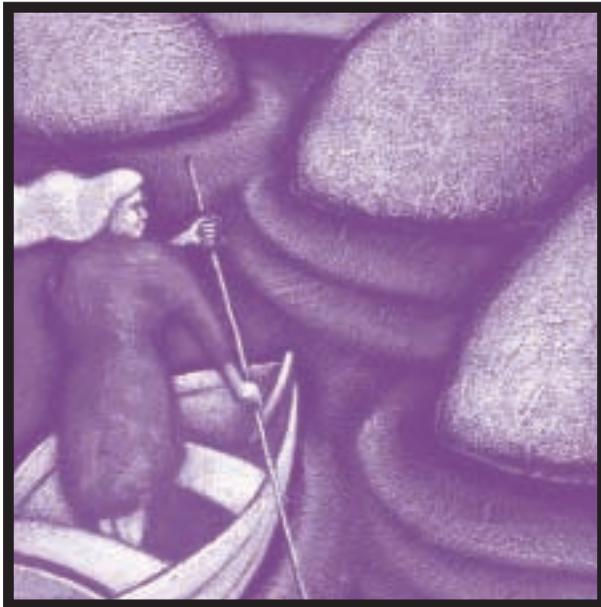


WOMEN & VIOLENCE



**WHAT YOU CAN DO IF YOU EXPERIENCE
SEXUAL ASSAULT**

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WHAT YOU CAN DO IF YOU EXPERIENCE SEXUAL ASSAULT



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Disclaimer

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Part One – Sexual assault and you

About this booklet

Sexual assault can happen to anyone. Lots of women and girls experience sexual assault or unwanted sexual contact by men. It's hard for women to talk about sexual assault because they often feel embarrassed, scared, ashamed or guilty. Because of this, it's also hard to know how many women have been sexually assaulted.

This booklet has information for women who have been sexually assaulted. It tells you:

- what sexual assault means
- how to get medical help and counselling
- how to go to the police
- what happens with the legal side of things

As well as giving you information about how to look after yourself after the sexual assault, it also answers some common questions about court. This booklet may also help if you know a friend, partner or family member who has been sexually abused.

'Sexual assault' is a general term used in this booklet to describe all sorts of sexual crimes. It includes incest, sexual abuse, rape, indecent behaviour, indecent assault, sexual molesting, child sexual abuse and child sexual assault. Legally when we talk about these crimes, we use the term 'sexual assault'.

This booklet also uses the word 'defendants' to refer to men who sexually assault women. The word 'defendant' can also mean accused person, offender, perpetrator, rapist and abuser.

This booklet refers to defendants as 'he' because, while sexual violence can happen in many situations, the majority of sexual assaults are committed by

men. Men and boys are sexually assaulted too, but because research shows that most sexual assault is committed against women and girls, the booklet refers to victims as 'she'.

Feelings after sexual assault

Everyone's experience of sexual assault is different. But many women have common feelings and reactions after they've been assaulted like:

- feeling numb and shocked
- feeling angry or irritable
- feeling out of control
- being worried that somehow everyone knows about the assault
- being scared it will happen again
- feeling jumpy and finding it hard to concentrate
- being scared and frightened
- not wanting to think about it—blocking it out
- feeling dirty
- feeling guilty and embarrassed
- thinking 'did this really happen to me?'
- not wanting to eat or eating too much
- not sleeping, 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.

You may feel some of these things and they are normal reactions.

These feelings may come up shortly after the sexual assault or weeks or months or even years afterwards. You might think you are almost over it when these feelings come up again. It is really important that rather than bottle your feelings up, you talk to someone who understands.

Your friends and family will also have reactions and feelings about your sexual assault. Their reactions can make a big difference to your recovery. It is best if people try to understand what you've been through and how you feel so they can support you to make your own decisions. It is also important for you to respect your own feelings and not be pushed to say or do anything you may not want to do.



Remember you can make your own choices and do whatever you need to recover.

It can sometimes be very helpful to talk to someone outside your family or friends who can listen to what happened and how you feel. Sexual assault workers are available to talk with you, confidentially, about anything.

Myths and lies about sexual assault

Myths are stories or things we've heard and been taught which are not based on facts. Myths about sexual assault will influence the way you may feel and how your friends and family react. Some of the common myths about sexual assault are:

- women deserve to be sexually assaulted
- women attract sexual assault by the way they dress and carry on
- women make up stories about being sexually assaulted
- men who sexually assault can't control themselves

Kalia was indecently assaulted by a guy from her TAFE course when they were all out one night. Kalia felt really ashamed and embarrassed. Late one night she telephoned the 24 hour counselling service at NSW Rape Crisis Centre to talk about it. Kalia was able to talk about how she felt and the counsellor gave her heaps of information. The next week she also talked to a friend about it. After thinking about it all for about a week, Kalia decided not to report the assault to the police. She spoke to the counsellor a few more times and began feeling OK about it all.

- alcohol and being drunk makes men sexually assault women
- rapists don't look like ordinary men
- when a woman says no she really means yes
- if you are abused by your husband, partner or dad it is not sexual assault

These 'myths' make women feel it is their fault or their responsibility instead of blaming the man who committed the crime. For women who are sexually assaulted, this can make the feelings of shame, humiliation and isolation worse.

The truth is that sexual assault is always a crime. It is usually committed against women and children by men they know—men who are boyfriends, acquaintances, fathers, neighbours, step-fathers, bosses, uncles and husbands.

Sexual assault isn't a crime of passion. It's a crime where the attacker uses force, power, violence or threats to control a victim and assault her mind, heart and body. It can be terrifying and dangerous.

Another truth is that many women come into contact with sexual assault in their lives—either they are sexually assaulted themselves or they are the mother, friend, sister, workmate or grandmother of someone who has been sexually assaulted.

Any woman can be sexually assaulted—there is nothing about you that means you are more likely to be assaulted. Some women are more vulnerable and not as protected from sexual assault. For example, women with disabilities can feel vulnerable because of where they work or live, or because they have to depend on others for services or help.

Women in war may be vulnerable to sexual assault. Throughout history, women have been raped in wars by soldiers on all sides. This has happened in conflicts such as the wars in Indonesia, Bosnia and Kosovo. Women who arrive in Australia as refugees from these areas may have survived sexual assault by soldiers or have seen their family members be sexually assaulted.

Telling someone

It can be hard for women to tell family and friends they have been raped. As well women and children are sometimes threatened with more harm if they tell someone about what happened.

Fears about other people's reactions are common. Women may worry about not being believed, that they will be blamed for the sexual assault or that the offender may try to get back at them. Sometimes women feel such shame they can't talk about what happened and don't want to tell anybody. It may take years for women to tell someone about the sexual assault. If the sexual assault happened as a child, women may not remember the details until they are older or may not have realised as children that what happened to them was wrong.

For some women, telling someone is even harder for cultural reasons. Aboriginal women may not want to tell the police, because they may be reporting a member of their community or they may see the police as a threat, rather than a place to get help.

Shirley felt such shame. She had been having nightmares and thinking a lot about the sexual things her uncle had forced her to do a little while ago. There was an Aboriginal health worker who was respected in the community so Shirley went to speak with her. The health worker organised for Shirley to see a sexual assault service about an hour away. She was embarrassed and felt bad. Her uncle had been good to her family. He had a job in town. The sexual assault worker told her she could report it to the police, but Shirley didn't want to get gungis (police) involved. She didn't trust the gungis. But what her uncle was doing was wrong. So with the health worker's help she made an appointment to give her statement to the police. The worker went with Shirley for support and explained some of the confusing parts. The police said they would investigate the sexual assault. The health worker promised to not say anything to anyone in the community. Shirley felt she could trust the health worker.

Boshra's friend at work explained that what her ex-husband did was a crime but Boshra found it hard to understand, because there were no laws like that in her country. When she went to the Welfare Centre Boshra was told that the police would help her get an Arabic interpreter so she could tell them what happened to her. When she spoke to the police through the interpreter it was hard to talk about her body but she was glad she reported it. Boshra felt brave and strong because she had chosen to tell the police.

Women from non-English speaking backgrounds may not be able to tell someone without an interpreter. They may not know that what has happened to them is a crime in our legal system. It might also be hard to talk to a police officer or counsellor about the details of the sexual assault.

In some communities, privacy can be a problem. Gossip and public opinion can affect the way a woman feels about herself. It may affect her job or her family's business in a small town.

Sexual assault



counsellors understand the different situations for women. They can refer you to an appropriate service, offer counselling and support, give you information and make sure that your rights are respected. If you speak to a counsellor and don't feel comfortable, try to find another person who you like talking to.

