

2nd
Edition

Women and Sexual Violence Law

Women's Legal Service NSW



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Acknowledgements

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Disclaimer

Information about the law is summarised or expressed in general statements in this publication. The information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. While every effort is made to provide the most accurate and up-to-date information, Women’s Legal Service NSW does not assume responsibility for any errors or omissions.

About this booklet

This booklet aims to provide information primarily to people who have been subjected to sexual violence as adults in New South Wales, Australia, but it may also be relevant to people who have been subjected to sexual violence as children.



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1. Sexual violence

What is sexual violence?

Sexual violence is when someone does something sexual that hurts you and/or makes you feel uncomfortable.

Sexual violence occurs when you do not freely and voluntarily consent to a sexual activity or activities.

You are not consenting to sexual activity if:

- ▶ someone is pressuring you;
- ▶ someone is forcing you;
- ▶ someone is threatening you or threatening someone or something you love;
- ▶ you have changed your mind;
- ▶ you cannot stop when you want;
- ▶ you have not turned 16 years old;
- ▶ you are not awake and conscious;
- ▶ you are overly affected by alcohol or drugs;
- ▶ you have a cognitive impairment that affects your ability to consent;
- ▶ the person you are with has lied about their identity or led you to believe they are someone else.

If a person engages in sexual activity without your consent, they are committing a crime.

No one should presume you consent. Consent to any sexual activity must be clearly communicated by words or actions. A person should, within a reasonable time, before or at the time of the sexual activity, find out if you consent. If you do not say or do anything to indicate that you consent to the sexual activity, you are not consenting, and they are committing a crime.

You can withdraw your consent at any time. For example, if you tell someone to stop kissing you and they don't, they are committing a crime.

You can consent to some sexual activities and not others. For example, if you agree to having protected sex with someone and they have unprotected sex with you, they are committing a crime.

Being in a relationship with someone does not mean they can engage in sexual activities with you whenever they want; you still need to freely consent to all sexual activity. For example, if your partner has sex with you while you are asleep, they are committing a crime.

If you are only engaging in sexual activity because you are worried about the consequences if you don't, you are not consenting. For example, if your partner threatens to cancel your credit card if you don't perform oral sex, they are committing a crime.

Who is most likely to experience sexual violence?

Sexual violence can happen to anyone but is mostly committed by men against women and children, and by people they know, such as boyfriends, fathers, neighbours, stepfathers, bosses, uncles, husbands or partners.

One in five women report that they have been sexually assaulted during their lifetime. This number may be much higher, but many women find it hard to talk about sexual assault and do not report to anyone.

Lesbian, gay, bisexual, transgender, intersex, queer and asexual (LGBTIQ+) people also experience high rates of sexual violence. Research has shown that a LGBTIQ+ person who has been subjected to sexual violence is even less likely to report to police due to fears about social stigma of being identified as LGBTIQ+. Men can also be victims of sexual violence.

Women with a disability are twice as likely to experience sexual violence compared to women without a disability, and women with an intellectual disability are 90% more likely to be subjected to a sexual assault than women in the general population.

Sex workers can be at high risk of sexual violence because of their work. They can find it difficult to report to sexual violence to police fearing they will not be believed.

2. Getting medical help

If you think you have experienced sexual violence, you could consider getting medical help.

Common feelings

Everyone's experience of sexual violence is different. However, many people have common feelings and reactions. These may include feeling:

- ▶ numb and shocked;
- ▶ angry and irritable;
- ▶ out of control;
- ▶ jumpy and finding it hard to concentrate;
- ▶ dirty;
- ▶ guilty and embarrassed.

You might also feel:

- ▶ worried that somehow everyone knows about it;
- ▶ scared it will happen again;
- ▶ that you want to pretend it never happened: 'I want to block it out';
- ▶ like it was not real, 'Did this really happen to me?'

You may also notice other changes, such as:

- ▶ not wanting to eat or eating too much;

- ▶ not sleeping, or having nightmares and flashbacks;
- ▶ wanting to push people away emotionally;
- ▶ not wanting any sexual or physical contact.

Some people feel an overpowering need to move away, change the way they look or change their lives in other ways. Others find it very hard to manage the everyday things in their life, like work or personal relationships.

These feelings may come up shortly after the sexual violence or weeks, months or even years afterwards. You might think you have moved on with your life when these feelings come up again.

