

it's not
consent
if you're
out of it

it's not consent
just because
he's your
husband

it's not
consent
if you're
under 16

it's not consent
because you
said yes last
time

it's not
consent
if you're
silent

it's not
consent
if you're too
scared to
say no

SEXUAL ASSAULT

YOUR RIGHTS AND THE LAW

Acknowledgements

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Women’s Legal Service NSW
PO Box 206 Lidcombe NSW 1825
Tel: 02 8745 6900
www.wlsnsw.org.au

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About this booklet

This booklet has information for women and girls who have been sexually assaulted including:

- What sexual assault means;
- Getting medical help and counselling after a sexual assault;
- Reporting to the police; and
- Legal process and your rights.

There is also a 'Contacts' section at the end at page 37 to assist you finding help.

There is a glossary of legal terms towards the end too. Flick to the glossary at page 35 if you are looking for the meaning of a word used in **BOLD** text.

NSW law is used in this booklet. If you are in another state or territory of Australia you can find information about the law in your state at the National Sexual Assault and Domestic Family Violence Counselling Service 1800 RESPECT, see page 37 for Contacts.

Interpreters

Free interpreters can be provided over the phone or in person when you contact Sexual Assault Services, police, and other health and legal services.

Call 131 450 – TIS (Translating and Interpreting Service) or have someone help you.

TIS will need to know which service you need to call and your name. They do not need to know why you are calling them.

Most legal and health services will call you back with an interpreter when one is available.

Assistance for deaf or hearing impaired

Many services can use the National Relay Service or can book face-to-face Auslan Interpreters through various agencies including the Deaf Society of NSW and National Auslan Interpreter Booking Service (NABS).

National Relay Service and Deaf Society of NSW details can be found in the Contacts chapter.

1800 RESPECT also offer online counselling for victims who are unable to speak to their service over the phone.

Sexual assault can happen to anyone

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

Sexual assault is committed most commonly by men against women. Lesbian, gay, bisexual, transgender, intersex and queer (**LGBTIQ**) people also experience sexual assault, and men can also be victims of sexual offences.

Adults with psychiatric and/or intellectual disability are over-represented as victims of reported sexual assault and women with intellectual disability are 50-90% more likely to be subjected to a sexual assault than women in the general population.

I've been sexually assaulted. What should I do?

If you want to report 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.

If they are unable to perform a **Sexual Assault Investigation Kit (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. 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 pages 16–17 and 20–21.

My child has told me they are being sexually assaulted.

Where do I go for help?

Reporting to the police and letting the police specialist teams investigate is usually the first step. You and your child may have to speak with members of the police Sex Crimes Squad including the Joint Investigation Response Teams (JIRT) and the Child Wellbeing Unit. The police work closely with **Community Services** to try to ensure child safety. If the assault was very recent they may want you to take your child to the nearest hospital to undertake some forensic tests.

Parents or carers of children and young people can also report sexual assault to the Child Protection Helpline. This line is run by Community Services and they can talk you through what steps to take next.

There are specific support services for you and your child. Find some support services near you by looking for CASAC services (Child and Adolescent Sexual Assault Counsellors) See page 37 for Contacts.

I am an adult survivor of child sexual assault.

Where do I go for information?

The information in this booklet is mostly directed towards adult victims of sexual assault but much of the information will be the same or similar for you.

However there are some specific services you can contact for support and advice if the abuse took place when you were a child.

It is possible to report a crime, including sexual assaults, to the police, days, months or even years after it occurred. The police can take your statement but may not be able to carry out a thorough investigation if there is no longer enough evidence. In some cases police can charge and prosecute a perpetrator many years after the sexual assault. Warnings may be given to jury members if the evidence is very old and may be unreliable so it can be more difficult to get a guilty verdict at the end of the trial. Police are aware of how difficult this process is and may warn you before taking your statement. If police will not take your statement, get some legal advice and support. See page 37 for Contacts.

Adults Surviving Child Abuse (ASCA) provides services for adults who have experienced child abuse and trauma including a support line, information and resources. See page 37 for Contacts.

The Royal Commission into Institutional Responses to Child Sexual Abuse

If the sexual assault you suffered took place while you were in the care of an institution such as a church, school, sporting group, club or other organisation (whether public or private) then you may be able to be part of the current Royal Commission into Institutional Responses to Child Sexual Abuse. This commenced in 2013 and is going until 2017.