When someone tells you they have been sexually assaulted

How friends and family react makes a really big difference to a woman's recovery. Sometimes women may try to tell someone about the sexual assault but not get much response or get a response that doesn't encourage them to go further. If she feels unsupported or blamed for the assault it can be very hard to talk more about her feelings. Sometimes family or friends may want to take control, make decisions for victims or tell them to 'go back to normal'. It is much more helpful if people try to understand how a woman may be feeling and allow her to make her own decisions.

It is really important if someone is telling you about their sexual assault that you respond with clear statements showing that:

- you know it is not their fault
- you believe them
- you respect their privacy
- they were right to tell you
- you will help them talk to a sexual assault service or the police
- what they do next is up to them

It is also useful to make good notes of what you both said and keep them in a secure place in case you want to go to the police at some stage.

When my younger sister told me this guy she'd been seeing had sexually assaulted her the previous night, I didn't know what to do. My heart was pounding and I just felt sick. I just gave her a hug and told her that it wasn't her fault and that if she wanted to report it I'd help her go to the police. We looked in the phone book to get a list of people and services that we could talk to for more information. Together we told the rest of our family and she moved into my flat for a few months so I could be around while she recovered.

Sexual assault as a child

Many women experience sexual assault as children. It usually involves an adult or someone older than the child using their power, authority or trust to have sexual contact with the child. Child sexual assault is sometimes called sexual abuse, child molesting, or incest if the abuser is related to the victim. No matter how it happens, it is always a crime. The offender is often a relative (father, brother or uncle) or a trusted person in the child's life—mum's boyfriend, a priest, teacher or neighbour or family friend. The offender may have used all sorts of tricks to get the child to cooperate so the abuse can go on.

From an early age a child may have been told to keep silent about the sexual abuse because telling someone will bring bad things or destroy her family. To a child who hears this from a person who is older than her, this is

frightening. She may also have been told that the sexual assault is an expression of love or a 'normal' act between the abuser and the child.

For children who are victims of sexual assault, family occasions and family dynamics will become more stressful. They may feel isolated, guilty, alone and in fear as they may have struggled with these feelings without understanding or support for a long time.

When victims of child sexual assault finally tell someone it may be many years later. As an adult, all these feelings may come up when she begins to talk about the sexual assault she suffered as a child.

It is often very traumatic as family members, friends or neighbours deal with their own feelings of betrayal and shame. Victims may have mixed feelings of hate and love about their abuser which can make the situation more complex and confusing.

It is also sometimes difficult to remember all the details about the sexual abuse, especially if it went on for years from a very young age.

If you were sexually assaulted as a child, a Sexual Assault Service can help you. See 'Contacts' at the back of this booklet.

After seeing ads on TV, Lydia finally decided to talk to a counsellor about the abuse she had suffered as a child more than 15 years ago by a family friend. After thinking about it, Lydia and her family got the details and reported the abuse to the police. She was able to remember what she was wearing and the season of the year, how old her other siblings were, where the abuse took place and whether it coincided with a family occasion. Luckily Lydia's mother had remembered times when she'd taken Lydia to the doctor complaining of soreness and the doctor was able to confirm this with her file notes. It was prosecuted in court and he was found guilty and is now serving a sentence. Lydia still occasionally goes to a group for sexual assault survivors which has been really supportive.



Follow-up care

Here are a few helpful hints from a survivor of sexual assault about caring for yourself in the longer term. It's about getting on the road to recovery and surviving. It is hard to say how long it may take to recover from a sexual assault. You may experience periods of anxiety, depression, anger or fear, or have nightmares or flashbacks for a long time after the assault.



Talk about it

Counsellors from Sexual Assault Services are specially trained to talk to you about what you're going through and, together, find ways to help you recover.

Build up a support network

Make use of people around you like your friends, workmates, family, other victims, and counsellors. It might mean reconnecting with supportive family members or your community. Take a trip to see them if you can. Organise to do nice things together. Let these people who care about you know what you need and share with them what is going on for you to help them understand. If you know other survivors, try to stay in touch with them and talk about your shared experiences. A counsellor may help you set up a group for follow-up care for other survivors.

Accept your emotions

This can be very hard. Don't waste energy on stressing about your feelings—just try to go with them. Don't underestimate how a sexual assault will affect you and for how long. The legal process and recovery can sometimes be stressful and tiring. There will be ups and downs and days when you feel like it all happened a long time ago as well as days when it seems like only yesterday. You may be surprised at how much inner strength you've got inside that you didn't even know about. You wouldn't be a survivor otherwise.

Do nice things for yourself

These things can range from pampering yourself (having a hot bath or a massage) to going to see a movie or video, reading a good book, going for a walk, watching the water or the sunrise.

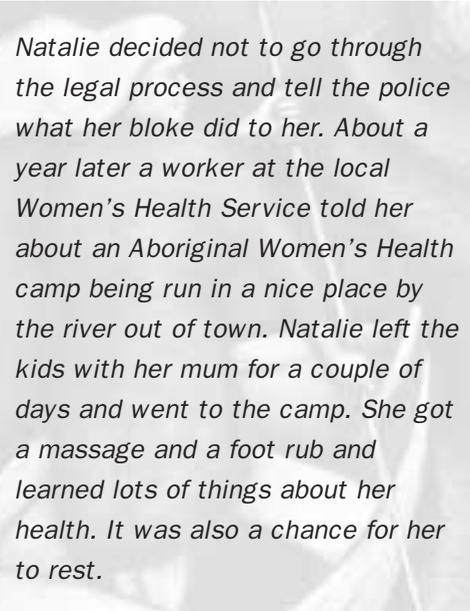
Read helpful things

Books and materials about sexual assault can help you. You can learn from other people's experiences how they have coped with sexual assault and find ways in which you can recover from and survive the experience yourself.

There are books which emphasise support for mothers whose children have been sexually assaulted. There are also books which focus on helping teenage girls who have experienced incest.

Dympna House, a counselling and resource centre for women and children affected by incest and child sexual assault, has a range of books available, including a lending and resource library.

All of these books are available at bookshops such as the Feminist Bookshop in Sydney, or you can ask your local bookshop to order them for you. Get contact details for the Feminist Bookshop and Dympna House by calling the Women's Information and Referral Service listed under 'Contacts' at the back of the booklet.



Natalie decided not to go through the legal process and tell the police what her bloke did to her. About a year later a worker at the local Women's Health Service told her about an Aboriginal Women's Health camp being run in a nice place by the river out of town. Natalie left the kids with her mum for a couple of days and went to the camp. She got a massage and a foot rub and learned lots of things about her health. It was also a chance for her to rest.

Sexual assault offences

If a person wants to have sexual contact with you they must know that you are agreeing to it. It is your basic right to agree or ‘consent’ to sexual contact with another person. The law says that children (under 16 years) can’t agree to sexual contact because they are too young to know what ‘consent’ really means.

Types of offences

Sexual assault is when a person forces you to have sexual contact against your will. It occurs when a person touches you or makes you touch them in a sexual way when you don’t want them to or that you don’t like. It is an abuse of power and trust.

In law, sexual assault is grouped into different types of ‘offences’ which can include:

- act of indecency—where the abuser exposes his genitals or masturbates in public
- indecent assault—where the abuser touches you indecently such as touching your breasts or your genitals or anus or makes you touch his genitals in a sexual way
- sexual assault—this means ‘sexual intercourse’ without your consent
- aggravated sexual assault—this means ‘sexual intercourse’ without your consent in aggravating circumstances

In sexual assault law, ‘sexual intercourse’ is when the abuser puts his penis, fingers, hand, tongue or an object into your vagina or bottom or mouth. So the definition is very wide. It also means getting or giving oral sex when you don’t want to and being forced to put objects into your own vagina or anus.

If a person ‘attempts’ or tries to do any of these things, they can be charged with a sexual assault offence too and can get the same penalties or punishment.

Aggravating factors

Sexual assault can be more serious when it includes ‘aggravating’ factors. A person can be charged with ‘aggravated sexual assault’, for example if:

- he physically hurts you when he sexually assaults you
- you are under 16 years
- he uses a weapon
- other people are present
- you have a severe disability
- the abuser is an authority figure

What does ‘consent’ mean?

When we talk about ‘consent’ in law, we mean consent that is freely and voluntarily given. You have to freely and without pressure agree to have sexual contact with another person for there to be consent. Just because you don’t fight back when you are being forced to have sex does not mean that the law thinks you have consented. An abuser can’t get consent from you by using fear or force or by threatening someone you love.

You can also agree to sexual contact and then change your mind for whatever reason. If the abuser then still goes on with sex even though he knows you don’t want to keep going, he is sexually assaulting you.

Mahai lived in a group home. Mahai’s respite carer sexually assaulted her a number of times. He was charged with aggravated sexual assault because he was in a position of authority over Mahai and because Mahai had a severe intellectual disability.