Why getting medical help is important

Seeking medical help is important because:

- ▶ you can access health checks, pregnancy and sexually transmitted infection tests and treatment of any injuries;
- ▶ they can refer you to support services to help you heal psychologically as well as physically;
- ▶ if you choose to report the violence to the police, medical evidence can help a court in finding the person charged with sexual violence offences against you (the perpetrator) guilty.

Sexual violence support services

The NSW Sexual Violence Helpline (formerly known as NSW Rape Crisis) and NSW Health Department Sexual Assault Services can help people after they have experienced sexual violence.

The NSW Sexual Violence Helpline, operated by Full Stop Australia, provides a 24/7 telephone and online crisis counselling service for anyone in NSW who has experienced, or is at risk of sexual violence.

NSW Health Department Sexual Assault Services are based in community health centres or hospitals across NSW. Sexual Assault Services assist people who have been subjected to sexual violence, whether recently or some time ago. Sexual Assault Services are free and confidential services.

They can:

- ▶ help you speak to a counsellor;
- ▶ ask if you want to see a doctor;
- ▶ carry out a medical examination, including sexually transmitted infection and pregnancy tests, if needed;
- ▶ carry out a forensic examination if you were sexually assaulted very recently (usually within the last 5 days for adults or 72 hours for children);
- ▶ help you access the medical care you need including information on the morning after pill, abortion and follow up medical tests;
- ▶ help you talk to police, if you want to;
- ▶ refer you for support and/or continuing counselling after this initial reporting process is over;
- ▶ refer you to get legal advice;
- ▶ keep a record of what happened to you.

Forensic examinations

A forensic examination is different from a medical check-up. It is sometimes known as a Rape Kit and officially called a Sexual Assault Investigation Kit (SAIK). The doctor will write down what happened and describe any injuries and any distress you are showing. They may test for DNA from sperm or saliva using cotton buds that are wiped in your mouth, vagina, anus or on your skin, if relevant. They will take photos of any injuries. The doctor might also take a blood sample and take any clothes you were wearing for testing too.

If you think someone gave you drugs, ask for a blood test. A blood test and urine sample need to be taken as soon as possible if you think a person has given you drugs – legal or illegal – before the sexual assault. Tell the police or sexual assault service and make sure the tests are done. The drugs may be out of your system if you wait too long, making it harder to get any evidence.

You can request a female doctor but if this is not possible (and it often is not possible particularly in rural/regional areas), they will have a female worker

stay with you while the doctor does the examination. You can request a female support person be present if no other female worker is available at the time.

If they are unable to perform a SAIK at the hospital, ask where you can go instead. If you are able to travel to another hospital that will help you with a SAIK, it is good to do this as soon as possible. Police, sexual assault service workers or a trusted friend or family member can help you get there safely.

There is a form to sign in the SAIK which says you allow the information to be released to the police. You do not have to sign it. If you are 15 years of age or younger, the sexual assault counsellors have a duty to report to Department of Communities and Justice, which may result in a police investigation.

For more details and information about why forensic evidence is important, how it is used in the legal process, and what choices you will have about its use, please see ► [page 16](#) about **Investigations**.

3. Getting legal advice

If you think you have been subjected to sexual violence, you could consider getting legal advice.

A lawyer may be able to give you advice about:

- ▶ what can happen if you decide to report the violence to the police;
- ▶ options to keep you safe;
- ▶ financial support and compensation options;
- ▶ other non-legal support services.

You can get free legal advice from Community Legal Centres (CLCs) and Legal Aid NSW. Call LawAccess on 1300 888 529 for a referral to your local free legal service, or see ▶ [page 33](#) about **Useful Contacts**.

4. Reporting to police

If you think you have experienced sexual violence, you can make a report to the police. The decision whether to report sexual violence to the police is up to you.

Making an informal report

If you want to make a report but do not want the police to take any action, you could consider completing a Sexual Assault Reporting Options Questionnaire (SARO).

Unlike making a formal report, police will not take any action in relation to a SARO. The primary purpose of a SARO is to make a record of what occurred. It also allows police to gather information on sexual offences and offending.

You can complete a SARO online, or by downloading, completing, and emailing the SARO to police. You can complete the SARO anonymously. You can also choose how much information you put in your SARO. Police will let you know they have received it and send you an Event number. You can use this to apply for victims support. See > [page 28](#) for more information about **victims support**.