The Royal Commission is investigating how institutions like schools, churches, sports clubs and government organisations have responded to allegations and instances of child sexual abuse. It is the job of the Royal Commission to uncover where systems have failed to protect children so it can make recommendations on how to improve laws, policies and practices. To find out if you can be involved, see the Royal Commission's website or contact Knowmore Legal Service for free legal advice. See page 37 for Contacts.

What is sexual assault?

Sexual assault is a legal term used to describe a range of sexual offences, from showing indecent images to another person, to kissing or touching them, as well as penetration of the person's body with a body part or object.

If someone:

- Does something sexual that makes you feel uncomfortable; or
- Touches your body when you do not want them to,

it may be a sexual assault offence.

Different kinds of touching or behaviour might be sexual assault, it depends on:

- Where and how it happens;
- What the perpetrator is thinking when they do it;
- The age of the victim;
- What the victim thinks; and
- What a reasonable person would think.

'Sexual assault' is often called other names like:

Sexual abuse, rape, indecent behaviour, indecent assault, sexual molestation, incest, child sexual abuse, child sexual assault, touching, 'feeling up', sexual harassment.

The legal term for all these kinds of offences is 'sexual assault'.

If someone does something to make you feel that you have been assaulted, you can seek help from health and counselling services, including sexual assault services. This applies even when you don't want to report to police, or if you have reported to the police, but they do not believe that a crime has been committed.

If you are not sure whether you have been sexually assaulted or not, you can contact a sexual assault service or legal service. There are specially trained people who can help you understand what has happened to you and what your options are.

Some people blame victims or make victims feel that they somehow asked to be raped because of how they looked or dressed, or where they were at the time. This is not right. It is never a victim's fault.

Sexual assault is always a crime. It is most commonly committed against women and children by people they know, such as boyfriends, fathers, neighbours, step-fathers, bosses, uncles, husbands or partners.

Sexual assault is a crime where the attacker uses force, abuse of power, violence, threats or tricks to control or take advantage of the victim.

Sexual assault is grouped into different types of offences.

Offence	What does it mean? (some examples)
Act of Indecency	<p>A person shows you their penis or masturbates/touches their penis in public;</p> <p>A person makes you look at porn (sexual pictures or videos) in a magazine, on a computer, phone or on television;</p> <p>A person sends your naked picture to other people or posts it online (sexting or cyber-bullying may fit in this category but are also a separate offence); or</p> <p>Any other sexual act that would make most people feel very uncomfortable.</p> <p>It is not necessary to show that it caused fear/distress.</p>
Indecent Assault	<p>A person touches you in a sexual way on your breasts, vagina or anus;</p> <p>Includes touching over the top of or under your clothing that does not penetrate in any way;</p> <p>Kissing; or</p> <p>A person makes you touch their penis, vagina or anus.</p>
Sexual Assault	<p>A person has sexual intercourse with you when you do not want to or you cannot consent; and</p> <p>That person knows you do not want to or cannot consent, or has no reasonable grounds to believe you consented.</p>
Aggravated Sexual Assault	<p>A person has sexual intercourse with you without your consent in aggravating circumstances (see next two pages).</p>

What does ‘sexual intercourse’ mean?

Sexual intercourse is where:

- A person puts their penis, fingers, hand, tongue or an object into your vagina or anus; or
- A person puts their penis or vagina or anus on your mouth; or
- You put your vagina, anus or mouth on someone else’s penis, vagina or anus.

The law says that sexual intercourse involves some type of penetration by genitals or body parts into the mouth or genitals of another person. If an object is used to penetrate the vagina or anus it is also sexual intercourse.

If you are unsure about what has happened, it’s a good idea to talk to a sexual assault counsellor.

Is it only called ‘sexual assault’ when someone has sexual intercourse with me when I don’t want to?

No, sexual assault can also include:

- Getting or giving oral sex when you do not want to;
- Being forced to put objects into your own vagina or anus;
- Being forced to do these things to another person, animal or object;
- Penetration or something being inserted into your body or the other person’s body;
- Being forced to have sex or perform sex acts on another person who might also be a victim;
- Being made to perform sex acts on an animal or object or weapon of some kind.