Josephina came from the Philippines 10 years earlier and married Ken. They had a reasonably happy marriage at first but as the years went on, Ken became more and more angry and violent. He would not give her money and shouted and yelled at her. He demanded sex from Josephina and threatened her if she did not have sex with him. Josephina’s husband was sexually assaulting her because he had sex with her when he knew she didn’t want to have sex with him.

Sexual assault in marriage and relationships

If a man has sex with his partner or wife without her agreement or consent, he can be charged with sexual assault, as long as he knew she wasn't consenting. Just because the relationship involved sex that was consensual at other times does not mean that he won't be charged with sexual assault.



Sexual Assault Services

The NSW Rape Crisis Centre and NSW Health Department Sexual Assault Services can help women after sexual assault. You can talk to a counsellor at any of these services, 24 hours a day. You can also contact your local hospital. There are also a number of child sexual assault services and other specialist services like Dympna House, which provide telephone counselling for women and children in NSW who are incest survivors.

NSW Health Department Sexual Assault Services are based in Community Health Centres or hospitals across NSW. All services assist women who have experienced sexual assault, whether recently or some time ago.



Trang wanted to talk to a sexual assault counsellor. Her boyfriend had raped her and she was very upset. She phoned the Telephone Interpreter Service at 10 o'clock at night and together they phoned the local Sexual Assault Service. Via a Thai interpreter, Trang spoke to a telephone counsellor for about 40 minutes and got lots of information. She was going to think about the next step she wanted to take and then get back to them.

The services are free and confidential. But if you are under 16 years of age, they may notify the Department of Community Services.

Sexual assault service records can be legally requested (subpoenaed) by a court at the trial of the abuser. There are laws that now make it difficult for lawyers to subpoena counselling notes. These laws help protect your confidentiality. Your counsellor can explain more about this.

You can call the NSW Rape Crisis Centre, your local hospital or community health centre, or Women’s Information and Referral Service to find out how to contact your nearest sexual assault centre. These numbers are listed on the last page under ‘Contacts’.

What do sexual assault services offer?

NSW Health Department Sexual Assault Services and NSW Rape Crisis Centre provide:

- counselling— straight after an assault and in the months after
- support and assistance with worries you have about safety
- information about how to report the sexual assault to the police
- information on choices and rights in the legal system
- support and information for partners, friends and family
- court preparation and court support
- information about victims compensation
- support groups

NSW Health Department Sexual Assault Services also provide medical examinations and treatment and forensic examinations.

Counsellors can also refer women to other services like the Aboriginal Medical Service or an Aboriginal worker at another service. For example, some Women’s Health Centres have Aboriginal workers or bilingual workers who may better meet your needs. You can find out about the closest Women’s Health Centre or Aboriginal Medical Service by calling Women’s Information and Referral Service. The number is at the back of this booklet under ‘Contacts’.



Seeing the doctor

After discussing what happened to you, the counsellor may talk about seeing a doctor. This is especially the case if the sexual assault has just happened or happened in the last few days.

Medical examinations

When you go to a Sexual Assault Service you will be offered a medical check-up by a doctor. This is to see if you need any medical treatment.

The doctor can also do tests for sexually transmitted diseases and can give you the morning after pill to prevent any pregnancy after the sexual assault. The morning after pill can work up to 72 hours after the sexual assault but the earlier you take it the better.

The risk of getting a disease as a result of sexual assault is fairly low. But it is important that you have the tests at regular intervals to check whether you've caught a disease. The tests are all free and confidential. You can have tests at:

- sexual health clinics
- sexual assault services
- women's health services
- aboriginal medical services
- through your local doctor or health worker

What is a forensic examination?

A forensic examination is a bit different to a medical check-up. The doctor doing a forensic examination will write down what happened, any injuries you may have, or distress, upset or anxiety you are showing. It may involve:

Cath's counsellor at the Sexual Assault Service talked to her about a medical and forensic examination. At first it seemed all too much. She was only just holding it together after the sexual assault that had happened on the weekend. Cath was given the pros and cons and then given some time to think about it. She knew it was her choice whether she wanted to see the doctor. Cath and her friend Nicola had a drink and a chat for about an hour and she decided that it would be good to get a pregnancy test and disease check (just to make sure). The doctor said Cath had only a small chance of catching a disease and she told Cath what sort of preventative treatments she could use. Both Nicola and the counsellor were around all afternoon to support Cath during the medical check-up.

- taking lab specimens like anal, oral, vaginal swabs and smears. These are taken on cotton buds from inside and around the vagina, anus or mouth.
- taking a blood sample from you
- collecting sperm samples from your body or clothes
- if you are still in the same clothes, taking some of the clothing for forensic testing

You can also request a female doctor. If a female doctor is not immediately available, you may need to come back. This may be difficult if the examination needs to be done straight away. But the choice is yours. If you have definitely decided you are not reporting the assault to the police or if it happened many months or years ago, there is probably no need to have a forensic examination.

A forensic examination is important if you want to report the sexual assault to the police. It provides very important supporting evidence at any trial and the Doctor may be asked to give evidence.

It is best to collect forensic evidence or do a forensic examination as soon as possible after an assault and ideally within 72 hours of the sexual assault. Sometimes there is forensic evidence up to seven days later so even if you go to the service after 4 days the doctor may still want to do a forensic examination.

All the forensic evidence is sealed in an envelope by the doctor. It is then given to the Police with your consent. If you are undecided whether to go ahead, the envelope is stored at the Sexual Assault Centre until you agree in writing that the police can have the information. The Centre will hold the forensic evidence for 48 hours while you decide if you want to report the sexual assault to the police. If you decide not to go ahead, the evidence is destroyed, usually after 3 months. A counsellor will talk to you after 48 hours to find out what you want to do.

Once you sign a consent form the police send the envelope to the Forensic Laboratory for testing and the results are sent back to the police.

It can be hard to face a medical examination after you've been raped. You may decide to delay the examination and it can only be done with your written consent. But you should also know that delaying or not having the examination may mean you lose important evidence against the offender. Your counsellor can support you and answer all of your questions, at any time.



Protecting yourself afterwards

Making sure you can begin to feel safe after sexual assault is an important step to regaining your well-being. There are two ways you can be protected from the offender—bail conditions and Apprehended Violence Orders.

If you report it to the police and the defendant is charged, the police can put special conditions on the defendant, called 'bail conditions', to keep the defendant away from you. This is discussed in more detail under the section on 'Bail' below.

You or the police (on your behalf) can also apply for an Apprehended Violence Order (AVO) to keep the defendant away from you.

Even if you don't want to go ahead with reporting the sexual assault to the police, you can still consider an AVO to keep you safe.

What is an AVO?

An AVO is a court order which stops a person from doing certain things, like ringing you up or coming to your house or your work. You can get an AVO even if the person who sexually assaulted you has not been charged by the police.

Applying for an AVO

You can apply for an AVO in two ways. You can:

- talk to the police about your fears and they may apply for an AVO on your behalf
- make a time to see the Chamber Magistrate at your nearest local court. Your counsellor can help with this.

At court

After you apply, you will be told when you have to go to the court. Check to see whether the local court has a Women's Domestic Violence Court Assistance Scheme. If so, you can contact the worker and she will tell you what will happen on the day.

If the abuser turns up at court he may agree to the order. If so, you may not have to speak in court. If he doesn't agree, the case will be adjourned (postponed to another day) for a hearing. You will have to give evidence at this hearing. If the magistrate believes you are in fear, she or he will make the order to protect you.

The order will not give him a criminal record, it will just keep him away. If he doesn't do what the order says, you should call the police as soon as possible. They can charge him with breaking the order, which is a criminal offence.

Don't be scared to protect yourself from further abuse. Counsellors, the police, the Chamber Magistrate, friends and family can all help. You could also call the Domestic Violence Advocacy Service for free telephone legal advice. The number is at the back under 'Contacts'.

Mrs Bakar was sexually assaulted by her ex-husband. He was ringing her home and threatening her and her family. He also came to the house one afternoon. She spoke to her counsellor about reporting the assault to the police but wasn't sure if she would do that yet. Her counsellor told her about an AVO which could protect her in the meantime. Mrs Bakar saw the Chamber Magistrate who made the application for her. She then also told her about the local Court Assistance Scheme. She went to court the following week and met Rachael the Court Assistance worker. She sat in a safe room and a volunteer solicitor explained what would happen. The solicitor talked to the abuser who agreed to the order and Mrs Bakar left with an order for 12 months to keep her abuser away. Maybe the legal stuff would be sorted out by then. Anyway Mrs Bakar was told she could apply to extend the order before the 12 months were up.

