence, including the following:

- Respectful Workplaces Training – equipping workplaces to better prevent and respond gender-based discrimination, bullying, harassment, and violence.
- Workplace Responses to Domestic and Family Violence – equipping workplaces to better support their employees impacted by domestic and family violence.
- Responding with Compassion – equipping individuals and organisations to respond to disclosures using a trauma informed approach.
- Ethical Leadership in Action – applying a gendered lens to workplace leadership.
- Policy development and review – supporting organisational excellence in preventing and responding to sexual assault, sexual harassment and domestic violence.

- Preventing and Responding to Violence, Abuse and Neglect in Aged-Care and Disability Settings – equipping aged-care and disability services and frontline staff to better prevent and respond to gender-based violence.
- Professional services – help with self-care for professionals working in the field of trauma.
- Professional services for psychologists and counsellors – providing professionals with knowledge and skills to respond to vicarious trauma through supervision and debriefing services.
- Understanding and Responding to Complex Trauma – designed and developed for counsellors working alongside clients with complex trauma as a result of sexual, domestic or family violence.
- Vicarious Trauma Training – for psychologists, counsellors and frontline workers, providing them with knowledge and skills to respond to vicarious trauma.
- Vicarious Trauma Management – Comprehensive vicarious trauma management solutions for employers.

## Contact

Thank you for the opportunity to inform government efforts to improve the criminal justice system response to survivors of sexual violence. For more information or to discuss, please contact Hayley Foster on (02) 8585 0333 or at [info@fullstop.org.au](mailto:info@fullstop.org.au)