If a person attempts to do any of these things to you they can be charged with an offence.

Tricking or convincing a vulnerable person, such as a child or someone with a disability to do any of these things is also sexual assault.

What are aggravating circumstances?

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

- They physically hurt you when they sexually assault you;
- You are under 16 years old;
- They use a weapon during the sexual assault;
- Other people are present and/or involved in the sexual assault;
- You have a severe disability;
- The abuser is an authority figure like a teacher, carer or religious leader.

Usually more serious penalties or punishments are given to a person who is found guilty of an aggravated sexual assault.

What is consent?

Consent is freely agreeing to do something. In this section of the booklet we will look at what it means to:

- Consent to sex;
- Not consent to sex;
- Not have capacity to consent to sex;
- Give consent and then withdraw it.

If you are unsure about these issues you can call a lawyer for some free legal advice or speak to a sexual assault counsellor. See page 37 for Contacts.

Consenting to have sex or sexual contact means:

- No one pressuring you;
- No one forcing you;
- No one threatening you or threatening someone or something you love;
- You want to have sex and have not changed your mind;
- You have the ability to stop when you want;
- You are 16 years or older;
- You are awake and conscious;
- You are not overly affected by alcohol or drugs;
- You do not have a cognitive impairment that affects your ability to consent;
- The person you have sex with has not lied about their identity or led you to believe they were someone else.

How do you know when consent is not given?

A person knows there is no consent if:

The lack of consent is clearly communicated:

For example you say: 'I don't want to!', 'Stop', 'Get off' or, express yourself with actions like trying to push the perpetrator off, running away etc.

They are 'reckless' as to whether consent is given:

When the perpetrator does not care that there may not be consent, for example:

- You are asleep, under the influence of drugs or alcohol yet they go ahead and have sex with you anyway.
- You were scared, numb, 'paralysed by fear', pressured or threatened – you did not say yes but also did not say no. *Silence isn't a yes.*
- You have previously consented because you are or were in a relationship but have not agreed to sex this time. But the perpetrator goes ahead with the sex anyway.

You are not able to legally consent

If you are under the age of 16 you cannot legally consent to sex. If you are a person with a cognitive impairment you may also be unable to legally consent. Even if you agree or 'go along with' the perpetrator your consent is negated by the fact that you are not legally allowed to give consent. This means it is like you did not consent at all.

A reasonable person would not believe consent had been given

The words 'reasonable person' are used as a legal test to say that an ordinary person in the perpetrator's position with the same knowledge of the victim would also think that consent had not been given. This test is important in cases where the victim may have been affected by drugs or alcohol or where the victim is asleep or unconscious. A reasonable person would not assume that a person who cannot speak, open their eyes or stand up could consent to sex.

Some common questions

If I am under 16 can I have sex if I consent to it?

The age of consent in NSW is 16 years. The law says that a person under 16 cannot legally consent to sexual contact, even if they want to. Any sexual contact with someone under 16 is a crime in NSW and the other person can be charged with an offence.

However, if two people under the age of 16 have sex and both want to, the police will not usually treat this as a crime.

If you have more questions about this and are under 16, see [Contacts at page 37](#) for the National Children's and Youth Law Centre.

Charlize's Story: *'I was only 13 when my 17 year old boyfriend had sex with me. I was really upset after it happened so I told my mum. She took me to the hospital and helped me report to the police. The police explained that because I am only 13 I could not legally consent to having sex – it was sexual assault what he did to me and it was ok to be upset about it.'*

What if I was too 'out of it' to stop him?

You cannot consent to sex if you are asleep, unconscious, drunk, or affected by drugs (it doesn't matter if the drugs are legal or illegal). You have to be awake, conscious and able to think clearly to consent to sex.

Will I get in trouble with the police if I admit I was using an illegal drug at the time I was raped?

Not likely. The police will usually only charge you with drug offences if you have the drugs in your possession, if they see you taking it in public, or if they see you selling it.

When you are the victim, police should be focused on helping you. If you are unhappy with how the police have treated you, you could make a complaint (see page 34 or contact your local community legal centre).

If you report a sexual assault that happened when you were drunk or high, remember to ask for a blood test to prove you lacked capacity to consent.