Part Two – Sexual assault and the law



This next section of this booklet talks about what happens after a sexual assault is reported to the police. It talks about the legal process and the court system. It sets out what will happen at the trial and at his sentencing if he is convicted. There may be words used in the next section that you don't understand, so there is a glossary which explains the legal words at the end of the booklet.

This next section also has very important information about victims compensation which everyone should read.

Some women decide to go through the legal system and some women don't. Others report the sexual assault to the police and then change their mind about going through the legal process. All these choices and decisions are OK.

The decision about whether to go through the legal system is up to YOU. Once you have been given all the information and understand your options, only YOU can decide what is best.

Reporting to police

Remember, it is your decision if you want to tell the police what happened to you or not.

If you tell the police what happened, then later decide you don't want to go ahead with the case, the police can still continue with their investigation and prosecution. But the police will take your feelings into account in deciding whether to go on.

In Australia, sexual assault and all other crimes are seen as crimes against our community as well as the individual victim. So the police, the prosecutors and the courts all work to put the accused person on trial for

the crime on behalf of our community. This means that they are 'acting on behalf of the Crown or the State'.

Making a 'complaint'

Sexual assault is a crime so the police act on it once you report it. This is called making a 'complaint'. It means telling the police what happened to you. You will be asked a lot of personal details about the sexual assault like questions about where his hands were, whether the car door was open or whether you struggled and screamed. It is typed up in your words by the police officer and you sign each page. This is called a 'statement'. The defendant's lawyer and most probably the defendant will get copies of this statement.

If you contact the police before talking to a sexual assault counsellor, they will probably encourage you to talk to a sexual assault counsellor first so you know what to expect and what choices you have. This is a good idea.

It can be very distressing telling the police what happened to you. It can also take a long time so get some rest if you can before you make the statement. You should bring a friend, family member or counsellor with you. If you need an interpreter, the police should try to organise a female interpreter for you to make your statement.

Bec thought a lot about whether to go to the police about her sexual assault. She lived in a small town and dreaded the thought. The cops were certain to know him. What if she got some copper (police officer) who she went to school with?

After talking about all this with her counsellor, Bec made an appointment to see the female officer. She had to wait 4 days but that was OK. They ended up knowing each other from softball but she was great. She took lots of time to take her statement and check it was right. Bec gave the details as clearly as she could. She was so tired at the end of it and organised with her mates to go and see a good film that night as a treat.

Otherwise the police could use the Telephone Interpreting Service to translate what you are saying to them, so that they can type out your statement. You can also request a female police officer but this may mean coming back at another time. In rural areas there may not be a female officer available. It may mean going to another town, waiting a long time for a female police officer or having to give your statement to a male officer. You need to decide what is best for you.

The Police Service has a special policy for taking statements and investigating complaints about sexual assault. You can ask the police officer about it. Your statement should be taken by a criminal investigator who is specially trained to talk to people who have been sexually assaulted.

Your statement will be used if there is a court case about the sexual assault. If you think of other things you would like to explain or add to your statement, it is possible to make additional statements. Make sure you read over it carefully before signing it and always get copies of your statements.

Once you tell the police what happened, it is up to them to decide to investigate it.

The investigation

Detectives (who are also police officers) will do the investigation. They may ask to get statements from your parents, friends, neighbours or workmates. They will also speak to other people in the defendant's life and interview them. They may draw maps and pictures or take photos of where the assault happened. All of this may be used as evidence. If identifying the person is an issue, he may need to be identified using an identification parade or photographs.

Charging him

Once the police investigate the offence and if they think they have enough evidence, they will charge the accused person. They decide on what offences to charge the defendant with, depending on what you have told them and what other evidence they have.

Bail

The police officer decides whether to release the defendant on bail or keep him in custody until the case goes to court for the first time. Bail means the defendant is allowed to go home but promises to go to court to hear the charges against him. He may also have to put up some money that he loses if he does not turn up at court. Often the police will force him to make other promises like keeping away from you, your friends or family or reporting to the police station every week. If the defendant breaks these promises, you should tell the police straight away.

In many sexual assault cases the defendant gets bail. The decision about bail can be changed at any time. If he wasn't given bail by the police, the magistrate may change the police decision on his first court appearance. You should be kept informed by police if the magistrate gives the defendant bail.

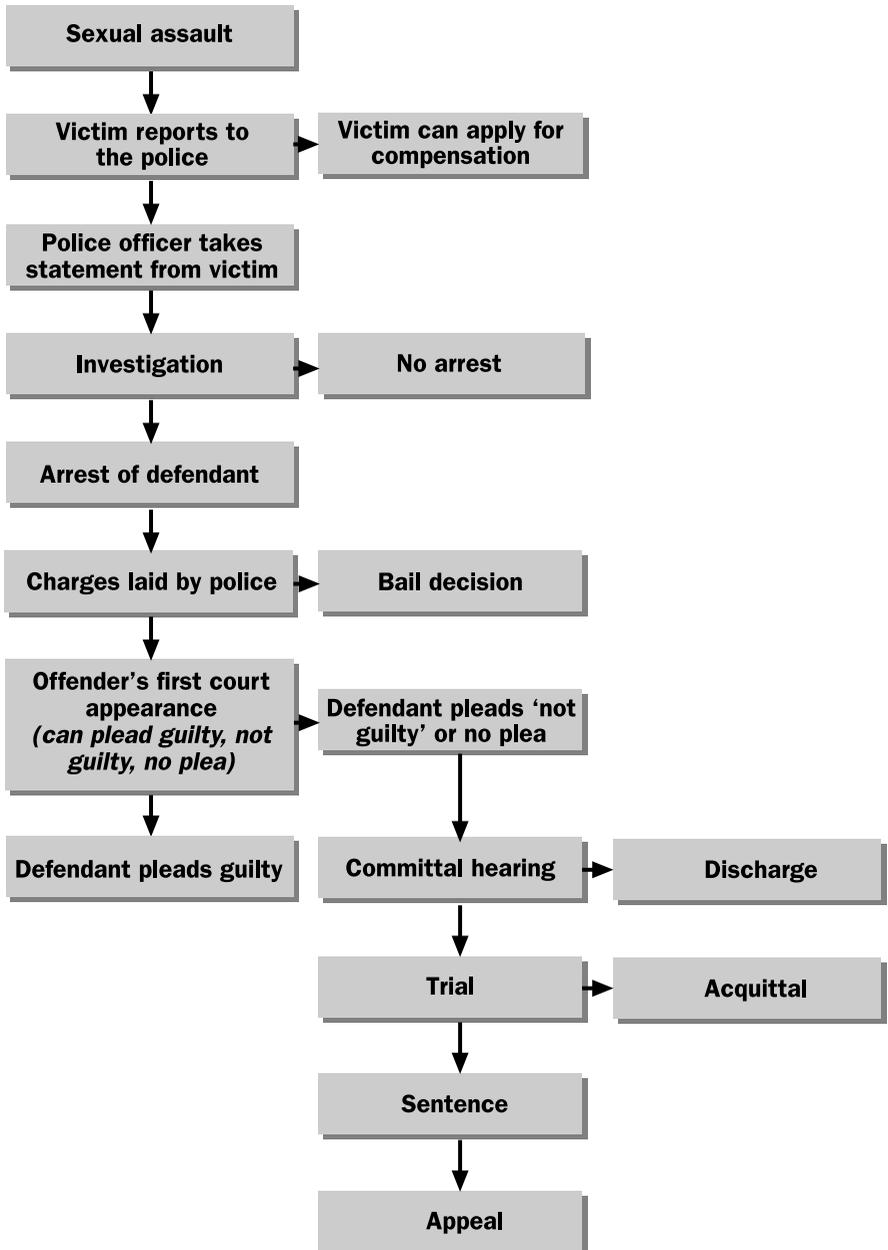
Going to court

If you have been sexually assaulted you may find yourself in a few different courts for different reasons.

If you decide to tell the police about the sexual assault and the defendant is charged with a criminal offence you will be a witness in the Local or District Court.

If you decide you do not want to get involved in a criminal court system you may still want some protection and apply for an Apprehended Violence

The legal process



Order (AVO). These are dealt with by the Local Court and are discussed earlier in this booklet under 'Protecting yourself afterwards'.

You may also apply to the Victims Compensation Tribunal for compensation. The Victims Compensation Tribunal is a special court for victims of violence. There is more information in 'Compensation' later in this booklet.

So there are many different parts of the legal system you may be involved with. The diagram above shows all the stages of the legal process to make it easier to understand. Each stage will be talked about in more detail later in this booklet.

What role do I have in the criminal court process?