If you decide to make a formal report in the future, the information in your SARO can be used to create a formal report.

Deciding whether to make a formal report

Making a formal report to the police can be hard and scary. It is common for people to experience increased anxiety as a result. Remember your recovery is your main priority.

Some reasons for making a formal report may be:

- ▶ you want the police to charge the perpetrator;
- ▶ you want to tell your story officially and have it recorded;
- ▶ you don't want the perpetrator to do it to someone else;
- ▶ you were injured physically or psychologically and want to apply for Victims Support;
- ▶ you want the perpetrator to know you are going to tell people about it.

Many people find they feel better just for having made a formal report to the police, especially if the perpetrator has threatened them not to go to the police.

Making a formal report to the police may show the perpetrator that you cannot be intimidated by threats and that what they did was wrong.

If you are considering reporting a sexual assault to the police:

- ▶ keep the clothes you were wearing (including underwear) and do not wash them;
- ▶ place the clothes in a plastic bag and seal the bag;
- ▶ do not have a shower or bath; and
- ▶ go to your nearest hospital for a forensic examination. See ▶ [page 11](#) for more information.

You can also report sexual violence that occurred a long time ago.

It is up to the police to decide what they do with the information you give them. The police may decide to do things you do not want them to do, like charge the perpetrator, even though you said you don't want them charged. Or police may decide not to charge the perpetrator, even though you want charges laid. They may also talk with other witnesses, even though you may have asked them not to. It is important you understand what the police can do before you reporting sexual violence so you can make an informed decision about whether to report.

If you make a report, police can:

- ▶ do nothing further;
- ▶ investigate;
- ▶ ask you to make a more detailed statement;
- ▶ apply for an Apprehended Violence Order (AVO);
- ▶ charge the perpetrator.

Making a formal report

No action

If the police do not take any action after you have made a report, you can ask them to explain their reasons for this decision. If they do not give you a reason, you can get legal advice about making a complaint. See ▶ [page 28](#) for more information about **complaining about police**.

You should still ask police for the Event number for your report about the sexual assault. It is important to keep a record of the Event number as it proves that you reported the incident to the police.

Investigation

Detectives may investigate and gather evidence relevant to the case. The investigation may include examining the crime scene and talking to any other people or witnesses who may be able to give information about what occurred.

As well as your statement, the police detectives may take statements from other witnesses including the person at the police station that you first spoke with.

If you were sexually assaulted recently, and you have not already had a SAIK, then the police may arrange for this to happen by taking you to a sexual assault service or doctor who can perform the SAIK. See ▶ [page 11](#) for more information about **SAIKs**.

The detective in charge of the investigation decides whether to charge the perpetrator based on the evidence. Sometimes, the police may seek legal advice from the Office of the Director of Public Prosecutions (ODPP)

to decide whether the evidence they have will be enough to let the case proceed to trial.

Detailed statement

After you have reported the sexual violence to police, they may ask you to make a more detailed statement. In most cases, a specially trained detective will take and record your statement. They will ask very detailed information about what happened.

If English is not your first language, ask the police to arrange an interpreter to assist you.

Giving a statement can be a challenging process. You might feel like you are reliving the sexual violence. It might assist you to write down what happened and take it with you to help guide you. Have a good support person with you, if possible, take breaks when you need them, and if necessary, come back another day to finish if you are too exhausted or unable to continue.

When your statement is complete, the police will ask you to read it and sign it to say it is correct. It is really important that you take your time to read your statement and make sure everything you needed them to know is there, and that they took the facts down correctly. Ask to add information to your statement that might be missing. If there is information in there which is not quite correct or not clear enough, ask for it to be amended. You may need to rely on that statement in court.

Ask for a copy of your statement.

If you later realise you forgot to tell the police something in the first statement, make a time to give another statement to the detective. Try not to be put off if you have difficulties trying to make a time to talk to the detective again. The police work in shift rosters and urgent matters come up. It is really important that you keep asking the police officer in charge of your matter to take a further statement, so they have the best evidence with which to charge the perpetrator.

You may be pressured by the perpetrator, or someone who knows them, to tell the police that what you said in your statement was not true.