Katie's Story: *'I took some Ecstasy pills while I was out clubbing. I was so out of it I didn't know what was happening with this guy – one minute we'd been dancing in the club then the next thing I remember I was waking up without my underwear in a strange apartment. I was sure he had sex with me and I had not wanted to. All I could remember about the night before was crying on the bed. I was scared if I went to the police they would get me in trouble for being on drugs.'*

Is it still sexual assault if I agree to sex but then it goes further?

A sexual assault can occur any time including during or immediately after consensual sex. It is important to tell police about any consensual sex as this can be relevant to your matter for forensic reasons (like when they take swabs for the **SAIK**). Talk to your sexual assault worker and they can help you understand what information the police might need to know.

Some examples of sexual assault where you may have agreed to some sexual contact but not all, include:

- You agree to only have protected sex, ie using condoms or other contraceptives to prevent pregnancy and Sexually Transmissible Infections (STIs) but you are then forced to continue unprotected;
- You only agree to kissing or touching but are forced to have penetration;
- You agree to vaginal sex and are forced to have anal sex.

The law says that if someone carries on having sex with you 'recklessly' (meaning without considering whether you are consenting or not) then it may be sexual assault. For more information see 'What is consent?' on page 11.

Cherie's Story: *'I met this guy on holidays. We got along well and after a few drinks I went to his hotel room. We had sexual intercourse. Then later while we were hanging out in his room he started pressuring me to give him oral sex. He pushed me off the bed and shoved his penis in my mouth. I said no and he just kept grabbing my hair and telling me to do it, he was calling me all horrible names like "slut" and "whore". I wasn't sure if it's rape when you have already had sex and then it goes further.*

The sexual assault worker said what that guy did was sexual assault and that I could withdraw my consent to sex at any time during sex. She helped me talk to the police after the physical examination was finished.'

Is it still sexual assault if we are married or in a relationship?

Being married, de facto or in a relationship does not mean your partner can have sex with you without your consent. It is still sexual assault if your partner has sex with you when you do not want to, or if they keep going after you have asked them to stop.

Mary-Anne's Story: *'I was in a relationship for 4 years. He forced me to have sex at times when I didn't want to and then threatened to take the baby and disappear if I ever went to the police. I didn't fight him off because I believed he would hurt the baby or me. I had seen him kick the dog before, and punch holes in the walls. He was really violent.*

I finally told the police and they said what he did was sexual assault and it was also domestic violence. They took out an AVO to protect me and the kids, and they charged him with the other stuff. My doctor even gave the police some notes to help the court case. I didn't realise I could be safe again.'

Is it still sexual assault if I'm in a same sex relationship?

A victim's legal rights and the process after sexual assault is the same regardless of who perpetrated the sexual assault.

Research has shown that where sexual assault happens to an **LGBTIQ** person it is even less likely that the victim will report to police due to fears about social stigma of being identified as LGBTIQ.

Erin's Story: *'I met her at a friend's party. She seemed really nice and asked me back to her place. We started kissing but then she kept pushing for more. I was scared, I said no, I thought we were just getting to know each other. She pushed my legs apart and went down on me – I was shocked and it was not what I wanted. Afterwards she said that if I told anyone she would make sure my family find out that I'm gay. She knows I haven't told them yet.'*

My boss has been sexually assaulting me at work. Can I tell the police?

Yes, you can report to the police. Sexual assault is a crime no matter whether it happens at home, work, or somewhere else. You may also find it useful to get some confidential legal advice on your workplace rights and employment law. See page 37 for Contacts.

Is it still sexual assault if I'm a sex worker?

All sex requires consent – even if you are being paid to have sex.

Sex workers can be at high risk of sexual assault because of their work and the potential lack of safety for them when they are working.

If reporting to the police remember you do not have to answer questions or give details about:

- Your sex life prior to the sexual assault;
- Your dating history; or
- Your sexual experience/inexperience,

unless it is relevant to your matter.

The police should only consider relevant facts and circumstances. Your personal history is not on trial.

Josie's Story: *'I am a sex worker so I guess he thought he could do anything he wanted. I said no and tried to stop him but he wouldn't. The police will not care that a woman like me got raped, will they?'*

If you experience difficulty reporting a sexual assault to the police, contact a sexual assault service, a community legal centre or the Sex Workers Outreach Project. See page 37 for Contacts.