You are a witness for the Prosecution which is also sometimes called the 'Crown'. Often you are the main witness. You are part of the Crown case—that is, part of the evidence against the defendant. The Crown case is presented by Prosecution lawyers and sometimes a barrister known as the 'Crown Prosecutor'. Prosecution lawyers come from the Office of the Director of Public Prosecutions (DPP). You do not need your own lawyer at court and no one represents you directly at court. It's important to know that because the Prosecution represent the Crown case, their main obligation is to the Court and the Crown. They are not your advocate. The Prosecutors will only stick up for you if it will assist their case or assist the court.

Witness Assistance Service

This Service is staffed by counsellors and is part of the Office of Director of Public Prosecutions (DPP). There is a Witness Assistance Officer in all the DPP Offices, including regional offices. The Service helps anyone who has to give evidence as a witness for the DPP (which includes victims) in any NSW court. The Witness Assistance Service can:

- provide information to witnesses about the legal process and victims rights
- provide court preparation and court familiarisation
- provide court support and support when witnesses talk to DPP lawyers
- advocate for the witness (through the court system but not in court)

- help explain about court and the criminal justice process
- tell witnesses about the available resources
- liaise between witnesses and DPP staff
- refer you to other services, including specific counselling services

The Witness Assistance Service also has a Sexual Assault Liaison Officer and an Aboriginal Liaison Officer. These people will talk to your counsellor  to make sure all your needs are being met. The Witness Assistance Service will use interpreters if your first language is not English and may also use the Telephone Interpreter Service to talk with you.

The contact numbers for the Witness Assistance Service are listed on the last page under ‘Contacts’.

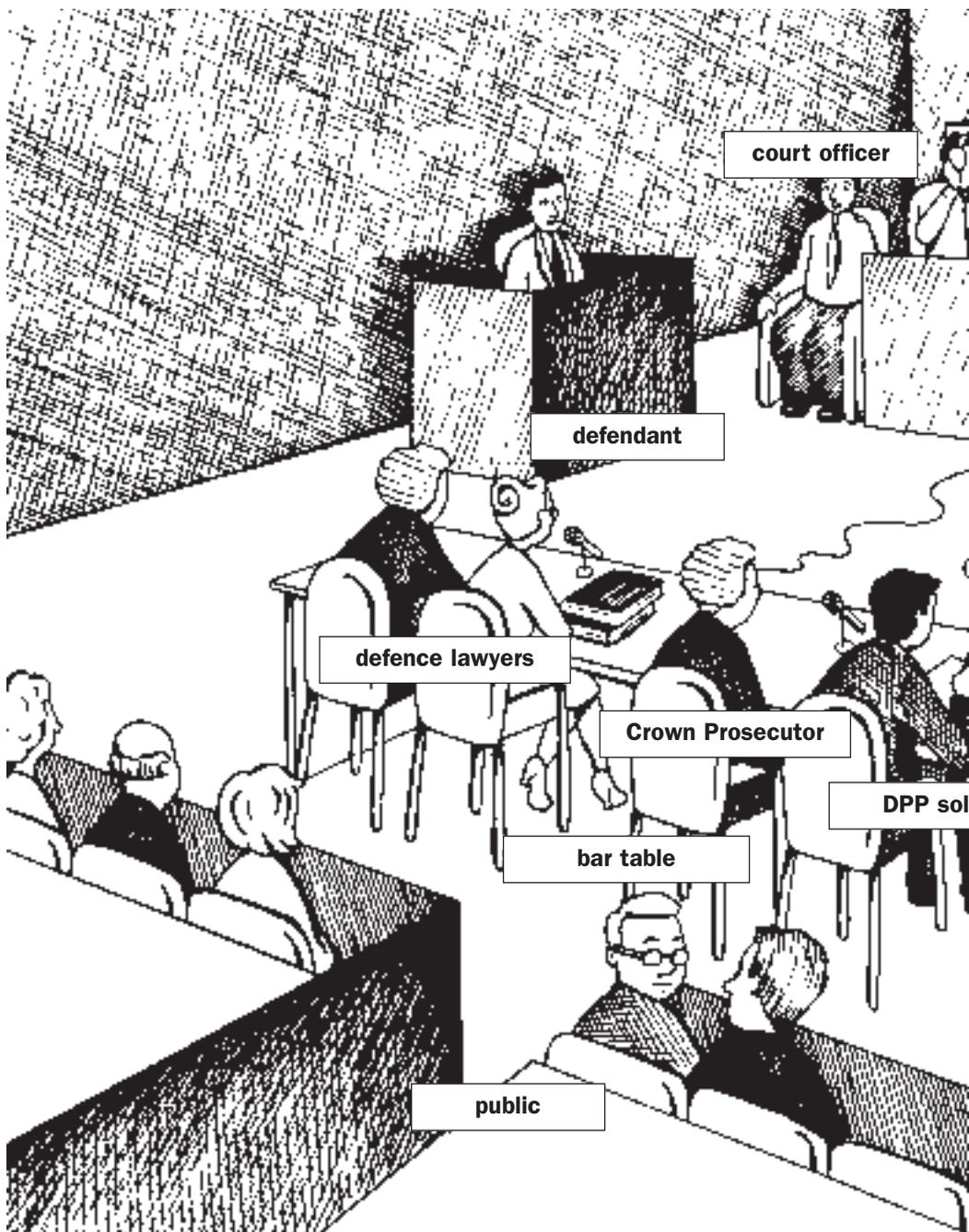
District Court

There is a range of sexual assault crimes. For the most serious crimes the defendant will be tried in the District Court of NSW. Offences of sexual assault, child sexual assault or aggravated sexual assault are all tried in the District Court. Judges sit in District Courts. They wear wigs and gowns. Most of the time juries hear the evidence and make the decision about guilt in the District Court. Solicitors from the Office of the Director of Public Prosecutions (DPP) and Crown Prosecutors work together in District Courts to present the Crown case to the court. The defence case is presented by a solicitor and probably a Defence barrister as well.

Local Court

Other sexual assault offences (such as indecent assault or acts of indecency on adults) are heard in the Local Court. Magistrates sit in Local Courts. They don’t wear wigs or gowns. There are no juries in the Local Court and the Magistrate makes all decisions. A DPP solicitor prosecutes the offence on behalf of the Crown in the Local Court. The defendant will have a solicitor and sometimes a barrister represent him.

On the next page is a diagram of what most courts look like. It also points out the key people in the courtroom.