There is a risk that if you tell police that the statement you made was not true, that you will be charged with making a false statement. If you are found guilty you may be given a penalty and you will have a criminal record.

If someone is pressuring you to withdraw your statement you should tell the police and get legal advice. You may also decide that you do not want the police to take the matter any further. You can tell the police or the ODPP solicitor this, but despite this, the case might still go to trial.

Applying for an AVO

If the police hold fears for your safety, they may apply for an AVO to protect you from the perpetrator. An AVO is not a criminal offence, but it is a criminal offence to breach an AVO.

If the police hold immediate fears for your safety, they can make an on-the-spot (provisional) AVO. It comes into effect when it is given to the perpetrator, referred to on the AVO as the defendant.

The AVO will prohibit the defendant from assaulting, threatening, stalking, harassing, or intimidating you or intentionally or recklessly destroying or damaging any property that belongs to you (including animals). This order also protects anyone in a domestic relationship with you. This order is on every AVO.

Some other orders that can be included on an AVO are that the defendant:

- ▶ must not try to find you;
- ▶ must not approach you or be in your company within 12 hours of consuming illicit drugs or alcohol;
- ▶ must not live with you;
- ▶ must not come to your home, place of work, place of study or school;
- ▶ must not contact you or come near you if they see you out and about;
- ▶ must not try to approach or contact you unless that contact is:
 - through a lawyer;
 - or to attend accredited or court approved counselling, mediation and/or conciliation;
 - as ordered by a court about contact with children;

- as agreed in writing between you and the parent(s) about contact with children; or
- as agreed in writing between you and the parent(s) and the person with parental responsibility for a child about contact with the child.

If the defendant does, or tries to do, any of these things, you can report it to the police and the defendant can be charged with breaching (not following) the orders.

If the police do not apply for an AVO and you fear the perpetrator, you can apply for an AVO yourself through the local court. You should get legal advice before you do this.

Charging the perpetrator

If the detectives decide that there is enough evidence to satisfy a court beyond all reasonable doubt that the perpetrator committed an offence, then they will charge the perpetrator. Once the perpetrator has been charged, they will be referred to as the defendant. The defendant may be taken into custody and might apply for bail. See ➤ [page 20](#) for more information about **bail**.

If you really emphasise to the police that you do not want to press charges early on, they may decide not to proceed but, it depends on the crime and what other evidence they have. Ultimately the decision to go to court is for the police and prosecutor but as you are the main witness it helps the police if you are willing to go to court.

If the police detectives tell you they cannot charge the perpetrator, it does not necessarily mean they do not believe you, or that the sexual violence did not occur. It just means that at the current time there is not enough evidence to charge the perpetrator. Sometimes other information comes to them later. People can be charged years after sexual violence was committed. Police may still to apply for an AVO to protect you from the perpetrator even where they don't lay charges.

Sometimes the police may tell you they do not believe you. They may choose to believe the perpetrator's version of events rather than yours. This could be very difficult to hear.

Police may also warn parents of young children or some victims with cognitive impairments that there is insufficient evidence, or they doubt the victim's capacity to stand up to the difficulties of being a witness at court.

If you are unsure about the police decision not to proceed and they are unable or unwilling to discuss the matter with you further, you can seek legal advice about making a complaint. See ➤ [page 20](#) for more information about **making a complaint**.

Bail

Bail is where a defendant can apply to the court to be at liberty (meaning not in prison) until their matter is decided at court.

In some cases where the defendant is charged with a very serious offence, they will be refused bail and will have to wait in prison (on remand) until their case is heard at court.

Depending on the risk of the defendant doing the wrong thing while on bail, the court can either refuse bail or impose conditions on the defendant. Where the court finds there is no unacceptable risk, the defendant may be released on bail without conditions.

The court must consider whether there is an unacceptable risk that while on bail the defendant will:

- ▶ not attend court;
- ▶ commit a serious offence;
- ▶ pose a threat to or endanger the community; or
- ▶ interfere with a witness or evidence.

Instead of being for a set period of time, like 6 months or 2 years, bail conditions are in place only until the defendant is either found guilty or not guilty. The bail conditions of the defendant can be changed by application to the court any time before the final hearing has finished.

5. Going to court

If the police have decided to charge the perpetrator, the matter will go to court.