Your rights after a sexual assault

Getting medical help

It is usually your choice whether you get medical help.

Going to the hospital or doctor does not always mean that you will end up going to court against the person who sexually assaulted you.

NSW Rape Crisis and NSW Health Department Sexual Assault Services can help people after sexual assault. You can talk to a counsellor at NSW Rape Crisis, 24 hours a day. You can also contact your local hospital. You can go to Sexual Assault Services even if you don't want to go to Police.

NSW Health Department Sexual Assault Services are based in Community Health Centres or hospitals across NSW. All services assist people who have experienced sexual assault, whether recently or some time ago. See page 37 for Contacts.

What will a Sexual Assault Service do?

- 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 the sexual assault was very recent (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;
- 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.

Why is getting medical help important?

Seeking medical help is important because:

- You can access health checks, pregnancy tests and treatment of any injuries;
- They can refer you to support services to help you heal psychologically as well as physically;
- Medical evidence can help a court in finding the perpetrator guilty.

Sexual Assault Services are free and confidential services. You do not need to pay to use them and you do not need to tell anyone about going there unless the perpetrator is charged and prosecuted. See page 19 for information on keeping your records confidential in the event of a criminal trial.

Harini's Story: *'My husband became more violent after we came to Australia. He started to hit me more and to call me names. I thought it was the stress of being in a new country but then he started to force me to have sex and sometimes do things to him when I didn't want to. A friend at my English class noticed I was upset one day and I told her about my problems and she told me about calling an Interpreter to help me speak in my own language about it with a counsellor. They put me on to the sexual assault service nearby and I was given the confidence to go and meet them.'*

What is a forensic examination?

A forensic examination is different from a medical check-up. It is sometimes known as a Rape Kit and officially called a **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 might take photos of any injuries you have. The doctor might also need a blood sample from you and take any clothes you were wearing for testing too. 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.

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 a child, the sexual assault counsellors have a duty to report to Family and Community Services, which may result in a police investigation.

REMEMBER TO ASK FOR A BLOOD TEST IF YOU THINK SOMEONE GAVE YOU DRUGS!

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.

Talking to someone

I've been feeling so different since the sexual assault. Is this normal?

Everyone's experience of sexual assault is different. However, many people have common feelings and reactions after they've been assaulted. This may include feeling:

- Numb and shocked;
- Angry or 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 the assault;
- 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.

You may feel some of these things and they are normal reactions. A good counsellor will hear what you are experiencing and help you to see what is affecting you emotionally and physically, and to gain skills to improve how you feel.

It happened a long time ago – why do I still feel like this?

These feelings may come up shortly after the sexual assault or weeks or months or even years afterwards. You might think you have moved on with your life when these feelings come up again. You may find it helpful to talk to someone who can help you understand these feelings and even give you strategies to help you cope.

Kylie's Story: *'I was sexually abused by my uncle when I was only 10 years old. I told my mum but we never went to the police, you just didn't back then. I worried he could be doing it to other kids.*

I'm 40 now and I don't remember being properly happy ever since my uncle first took me into his room. My GP at the Aboriginal Medical Service referred me to a counsellor there. Even though it happened a long time ago the counsellor said it was ok to report to police anyway and a solicitor from the free legal service said the same thing.

I made a statement at the local station. The police didn't charge my uncle because it happened such a long time ago and the evidence was not easy to find anymore.

But the police and the counsellor said it was sexual assault and I was just a young child and it was really wrong. They said it was not my fault; he was the adult. He shouldn't have done that to me. Finally talking about it helped.'

How do I choose a counsellor?

Finding a counsellor, psychologist or worker you feel comfortable speaking with is really important. Trying more than one is ok. It's more important that you find someone who is going to understand you and help you. See our Contacts page for some places you can find someone who will help.

What if I don't feel the counsellor is right for me?

Move on to another one. There is no point risking your health by staying with a counsellor you do not feel comfortable talking to. Also counselling is not always for everyone. Some people feel better not seeing a counsellor, they may find it easier to move on with their lives without talking over what they went through.

Can anyone else get my counsellor's notes and 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 sexual assault either the defence or **prosecution** may **subpoena** records from a 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 your counsellor or caregiver has contacted you about a subpoena for your records you should seek legal advice from Legal Aid SACP Unit or call Law Access. See page 37 for Contacts.