court officer

defendant

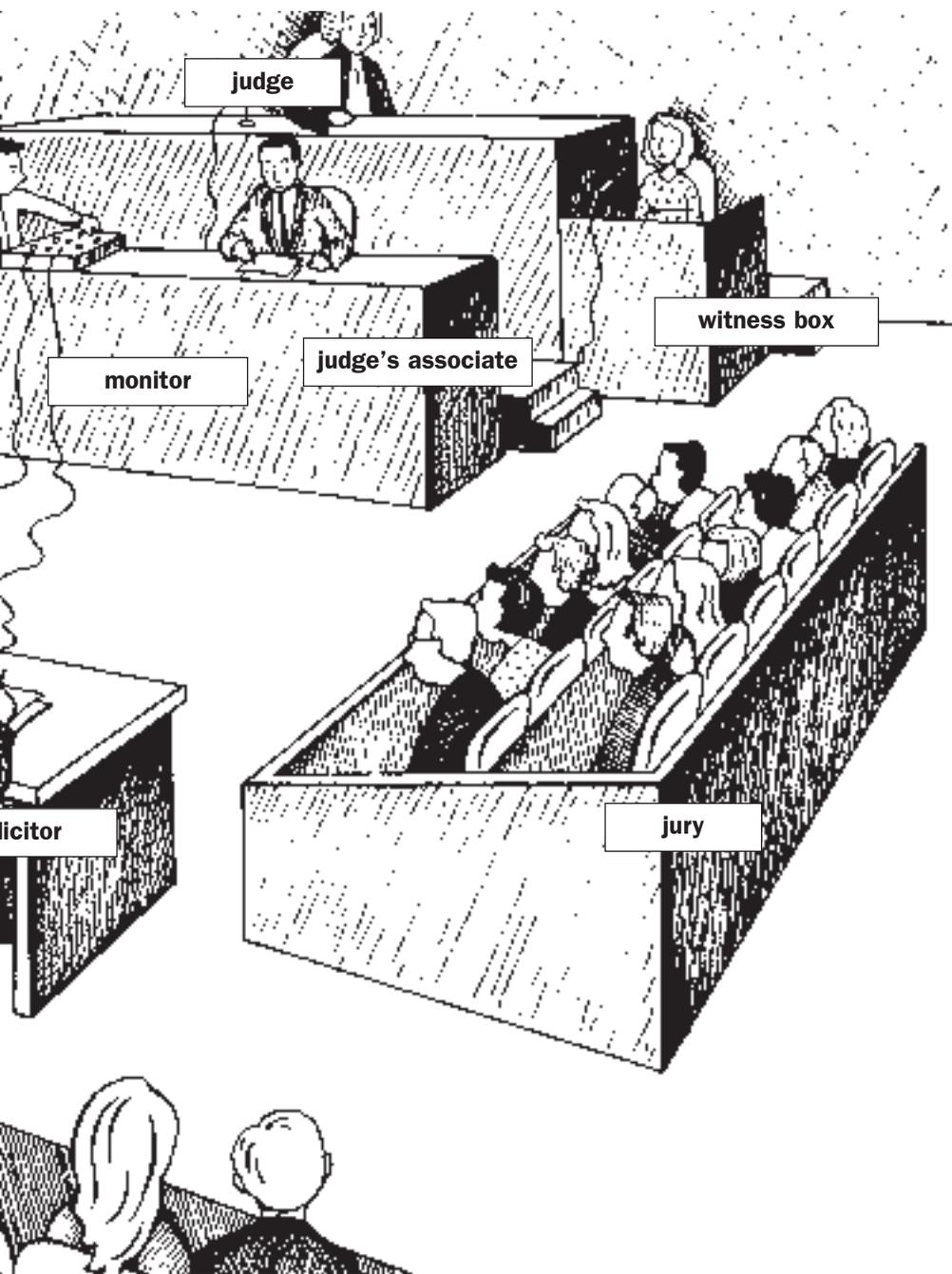
defence lawyers

Crown Prosecutor

DPP solicitor

bar table

public



Guilty or not guilty?

After he is charged by the police, the defendant can decide whether or not to enter a plea—that is, plead ‘guilty’ or plead ‘not guilty’. He can also change his plea at any time. Sometimes the defendant may do this on the first day of the trial or during the trial. If he pleads guilty, he then gets sentenced by either the magistrate or the judge in the Court. For more information on sentencing, see ‘Sentencing and Victim Impact Statements’ later in this booklet.

No bills

Sometimes the Director of Public Prosecutions (DPP) will decide the case should not go on. This is known as ‘no-billing’ a case or ‘no further proceedings’. It can happen at any stage up until the trial, but mostly it happens before the Committal. There could be lots of reasons why a case is no-billed. It usually means the evidence against the defendant in the eyes of the DPP is not strong enough to get a conviction in a criminal court. If there is a ‘no-bill’ in your case you will be told about it.

As the victim, you can also request to not go any further in the legal process. The DPP will place a lot of weight on your request when they decide whether they will go on.

The committal

If a defendant has been charged with serious sexual assault offences his case will need to go through the Local Court first to be ‘screened’ to see whether there is a case against him. This is called the ‘committal’. At the committal the magistrate has to decide whether there is enough evidence against the defendant. This means weighing up the evidence. Sometimes the victim has to give evidence. New laws brought in over the last few years protect women from having to give their evidence ‘twice’. So the defence has to show that there are special reasons why they want the victim to give evidence at the committal. Other times, the Prosecution and

Defence will present their written statements to the magistrate and the decision will be made on these alone.

It can be difficult to have to give evidence at the committal and then at the trial. One positive way to look at it is that you can practice having to answer questions about the sexual assault in a court room.

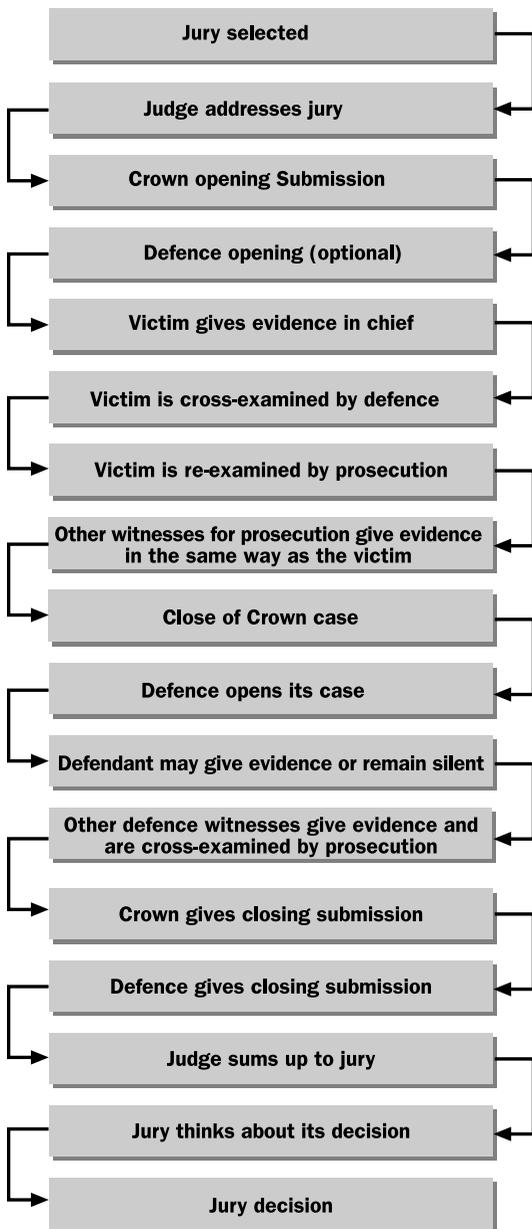
If the magistrate believes there is not enough evidence, the case will be dismissed. If the magistrate agrees there is enough evidence she or he will 'commit' the defendant to the District Court for trial.

The trial

A trial only happens if the defendant pleads 'not guilty'. If he has pleaded 'guilty' then you do not have to give evidence at a trial and the case will go straight to sentencing where the court will decide on his punishment.

Below is a diagram of the order in which legal things happen in a trial. You can see that the prosecution case is presented to the court first, followed by the defence case. Because you are probably the main prosecution witness, you will normally be the first witness in the trial. At the end of all the evidence, the Prosecutor and the Defence lawyer both sum up their case to the magistrate, judge and/or jury and a decision is made. If he's found guilty, sentencing usually happens on another date to give everyone time to prepare.

The trial process



When will the trial begin?

There will be pre-trial court dates (called 'mentions') to make sure the case is on track. A trial date will be set and the DPP solicitor or Police should let you know. Delays can and often do happen, especially in rural areas where the District Court sits only a couple of times per year.

If the trial is in the District Court, the DPP solicitor should organise a meeting with the Crown Prosecutor to discuss the case before the trial starts.

How long will the trial take?

Some trials last less than a day, others a few days and some last weeks. Ask the DPP lawyer for an estimate.

Who gives evidence?

You will have to give evidence as you are the most important witness for the prosecution. Your job is to tell the jury what happened to you and you will be questioned by the Prosecutor and the Defendant's lawyer.

Other people in your life may have to give evidence too. If you have been a victim of incest, your mother and sisters and other family members may have to give evidence that supports the Prosecution case against the defendant. The police officers who interviewed you will also have to give evidence.

Will I get money for going to court?

If you have to travel from home to go to court or stay overnight, you can have your normal expenses paid (like meals, transport, hotel costs). You can also claim lunch and dinner during the court days, some lost wages and child care while you go to court. But you don't get paid a fee for going to court. Your costs don't include things like new clothes you may want to buy for court.

How can the court make it easier for me?

Closing the court

The Prosecutor can ask the judge or magistrate to close the court for the trial or part of the trial. This means that the public (which includes your family and friends as well as any other member of the public) are not allowed to stay in court to listen to the trial. If the court is closed, the Prosecutor can ask to allow a support person to stay with you in the court—like your mum, counsellor or friend. The judge or magistrate needs to balance your welfare with the legal idea that all courts should be open to the public. The judge or magistrate may agree to close it at least for your evidence. If the court is closed the judge or magistrate will often allow the defendant to have a support person in court as well.

Privacy

If you are worried about publicity, the court can also order that your name (or anything else that identifies you) not be published or not announced or revealed in the court. Again, the judge or magistrate has to balance your privacy and distress with the public's right to know about what happens in the courts. You need to talk to the DPP solicitor about these things.

Interpreters



If you are worried you will not be able to follow what is going on because you speak English as a second language, it is your right to ask for an interpreter. You can also ask for a woman interpreter. Her role is to interpret what is said in court—not to advise you about the case or how to present your evidence.

If you have a disability, you also have the right to ask for an interpreter, support person or other service which will help you give evidence and understand what is going on in court. The courts sometimes use computers and amplifiers to help victims understand or give their evidence.

You can talk to your counsellor, the DPP solicitor or police about these things.

What is evidence?

Evidence includes what you say in court, what experts say (like psychiatrists, doctors, forensic specialists) about technical issues like blood samples or finger prints, documents, clothes, photographs, maps, medical reports, test results, weapons and tape recordings.

Your written statement will not be presented as evidence in court. But you will be questioned about it and the answers you give in court are part of your evidence.

How should I give my evidence?