Attending court

The police will let you know if you need to attend court. You usually don't need appear in court, except as a witness for the trial. Even if you're not required to attend court, you can attend when your case is being heard if you want to.

There may also be times when courts make changes to their usual way of operating. This could be for reasons such as COVID-19 restrictions, flooding, or some other natural disaster. Before your court date, it is a good idea to check with the registry of the court where your matter is listed to see if there are any changes in the court's operations.

Counselling records

Counsellor's notes and other medical notes should not be given out to just anyone. They are usually kept confidential.

Sometimes in a criminal trial for a sexual offence either the defence or prosecution may subpoena records from a victim's counsellor. There is a special law that exists to protect these types of records from being shared in court and it is called the Sexual Assault Communications Privilege (SACP).

If you have a counsellor, you can ask them to contact you if anyone contacts them for your counselling records. If your counsellor contacts you about a subpoena for your records, you or your counsellor should seek legal advice from Legal Aid SACP Unit. See ► [page 34](#) for their **contact details**.

Preparing to give evidence

If the defendant has pleaded 'not guilty', then a trial will be organised. This will be the time when both the ODPP prosecutors and the defence lawyers will present their case to the judge and jury. Part of the prosecution case will be your evidence. You are the witness for the police case against the perpetrator. You do not need your own lawyer. The perpetrator is called the defendant.

If you need to pay travel costs to attend court, you should contact the police to tell them you need money for travel costs.

If the police do not think you will come to court to give evidence at the trial, they may give you a subpoena (a legal written notice) requiring you to attend court. You need to comply with a subpoena to attend court, otherwise you might be brought before the court under a warrant.

Understanding things can make going to court less scary. Before you are due to go to court to give evidence, you can prepare yourself by:

- ▶ going to the court where the hearing will be held and just sitting in the public viewing seats in one of the court rooms;
- ▶ reading your statement;
- ▶ asking a friend or relative to come with you to the court for a practice run getting there and home;
- ▶ organising a friend or relative to come with you on the day; and
- ▶ planning to see your counsellor the day before and after the court day.

The Witness Assistance Service can also help you prepare. Any witness in a sexual violence matter will be referred to them by the ODPP. See ► [page 35](#) for their **contact details**.

Giving evidence in court can be difficult and many people find it intimidating and scary. The following may help you:

- ▶ go over dates, times and your own words in the statement you gave police;
- ▶ remember you only have to answer the question asked;
- ▶ you do not need to give any more information than is asked for;
- ▶ if you cannot understand the question, do not answer it until you do;
- ▶ you can ask the judge or the lawyer to repeat any questions you do not understand or to re-phrase it to make it easier;
- ▶ don't answer a question until you really know what they are asking;
- ▶ if you do not know the answer, then just say you do not know;
- ▶ it may be difficult and upsetting when the defendant's lawyer suggests you are not telling the truth. Try to remember it is part of their job to test your evidence and they do not personally have a problem with you;
- ▶ having a trusted friend or counsellor is important during this time but it is important not to discuss your evidence with other people, especially other witnesses. If you have questions about your evidence, you should speak with the police or prosecutor from the ODPP.

Giving evidence remotely

If the defendant has been charged with a domestic violence offence, you have the right to give your evidence remotely via audio-visual technology or by some other arrangement that means you don't have to see the defendant face-to-face.

If the police video recorded your statement, they can play your statement instead of you having to give that evidence again.

If the defendant does not have a lawyer, they cannot personally ask you questions when you are giving your evidence. The court will appoint someone, or the court will use technology, to ask you questions on the defendant's behalf.

Directions to the jury

The legal system is aware that jurors may hold certain opinions about victims of sexual violence, which may affect how they decide whether the defendant is guilty.

To try to overcome this, judges in sexual offence trials must give one or more of the following directions to the jury:

- ▶ non-consensual sexual activity can occur in many different circumstances and between different kinds of people including people who know one another, who are married, or are in an established relationship with one other;
- ▶ they must avoid making assessments based on preconceived ideas about how people respond to non-consensual sexual activity because there is no typical or normal response and people can respond in different ways, including by freezing and not saying or doing anything;
- ▶ people who do not consent to a sexual activity may not be physically injured or subjected to violence, and the absence of this does not necessarily mean that a person is not telling the truth about an alleged sexual offence;
- ▶ trauma may affect people differently, with some people showing obvious signs of emotion or distress when giving evidence in court about an alleged offence. Others may not and this presence or absence does not necessarily mean that a person is not telling the truth about an alleged sexual offence;
- ▶ it should not be assumed that a person consented to a sexual activity because they wore particular clothing or had a particular appearance, or consumed alcohol or another drug, or were present in a particular location.

