
Have you or someone you know experienced sexual assault?—We want to hear from you

The Victorian Government has asked us to think of ways to make it easier for people who have been sexually assaulted to get justice. Can you help us?

We use 'sexual assault' to mean any sexual activity which someone does not want, including kissing or touching. If you are an adult and have experienced sexual assault (even when you were a child), or helped someone who has, we would like to hear from you.

We want to know:

- what would make it easier to tell someone what happened
- what would make it easier to get support
- how we can make it easier to get justice, including through the legal system
- if there are other options that could help deal with what happened other than the criminal law.

We would like to hear from you if you spoke to the police or had a court case but we would also like to hear from you if you did not report to the police.

It is harder for some people to deal with support services, police or the justice system. We want to hear from a wide range of people, including:

- Aboriginal or Torres Strait Islander people
- Older women and men
- People living with disability
- People not born in Australia
- Those living in rural or regional areas
- Prisoners
- People in aged care.

You **do not** need to tell us any personal information such as:

- your name, anyone else's name, your phone number or email
- details about your sexual assault.

How we will use this information

There are some questions here which you can use as a starting point to tell us what you think. However, you can just tell us what you think about what would have made it easier, without using the questions. You can tell us what you think in different ways, which we list at the end of the paper.

We will use the information we have received from people like you to write a report for the government. This report will tell the government what improvements we think need to happen. For example, we can tell the government it should start a new program, continue a program, or change the law. The Government will then decide what to do.

We will share what you tell us but it will be just your ideas and will not identify you. (For example, we may say how you felt about the police).

If you want us to use your ideas and not use your words, we will also do that.

If the sexual assault happened when you, or the person you helped, were under 16, you should only give us information if:

- what you are telling us has already been reported to the police or
- you or the person you helped was over 16 on 27 October 2014.

Otherwise, the law says that we have to tell the police what you tell us. This is to protect children who have been sexually assaulted.

We cannot provide people who have been sexually assaulted with legal advice or counselling support. If you want to talk to a counsellor or a lawyer about what happened, we encourage you to use [these services](#).

Getting support

Everyone who is sexually assaulted should get the support they need. But many people do not tell anyone what happened, and do not speak to the police. There are many reasons why people may not want to tell anyone they were sexually assaulted. These include not realising what happened was a sexual assault, being afraid no one will believe them or not knowing how to get support.

We want to hear what would make it easier to speak to someone about what happened, and how you could have been better supported. This could include speaking to:

- a doctor, counsellor, teacher or employer
- a support person, such as a carer, or a person from an Aboriginal community organisation or service that supports refugees
- a support group or helpline.

Question

- 1 What can be done to make it easier to get support, and to get the kind of support people need?

You might think about:

- Did you know who could help you, and how to get that support?
- Were you able to contact them?
- Were there problems with travelling to services?
- If you spoke with someone, did they understand you and your experience?
- Did the people you spoke to know how to help you and to get you more support such as housing or medical treatment?

The police

We want to hear if you thought about talking to the police, even if you did not end up telling them. We understand this is a big decision. There are many reasons why people do not want to talk to the police.

If you spoke to the police, we want to know how the police responded. We also want to know what happened after that, even if nothing happened.

Questions

- 2 What can be done to make it easier to speak to the police, and to make you feel safer when speaking to the police?

You might think about:

- Why did you decide to tell the police? Why did you decide not to tell the police?
- Would it have been easier to tell the police if you could have reported online?

- 3 If you did tell the police, what worked well? What could improve the experience?

If you can, please tell us:

- the year you spoke to the police
- who you spoke to at the police station (such as a police officer who specialised in sexual offences, or a general police officer)
- where you spoke to them (such as a local police station or a centre where there were counsellors as well as police).
- how long it was between the sexual assault and when you reported it.

We do not want any information that will identify you or the person who assaulted you. This information will help us work out if there have been changes since the time you reported.

You might think about:

- Did the police offer you extra support such as an interpreter or medical treatment? Did you get the information you needed from the police?
- Did the police make it easy for you to tell your story to them?
- What did the police do? For example, did they talk to other people, or charge anyone?

Other choices

Not everyone wants to go to court. We want to hear if you have used, or would have liked to use, other ways to deal with what happened.

Here are some other ways:

- meeting with the person who did this to you in a safe place, with someone else there, to talk about what happened ('restorative justice')
- getting an apology or money through a redress scheme
- going to a tribunal or court that decides things in a different way (for example, suing someone or asking for compensation for what happened).

What is restorative justice?

In restorative justice, people affected by a crime agree to meet with the person responsible for the harm caused. They explain how they were affected and what they want the person responsible to do. For example, the person who caused the harm may apologise, agree to do a course or stay away from family celebrations. A trained person talks to everyone before any meeting to make sure they know it is safe and that everyone knows what it will involve.

Restorative justice is available informally in Victoria through the South Eastern Centre Against Sexual Assault and Family Violence. It is also available in cases of family violence through a pilot program run by the Department of Justice and Community Safety. It is used in the criminal justice system in Victoria for young people who have committed less serious crimes that do not include sexual offences. We want to know if you think it should be more widely available for people who have experienced sexual assault in Victoria.

You can read more about these other choices in Issues Paper G, but you can also just tell us what you think about these other choices.

Question

4 Have you used, or would you have liked to use, another way to deal with what happened? Why or why not?

You might think about:

- What is good or bad about these choices?
- Do you think that having these choices makes it more likely that people will tell someone what happened to them?

Charges and going to court

We want to hear about what happened if the police charged someone, even if you did not have to go to court. We want to hear about what worked well and what didn't.

We know that people can find it hard if the person who assaulted them is not taken to court, or if the charges are changed. In court, it can be difficult to tell your story and answer questions about what happened. Going to court can take a long time, and you may not be satisfied with how the case ends.

Question

5 In your experience of the legal system, what worked well? What did not work well? Do you have any ideas about what could be done to improve the experience for others?

Please tell us:

- when the person was charged
- the year the case went to court
- which court the case went to, including on appeal
- how long it was between the sexual assault and when you reported it, and when it went to court.

We do not want any information that will identify you or the person who assaulted you. This information will help us work out if there have been changes since the time you reported.

You might think about:

- Were you told what would happen? If so, who told you? What did they tell you?
- How did everyone treat you, including the police, prosecutor, judge defence lawyers and witness support people?
- Are there ways to make it easier to give evidence, be questioned, and to give a victim impact statement?
- Did you give evidence more than once?
- How long did the case take?
- What support did you get? Was it what you needed?
- Was the Witness Assistance Scheme available?
- If you changed your mind about going ahead with the case, why, and what happened after you changed your mind?
- What happened to your case? Was it what you were expecting to happen?

Other ideas

You may have ideas about what can be done to make things easier or better that you haven't already told us about. We want to hear any ideas you have. You can also look at the questions in other Issues Papers and answer any questions there that you are interested in.

Question

6 What else could be done to make things easier or better?

How to tell us what you think

You can tell us what you think by:

- writing answers to the questions on the [online form](#)
- emailing us your ideas at law.reform@lawreform.vic.gov.au
- posting your ideas to us at GPO Box 4637, Melbourne Vic 3001.

It is easier for us if you use the [online form](#), email or mail, but you can also call us to tell us your ideas on (03) 8608 7800, 1300 666 557 (TTY) or 1300 666 555 (cost of a local call).