You need to explain exactly what happened in the best way you can. There are no hard and fast rules but these things might be good to remember:

- speak up, speak clearly and speak slowly
- listen carefully to what you are being asked
- don't answer a question you don't fully understand—ask them to repeat it
- don't give information that you are not sure of
- only answer what you are asked—don't feel you need to go into more detail
- use short sentences
- if you need time to remember or think about your answer—ask for some time
- if you can't remember, say honestly that you can't remember
- if you feel you need to explain your answer, ask if you could explain it more fully
- try not to get angry with the defence counsel (save it for afterwards!) even if you feel he or she is being aggressive or revolting to you
- try to breathe evenly and stay as calm as you can.

What sort of questions will I be asked?

As a witness you can only give evidence about what you know first hand. This means what you saw, felt, heard or did. Giving your evidence is one of

the hardest parts about the court process. It is often distressing to have to talk about personal or upsetting things to a courtroom full of people you don't know. It can be embarrassing to have to describe what happened to you and your body in detail. You may also have to give evidence about your use of drugs or alcohol or your mental health history and this can be uncomfortable.

As a general legal rule in sexual assault cases, the court can't hear evidence about your sexual history or sexual experiences or sexual reputation. There are a few exceptions to this rule. For example if you and the defendant were having a relationship at the time of the sexual assault they will probably ask you about that. If this evidence fits into one of these 'exceptions', the judge has to weigh up how relevant the evidence is to the case with how distressing it will be for you to talk about.

Examination-in-chief

This is the first part of your evidence. The Prosecutor will help you give evidence by asking you what happened when you were sexually assaulted. This is your chance to tell the judge, magistrate and/or jury what happened to you in your own words.

Cross-examination

This is where the Defence lawyer ask you questions in detail about anything the court or the defendant thinks is relevant to the case.

Cross-examination is how your story is challenged by the Defence. It is the Defence's job to represent the interests of the defendant and to suggest that the defendant's story is correct. The Defence might suggest that you consented to sex or that it was not the defendant who raped you.

Questions asked by the defence lawyer might make you upset or angry. If the Defence lawyer asks you a question that is not allowed, the Prosecutor can object to it and the judge or magistrate can forbid it. If this happens, you do not have to answer the question and it will not be recorded as evidence.

Most importantly, if you think a question is offensive, not relevant or not to the point or confusing, **you can ask** the judge or magistrate if you have to answer it, even if no-one else has objected to it.

Re-examination

After cross-examination, the Prosecutor may ask you some more questions to clarify or expand on anything that you said in cross-examination.

What if I get upset?

This happens often to victims of sexual assault giving their evidence. It doesn't mean that you can't do a good job as a witness. Expect that you will get upset and think of what you will do when it happens. Practice what you will do and talk about it with your counsellor or the Witness Assistance Service Officer. Remember you have done nothing wrong. Feeling very nervous and finding it hard to speak is natural. Check things with the judge or magistrate if you are not sure. They are there to manage the court and the trial so that is part of their job—making sure you, the witness, gives her evidence as best you can.

Will the defendant have to give evidence?

Our laws mean that the defendant only has to give evidence if he wants to and if it will help his case. Many defendants choose to stay silent.

Judge's comments to the jury

This only applies if your sexual assault is being tried in the District Court with a jury.

At the end of all the evidence and the Prosecution and Defence lawyer's summary of the case, the judge will summarise the case for the jury including your story and the defendant's story. The judge will also highlight what evidence supports each side of the case and give the jury other legal information and instructions. This helps the jury make a legal decision.

What the judge says to the jury at the end is called the 'Summing Up'.

The verdict

If there is no jury, the magistrate or judge may take some time to decide on the defendant's guilt. He or she might take some hours or overnight to decide.

If there is a jury, it can take an hour or a few days to decide on the verdict. It depends on each jury. After they reach a verdict, everyone is called back into court and the foreperson will announce whether the defendant is guilty or not guilty.

What if he is found not guilty?

This means that the magistrate, judge or jury feels that the prosecution hasn't proved the offence 'beyond reasonable doubt'.

It doesn't mean that the jury or the judge or the magistrate do not believe you.

It is not enough if they believe you more than they believe him: they must not have a 'reasonable doubt' that he sexually assaulted you. If they have a 'reasonable doubt' then, in law, they must find him 'not guilty'. This is because the Australian justice system makes sure that people are not convicted and put into jail for something they didn't do.

This can be very hard to understand when you, your family and friends all know that he sexually assaulted you. Try to remember that he has been charged, the crime has been investigated, the court has all listened to your story and that has made him accountable. Even if he is found 'not guilty', he has been given a strong message that what he did was wrong. As one survivor of sexual assault says:

Even though I didn't get the result I wanted from going to court, I can say that I went to court and made the idiot accountable for what he did in front of a lot of people. I did my absolute best and I have reached the top of my mountain.

Sentencing and Victim Impact Statements

When the offender is sentenced by the magistrate or judge, you don't have to attend court unless you want to.

If the offender is being sentenced in the District Court, it is your right to give the court a written statement about what happened to you and how the sexual assault has affected your life. This is called a Victim Impact Statement. Your Statement may be made available to the Defence and the offender. It is your right to change your mind about presenting the Statement to the Court at any time. It is a good idea to show it to your counsellor before you present it to Court.

The magistrate or judge may also request a Pre-Sentence Report on the offender. This gives the court information about the offender and is prepared by someone from the Probation and Parole Service or a psychiatrist or social worker. It helps the court decide on what punishment they should give the offender.

The law says the court must take into account all these things before deciding on the offender's punishment. Sentences can range from a fine, community service order, periodic detention, home detention or other imprisonment. It is very rare that the defendant gets the maximum sentence. It will depend on each offender and what happened in the case. The DPP solicitor can tell you more about the offender's punishment.

Appeals

The defendant can appeal to a higher court against his conviction or the length of his sentence. So, if the defendant was dealt with by the Local Court he will appeal to the District Court. If he was dealt with by the District Court he will appeal to the Court of Criminal Appeal in the Supreme Court.

If the higher court finds a serious mistake has been made, they can order the court to hear the case again. This will mean a re-trial and you will have

to give evidence again. They may also acquit the offender which means he goes free or they might give him a lower sentence.

The DPP can appeal against a low sentence if they feel it is inadequate. But the DPP can not appeal against an acquittal.

As a victim, you can not appeal against the defendant's acquittal or a low sentence.

Part Three – Other types of assistance

Compensation

As a victim of sexual assault, you can claim free counselling and compensation from the Victims Compensation Tribunal. The Tribunal pays for counselling and compensates people who are injured by violent crime for pain and suffering, lost wages and medical expenses. You need to cooperate with the police to be eligible for compensation. The offender does not necessarily have to be found guilty or plead guilty. The Tribunal only has to believe that you are the victim of a sexual assault on the balance of probabilities. This is not the same as having to prove the sexual assault happened to you in a criminal court.

Counselling



You can apply for two hours of counselling by filling in an application form. You can get this from the Victims Compensation Tribunal (see below). It is pretty easy to get the first two hours of counselling approved.

If you need more than two hours counselling you can talk with your counsellor about asking the Tribunal to pay for more counselling. You have to fill in a form, show that you have cooperated with police and have your counsellor write a report about why you need more counselling.

Financial compensation

You can claim compensation if the act of violence happened to you (the ‘primary’ victim) or if you witnessed the act of violence (the ‘secondary’ victim). You can also claim compensation as a ‘secondary’ victim if you are the mother of a child who has been sexual assaulted.

If there is a court case, you don't need to wait until it has finished to apply for victims compensation. But it is often better to wait until the legal process is underway. If the case did go to court, the Tribunal will wait until the result before they decide on your application anyway.

You should apply for victims compensation within two years of the sexual assault or two years of the last assault if there has been more than one. If it has been more than two years you can ask the Tribunal for a special time extension.

So, you need to get legal advice about compensation. Most times if you use a lawyer the Tribunal will pay their costs whether or not you get compensation in the end.

You may also want to think about suing an offender for 'damages' in civil law. Again, you will need to talk to a lawyer about this so that you fully understand what is involved. Ask your counsellor if they know a lawyer who can help you.

You can get more information about victims compensation from the Victims of Crime Bureau. You can also contact the Women's Legal Resources Centre for legal advice about victims compensation or suing the offender for 'damages' in civil law. These numbers are listed on the last page under 'Contacts'.

Donna was sexually assaulted by a neighbourhood friend. She had a sexual assault counsellor who helped her through the hearing in the Local Court. The defendant was found not guilty but he was shamed in the courtroom, had to pay for a lawyer and take nearly a week off work. Donna's counsellor had told her about victims compensation and now that the case was over she wanted to get more information about it. She called Wirringa Baiya, a legal centre for Aboriginal Women, and talked to a lawyer about victims compensation. Donna's sexual assault counsellor went with her to see a local lawyer who did the application. Donna applied within the two year time limit and is now waiting on the Tribunal's decision.