The court's decision

The jury (or the judge in 'judge only' trials) has the job of deciding whether the defendant is guilty or not guilty. This is measured by the criminal law standard 'beyond reasonable doubt'.

This is a very high standard and it exists so we do not find defendants guilty unless it is clear that they committed the crimes they are charged with.

Even if the defendant is found not guilty, the court will still consider whether an AVO should be made to protect you from the defendant (if one was applied for). The court only has to be satisfied on the civil law standard of proof, which is lower than the criminal law standard, that an AVO should be made.

The court will make an AVO to protect you if it is satisfied, that on the balance of probabilities (more likely than not), you fear the defendant has, or will likely, commit a personal violence offence against you (assault, stalking, intimidation, harassment or property damage) and that you have reasonable grounds to fear that this will or has occurred.

Sentencing

If a defendant has been found guilty of a crime, they will be sentenced. This is not always a prison sentence. Depending on the charges and also the guilty person's criminal record, it may be:

- ▶ a good behaviour bond (with various conditions similar to bail conditions);
- ▶ a suspended sentence;
- ▶ a Community Service Order;
- ▶ weekend Detention or Periodic Detention; or
- ▶ a full time Custodial Sentence – detention in a correctional centre (prison).

Generally, all the punishments carry certain conditions that restrict the guilty person from their usual freedoms such as supervision by the Community Corrections Office (Probation and Parole) and the threat that if they do not behave, they will end up with more severe penalties.

Appeals and retrials

Even when a jury or judge has found the defendant guilty of an offence, there is the chance the defendant will appeal that decision. Notice of an appeal is usually required to be filed within 28 days after the trial ending or sentence being given. The defendant may appeal the conviction and/or

the severity of the sentence. The ODPP can also appeal a decision that the defendant was not guilty or appeal the severity of the sentence.

Retrial is necessary when, for some reason, the jury was unable to perform its duties, or when something happens that means it would be unfair to decide the case without some change to either the judge or the jury. If a retrial is necessary, you may have to give your evidence again.

6. Other information and support

Charter of Victims Rights

If you have been a victim of sexual violence, you have rights under the Charter of Victims Rights (the Charter). The Charter sets out how government departments, including the police, and government-funded agencies, should treat victims of crime in NSW.

The Charter requires that victims be:

- ▶ treated with courtesy, compassion and respect;
- ▶ given information about any prosecution, including details about charges, court appearances, bail conditions, etc;
- ▶ provided with information about, and access to, welfare, health and counselling services;
- ▶ given privacy and protection; and
- ▶ provided with information about the criminal justice system.

If you think someone has not acted in accordance with the Charter, you can make a Charter complaint to Victims Services NSW. They will try to resolve your complaint as quickly as possible and can make service recommendations to agencies.

Complaining about police

If you think you may have a complaint about a NSW police officer, try to resolve it first by speaking to the duty officer or officer in charge at the local police station.

If that doesn't work, you can complain in writing. Here is what to include:

- ▶ your name and contact details;
- ▶ a detailed description of the matter reported (including Event number if known);
- ▶ the date, time and location of the incident;
- ▶ the names of people involved, or who could otherwise help police to resolve your complaint;
- ▶ the names (if known) of the NSW police officers involved;
- ▶ details of any documents, records, witnesses etc, that may assist in the resolution of your complaint;
- ▶ what you expect the NSW police to do about your concern; and
- ▶ any other information you consider relevant.

You can send the complaint to the Commissioner of Police and if the matter remains unresolved you can also send it to the Law Enforcement Conduct Commission (LECC) to investigate. In most cases, complaints made to LECC will be referred to the relevant NSW Police Force unit or Commissioner of Police in the first instance.

Generally, police complaints should be made within 12 months of the incident you are complaining about.

Victims Support Scheme NSW

If you have been a victim of a violent crime, including sexual violence, you can seek legal advice about whether you may be eligible to access the Victims Support Scheme. The Scheme includes:

- ▶ information, referrals and advice;
- ▶ counselling;
- ▶ financial assistance for immediate needs;
- ▶ financial assistance for economic loss; and
- ▶ recognition payments to acknowledge the trauma you have suffered.