In the Family Law Courts or Children's Court a subpoena may be issued to your counsellor too. In these courts there is no Sexual Assault Communications Privilege to claim but you can seek legal advice about protecting your privacy. Contact Women's Legal Service NSW. See page 37 for Contacts.

Reporting to the police

Do I have to report to the police?

The decision whether or not to report a sexual assault to the police is up to you. If you do not report the sexual assault then the person who sexually assaulted you will not be charged with the offence.

Reporting a sexual assault to police is not an easy option. It is common for people to experience increased anxiety as a result. Remember your recovery is your main priority.

Is there any way to make reporting to the police easier?

Reporting to the police can be hard and it can be scary. But you can always have support people with you and take breaks while giving your statement. For more information about the legal process involved, see page 25. After reporting, remember to ask police for the Event number.

It is important to keep a record of the Event number as it proves that you reported the incident to the police.

Why should I report the sexual assault to the police?

Some reasons for reporting 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 (see page 33)
- 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 report to the police, especially if the abuser has threatened them not to go to the police.

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

Telling the police does not mean you will have to go to court but you may need to go if they charge the perpetrator with an offence – see Going to court at page 29.

I don't want to report to the police just yet. What else can I do to record what happened to me?

There are a few options for you:

NSW Police Sexual Assault Reporting Option (SARO)

If you are unsure whether you want to report to the police you could use their online Sexual Assault Reporting Option (SARO). If you think you might decide to go to the police later it is a formal way of recording what happened and it might help you decide what you want to do. If you don't have a computer at home you can ask your local women's health centre, library or women's refuge if they can let you use their computer. The SARO can also be done anonymously – you do not need to use your name on the form. You can also print the form and post it into the police if you prefer.

For more information on this option see the police website: www.police.nsw.gov.au/community_issues/adult_sexual_assault

Write it down

Some people find that writing down what happened to them can be helpful. Keeping a personal diary or journal notes with details such as times and places that the assaults took place may help if you later change your mind about reporting to police.

Report to a GP, counsellor, sexual assault service or other service

Another way to record what happened to you, if you decide not to tell the police, is to tell a doctor or sexual assault worker at a public hospital or public sexual assault service. You can have a **SAIK** done without reporting to police at the time.

If you have not reported to the police, telling your local GP or counsellor is no longer sufficient evidence if you want to apply for some types of financial assistance through Victims Services. Victims Services also provides free counselling which is available without a report to police or other service. See chapter 'Other legal stuff you might need to know' at page 33 for details on the NSW Victims Support Scheme available through Victims Services.

Mandatory reports to Community Services: Child or Young Person at Risk

If you are under 16 years of age then a health professional or school has a duty to inform **Community Services** about the sexual assault. This may result in an investigation by the police.

Staying safe

Your safety is important after a sexual assault to help you recover emotionally and mentally. If someone has sexually assaulted you it is reasonable that you may fear they will do something to you again. An **Apprehended Violence Order (AVO)** can be made to keep the **defendant** away from you.

What are AVOs and bail conditions?

AVOs

If a person has hurt you, tried to hurt you or threatened to, it can be good to protect yourself by talking to the police about an AVO.

An AVO is not a criminal charge. It is an order of the local court saying that the person who hurt or tried to hurt you (the defendant) cannot do that again or they may be charged with a criminal offence.

How do I get an AVO?

To get an AVO you need to either:

- Make a complaint (report) to the police; or
- Apply privately through the local court.

Either way, you will need to go to court. The benefit of the police making an AVO is that their **Prosecutor** will speak to the magistrate for you at court.

If you do have to apply privately for an AVO, make sure you get legal advice. See Contacts at page 37 for services offering free legal advice.

How will the police protect me with an AVO?

If you are reporting the sexual assault to the police and you continue to fear the perpetrator, police can apply for an AVO for your protection. If you do not regularly have contact with the perpetrator and there have not been any threats, intimidation or stalking, an AVO may not be necessary in your case.

The perpetrator, in an AVO or after charges have been laid, is called the defendant.

The NSW Police can make an AVO that protects you until the first time you go to court about the AVO. This is called a provisional AVO. Once you go to court, the magistrate will usually make an interim order (one that is just until the next court date) or a final order (one that is set for a period of time, usually between 6 months and 2 years).