Victims' rights and complaints

Many people have worked to try to improve the criminal justice system for victims. But the process can still be difficult and shaming for women victims of sexual assault. It is important that people involved in providing services for victims of sexual assault know about how women feel when they use their service.

Charter of Victims' Rights

There is now a Charter of Victims' Rights in the Victims' Rights Act 1996. This Charter lists rights of victims such as:

- having access to information about the investigation and prosecution process
- being treated with courtesy, compassion and respect
- having their identity protected
- being protected from contact with the accused
- having access to services
- presenting a victim impact statement at the sentencing of the offender
- getting information about the offender's release

There is also a 'Victims' Register' at the Department of Corrective Services. You can register your name and the Department will contact you when changes are made to the offender's imprisonment. They will also let you know about upcoming parole decisions or release dates of the offender. You can get more information about Victims' Rights by calling the Victims of Crime Bureau listed on the last page under 'Contacts'.

Complaints about lawyers, judges and police

Victims of sexual assault often talk about their treatment by police or the court system. There are common complaints made by victims such as:

- lack of sensitivity and support by the police and lawyers
- lack of information about what would happen to them

- police, lawyers and people in court not believing the victim or judging her
- making the investigation and legal process more important than counselling, support or medical care.

If you have a complaint about services provided by a government department, you should write to the department itself. So if it is a complaint about the police, you need to talk to the NSW Police Service Customer Assistance Unit. If you have a complaint about the court system, you can write to the Attorney General's Department.

You could also contact the Ombudsman's Office which deals with all complaints about any government departments and services provided by government. This includes services provided by the NSW Police Service, Attorney General's Department, Health Department and Department of Community Services.

If you are not happy with the Office of the DPP, you need to try to speak to the lawyer directly or write to the Director of Public Prosecutions.

To make a complaint about judges or magistrates, you need to contact the Judicial Commission of NSW. You may want to complain about how you were treated by the judge in the court. If so, you need to write out your complaint and send it to the Judicial Commission. A lawyer or your counsellor may be able to help.

If you are unhappy about a lawyer's behaviour, you could contact the Legal Services Commission which is a body set up to watch over and investigate lawyers' behaviour. You could, for example talk to the Commission about a barrister's behaviour during a trial.

Other complaints

If you want to complain about what happened to you at a Sexual Assault or Rape Crisis Service or health service you need to contact the Health Care Complaints Commission. For complaints about community organisations such as a Community Legal Centre or Family Support Service, you (or a

friend) could contact the service directly to ask about their Complaints Policy.

For more information about any of these agencies you can call the Women's Information and Referral Service from anywhere in NSW. The phone number is listed on the last page under 'Contacts'.

Glossary

Acquitted: If there is any doubt that the defendant has broken the law, he will be allowed to go free and there will be no other hearing. This is called being acquitted.

Accused person: The person charged with committing a criminal offence.

Allegation: The offence or the behaviour the defendant has been accused of doing.

Apprehended Violence Order (AVO): A Court Order restricting a person's behaviour for the protection of another person who is in fear.

Bail: A defendant is given bail when he or she is allowed to go free whilst awaiting a court hearing. Sometimes money must be paid as security, or the accused may simply promise to appear in court.

Barrister: A lawyer who specialises in representing people in court and often wears a robe and a wig in the courtroom.

Balance of probabilities: This is the level of proof required in all civil matters, including AVO matters. It means the offence is more likely than not to have happened.

Beyond reasonable doubt: This is the level of proof required in all criminal matters. It means there is no reasonable doubt, in the decision maker's mind, that the sexual assault happened.

Charge: The crime or 'allegation' that the person is accused of committing.

Committal hearing: A 'screening' hearing in the Local Court where the magistrate decides if there is enough evidence against the defendant to go to trial in a Higher Court.

Complainant: The person who is the victim of the crime or who has made the complaint to the police. People applying for Apprehended Violence Orders (AVOs) are also called 'complainants'.

Crown Prosecutor: A barrister who presents the Crown case or the State's

case against the defendant. A solicitor from the Office of the DPP (see below) instructs the Crown Prosecutor.

Consent: free and voluntary agreement

Conviction: what happens when a person is found guilty of an offence.

Defence: The defendant's case and the lawyers who present it.

Defence Counsel: A barrister who represents the defendant at Court.

Defence Solicitor: A lawyer who gives legal advice and may themselves represent the defendant or work with a barrister to represent the defendant.

Defendant: In criminal matters, like sexual assault, the defendant is the person who is charged with committing an offence. In civil matters, the defendant is the person who has to answer the claims made by the other party.

District Court: NSW State court that deals with the most serious sexual assault offences. Judges and juries are in the District Court.

DPP: Abbreviation or short name for the Office of the Director of Public Prosecution (see below)

DPP Solicitor: Prepares the case for the Prosecution and works with the Crown Prosecutor.

Forensic: The scientific aspects of legal investigation, such as medical tests and scientific evidence.

Foreperson: jury spokesperson or leader who announces the jury's decision.

Judge: Oversees the running of a trial and decides on the sentence of the convicted person.

Jury: Twelve people whose job at a trial is to all agree whether or not the accused is guilty.

Local Court: NSW State court that deals with less serious criminal offences, applications for Apprehended Violence Orders and Committal hearings. Magistrates sit in Local Court and there is no jury.

Magistrate: Oversees the running of a hearing in the Local Court and

ensures that lawyers act according to rules. Magistrates also sentence defendants in the Local Court as well as deciding whether to commit the person for trial in the higher courts.

Office of the Director of Public Prosecutions (DPP): The Office is headed by the Director of Public Prosecutions and employs many lawyers who prosecute criminal matters on behalf of the Crown or the State. The DPP provides a solicitor and in the higher Courts, a Crown Prosecutor to prosecute the matter. The DPP solicitor is responsible for liaising with the police and the Defence in preparing the trial and for arranging meetings with witnesses. At the trial, the case will usually be presented by a Crown Prosecutor instructed (assisted) by a solicitor.

Police Officer: Investigates the complaint, considers whether charges should be laid and decides on bail. Police officers also gather evidence for the criminal case.

Prosecution case: The case against the defendant that is prepared and presented by the DPP.

Prosecution Solicitor: The solicitor who represents the Crown and instructs (assists) the Crown prosecutor at trial. This solicitor usually works for the DPP.

Service: Delivery of a legal document to a party, a witness or the defendant in a legal case.

Solicitor: The lawyer who provides legal advice and may represent a client at court.

Summons: A document that explains the alleged offence or charge and orders the defendant or a witness to appear in court on a certain day.

Subpoena: A court order to make a witness come to court to give evidence or to request access to documents.

Victim Impact Statement: This is a report prepared by the victim, a counsellor or psychiatrist about the impact of a crime on the victim.

Contacts

In an emergency, ring 000 and ask for police.

NSW Rape Crisis Centre

(02) 9819 6565

1800 424 017

TTY (02) 9181 4349 (if you are deaf, or hearing or speech impaired)

Domestic Violence Advocacy Service

(02) 9637 3741

1800 810 784

TTY 1800 626 267 (if you are deaf, or hearing or speech impaired)

Sexual Assault Services

Local Sexual Assault Services are listed in the White Pages or contact your hospital for details.

Witness Assistance Service

(Part of the Office of the Director of Public Prosecutions)

(02) 9285 8949

1800 814 534

TTY (02) 9285 8646 (if you are deaf, or hearing or speech impaired)

Victims of Crime Bureau

(02) 9374 3000

1800 633 063

www.lawlink.nsw.gov.au/voc

Women's Legal Resources Centre

(02) 9749 5533

1800 801 501

TTY 1800 674 333 (if you are deaf, or hearing or speech impaired)

Indigenous Women's Contact Line

C/- Women's Legal Resources Centre

1800 639 784

TTY 1800 674 333 (if you are deaf, or hearing or speech impaired)

Warringa Baiya Aboriginal Women's Legal Centre

(02) 9569 3847

1800 686 587

Lesbian and Gay Anti-Violence Project

(02) 9206 2066

1800 063 060

TTY 9283 2088 (if you are deaf, or hearing or speech impaired)

NSW Police Service Customer Assistance Unit

(02) 4352 0112

1800 622 571

Women's Information and Referral Service

The Women's Information and Referral Service is a free and confidential telephone service, with information and contact details on hundreds of organisations and services for women.

1800 817 227

TTY 1800 673 304 (if you are deaf, or hearing or speech impaired)

Information and referrals are also available online at www.womens.gateway.nsw.gov.au (click on 'crime').

Translating and Interpreting Service

131 450



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