Time limits

If you have experienced sexual violence and/or another domestic violence offence as an adult, you have 10 years from the last act of violence to apply for a recognition payment. However, if you were a child when the sexual assault occurred, there is no time limit on applying for a recognition payment under the scheme. You have until you are 28 years old to apply for a recognition payment in relation to non-sexual violence perpetrated when you were a child.

You have 2 years from the act of violence, or from turning 18, to apply for financial support for immediate needs and/or economic loss.

Visit the Victims Services NSW website or call LawAccess for a referral to your local free legal service for more information.

The National Redress Scheme

The National Redress Scheme was established by the Federal Government in response to one of the recommendations of The Royal Commission into Institutional Responses to Child Sexual Abuse Commission.

Under the Scheme, eligible survivors of institutional child sexual abuse can apply for a monetary payment and other support if the responsible institution has joined the Scheme. Applications are open until 30 June 2027.

Knowmore Legal Service provides free legal advice and support to survivors of child sexual abuse, including on applications under the Scheme. For more information, see ► [page 34](#) for **Knowmore Legal Service**.

Changes to the law for institutional child abuse claims

Courts have the power to set aside and reassess the damages paid for child abuse claims that were settled prior to changes to the law in 2018, if it is just and reasonable to do so.

In addition, restrictions on awards for damages for child abuse that previously applied to offenders in custody have been removed. If you think you might be affected by these changes to the law, it is a good idea to seek legal advice. For more information on who you can contact for legal advice, see ► [page 33](#).

Options for temporary visa holders

For some visas, the family violence provisions may apply, allowing a victim of domestic violence, including sexual violence, to apply for permanent residency in Australia without having to stay in a violent relationship. You can get advice about your legal rights from the Immigration Advice and Rights Centre or Legal Aid NSW. See ► [page 34](#) for **Contact details**.

7. Useful contacts

Crisis Support

NSW Police

For urgent assistance or to report a crime.

000 or 106 (TTY)

131 444 / (02) 9211 3776 (TTY) (General enquiries)

1800 333 000 (Crime Stoppers)

1800 622 571 (Complaints)

www.police.nsw.gov.au

Lifeline

Crisis counselling 24 hour, 7 day service.

13 11 14

www.lifeline.org.au

Full Stop Australia

Support and counselling for people impacted by violence and abuse. 24 hour, 7 day service.

1800 385 578

Rainbow Sexual, Domestic and Family Violence Helpline

1800 497 212

www.fullstop.org.au

1800RESPECT (National)

Counselling for sexual assault, domestic and family violence. 24 hour, 7 day service. Online counselling also available.

1800 737 732

www.1800respect.org.au

Domestic Violence Line (NSW)

Emergency help and counselling line for domestic and family violence. Referrals to women's refuges, family support services, hospitals, police, courts and lawyers, transport and emergency accommodation. 24 hour, 7 day service.

1800 65 64 63 or

1800 671 442 (TTY)

www.community.nsw.gov.au

Child Protection Help Line

To report suspected child abuse or neglect 24 hours.

132 111

Kids Help Line

Counselling for young people aged 5–25 years. 24 hour, 7 day service. Email or online counselling available.

1800 551 800

www.kidshelp.com.au

Link2Home

A 24-hour state-wide, homelessness service.

1800 152 152

13YARN

Lifeline-trained Aboriginal and Torres Strait Islander crisis support line. 24 hour, 7 day service.

13 92 76

Suicide Call Back Service

Counselling for people affected by suicide. 24 hour, 7 day service.

1300 659 467

Legal Advice and Information

Women's Legal Service NSW

NSW service providing free confidential legal advice, representation and information to women experiencing domestic violence, sexual assault, family law and other legal issues.

Includes a **First Nations Women's Legal Program** and a **Working Women's Legal Service**.

www.wlsnsw.org.au/contact-us

LawAccess

Free legal information, advice and referrals. 9am–5pm, Monday–Friday.

1300 888 529

www.lawaccess.nsw.gov.au

Community Legal Centres

Call LawAccess or visit the CLC NSW website to find your nearest community legal centre in NSW. There are specialist and local area centres.

1300 888 529 (LawAccess)

www.clcnsw.org.au

Wirringa Baiya Aboriginal Women's Legal Centre

A NSW state-wide community legal centre for Aboriginal and Torres Strait Islander women, children and youth.

1800 686 587

www.wirringabaiya.org.au

Youth Law Australia

Free, confidential legal information and help for young people under 25 years.

1800 950 570 (NSW)

www.yla.org.au

Inner City Legal Centre

Specialist legal advice for the LGBTIQ community and sex workers.

(02) 9332 1966 or 1800 244 481

www.iclc.org.au

Immigration Advice & Rights Centre

Specialist legal advice about immigration and refugee law.

(02) 8234 0700 (appointments and enquiries)

www.iarc.org.au

Legal Aid NSW

There are Legal Aid offices throughout NSW, call to find your nearest one. They provide representation based on income (means tested) and type of matter (merit).

1300 888 529 (LawAccess)

www.legalaid.nsw.gov.au

Legal Aid NSW SACP Service

Specialist victims' legal service providing legal advice and representation to help protect the privacy of counselling notes and other confidential therapeutic records in criminal proceedings involving sexual offences.

(02) 9219 5888

email: sacps@legalaid.nsw.gov.au

www.legalaid.nsw.gov.au/what-we-do/civil-law/sexual-assault-communications-privilege-service

Knowmore Legal Service

Free, independent legal advice and support for survivors of child abuse.

1800 605 762

www.knowmore.org.au

Other Support Services

Witness Assistance Services (ODPP)

Assistance and support for victims of crime and vulnerable prosecution witnesses going to court. Priority is given to victims of sexual assault and domestic violence.

1800 814 534

(02) 9285 8646 (TTY)

www.odpp.nsw.gov.au/witness-assistance-service

Immigrant Women's Speakout

Offers a range of services to migrant and refugee women including information, advocacy and referral services.

(02) 9635 8022

1800 65 64 63 (Domestic Violence Line)

www.speakout.org.au

ACON Safety and Inclusion Project

Support for LGBTQIA+ people who have experienced prejudice related violence and harassment.

(02) 9206 2000 or 1800 063 060

www.acon.org.au/lgbti-health/safety

Say It Loud is a resource encouraging healthy relationships, with information about abuse.

www.sayitoutloud.org.au

Sex Workers Outreach Project (SWOP)

Education and health promotion for sex workers in NSW.

(02) 9184 9466

www.swop.org.au

Translating and Interpreting Service (TIS)

Interpreting for people whose first language is not English.

131 450

www.tisnational.gov.au

National Relay Service

24-hour service relaying information for deaf and speech impaired persons. There are special contacts available for emergency services – see website for more information.

TTY/voice calls – 133 677

Speak & Listen – 1300 555 727

SMS relay – 0423 677 767

www.infrastructure.gov.au/national-relay-service

Deaf Connect

Support, advocacy, referral and interpreting for people who are deaf.

SMS – 0497 587 188

www.deafconnect.org.au

People with Disability

Support, advocacy and referral for people with disability.

(02) 9370 3100

1800 422 015

www.pwd.org.au

NSW Aging and Disability Abuse Helpline

Information or to report concerns of abuse, neglect and exploitation of older people and adults with a disability.

Mon–Fri, 9am–5pm

1800 628 221

www.ageingdisabilitycommission.nsw.gov.au

Counselling and Support Services

NSW Health Sexual Assault Services

Free services including information, crisis counselling, medical care and forensic examination and ongoing counselling and support groups.

For NSW service locations, view the contact list.

www.health.nsw.gov.au/parvan/sexualassault

Women's Health Centres

Find your nearest women's health centre for counselling, groups, and other health services.

(02) 9560 0866

www.whnsw.asn.au

Blue Knot Foundation

Services for anyone who affected by complex trauma and survivors of abuse, neglect or violence including a support line, information and resources.

(02) 8920 3611 (general enquiries)

1300 657 380 (Blue Knot Helpline and Redress Support Service)

www.blueknot.org.au

Victims Services

Victims of sexual assault and other violent crimes can make claims for financial assistance and get free counselling.

1800 633 063

(02) 8688 5511

1800 019 123 (Aboriginal contact line)



Women ^{and} Sexual Violence Law

Women's Legal Service NSW

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