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

- Must not come to your home, place of work or school;
- Must not contact you or come near you if they see you out and about;
- Must not assault, harass, threaten or intimidate you or anyone in a domestic relationship with you.

If the defendant does, or tries to do, any of these things you need to report it to the police and the defendant can be charged with **breaching** (not following) the orders. This is a criminal charge that will be dealt with in court and strict penalties can be given.

For more information on AVOs you can call your local Domestic Violence Liaison Officer (DVLO) at the police station or speak to a free legal service such as Women's Legal Service NSW. See page 37 for Contacts.

What if I'm on a visa?

You can get advice about your legal rights from the Immigration Advice and Rights Centre or Legal Aid NSW. See page 37 for Contacts. For some visas, the family violence provisions may apply, allowing a victim of domestic violence, including sexual assault, to apply for permanent residency in Australia without having to stay in a violent relationship.

Bail conditions

Bail is where a defendant can apply to the court to be at liberty (meaning not in prison) until their matter is finally 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. These serious offences include child sexual assault.

However, in many cases bail can be applied for where a defendant has been charged. 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 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.

How can the defendant's bail conditions protect me?

Some bail conditions can protect you in a similar way to an AVO.

The conditions can vary but usually include the defendant needing to check in at a police station several times each week and live at a stated address. The conditions can also order that the defendant must not come near you or hurt you.

If the defendant breaches bail and it is proven in court, they usually have to stay in prison until the next court date. They may apply for bail again while there but police will notify you if the defendant is released.

What Happens When? The Legal Process and You

Statements

If you have reported the sexual assault to the police they will need to take a detailed **statement**. In most cases a specially trained detective will take and record your statement. They will ask for very detailed information about what happened.

Giving a statement can be really tiring. You might feel like you are re-living the sexual assaults. 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 really 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.

Why do I need to read it and sign it when I just finished talking about it?

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. You may need to rely on that statement in court.

Ask for help if you have problems reading or do not speak English.

MAKE SURE IT IS CORRECT BEFORE SIGNING! Ask for a copy of your statement.

What if I think of something else that happened after the police have taken my statement?

If you realise you forgot to tell the police something in the first statement, you need to 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.

The investigation

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

Detectives will conduct an investigation 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.

If the sexual assault was recent and you have not already had a **SAIK** then the police will arrange for this to happen by taking you to a sexual assault service or doctor who can perform the SAIK.

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 (DPP)** to decide whether the evidence they have will be enough to let the case proceed to court.

Charging the perpetrator

If the detectives decide that there is enough evidence to take the matter to court then they will charge the perpetrator. The perpetrator is then known as the **defendant**. The defendant may be taken into custody and then apply for bail. Depending on the seriousness of the crime they may or may not be allowed to leave on bail. See chapter 'Staying Safe'(at page 22) for more on bail.

The police told me they can't charge the perpetrator. Don't they believe me?

If the police detectives tell you they are unable to charge the perpetrator it does not necessarily mean they do not believe you or that the sexual assault did not occur. It just means that at the current time they cannot find enough evidence to charge the perpetrator. Sometimes other information comes to them at a later date and people can be charged years after a sexual assault crime was committed. Make sure you still ask the police about staying safe (see chapter 'Staying Safe' at page 22).

Rarely, the police may tell you they do not believe you. They may choose to believe the perpetrator's version of events rather than yours.

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 37 for Contacts of some legal services you can speak to.

What happens when in the legal process

What happens	When it happens
Contact a sexual assault service or police	You can contact a sexual assault service or the police any time after a sexual assault, even if it happened a long time ago. If the sexual assault happened in the last few days or you have any injuries, you should go to the sexual assault service at your local hospital as soon as possible.
Medical examination and forensic medical examination (SAIK – Sexual Assault Investigation Kit)	If the sexual assault happened in the last 3 days (sometimes longer) then the SAIK forensic medical examination can be done to look for evidence of the sexual assault. If it's been a longer time but you still have injuries from the sexual assault or other violence you should let the sexual assault workers know so they can make a record of those injuries.
Tell the police what happened (Reporting to the police)	The same day or soon after you have made contact with the sexual assault service and you have decided to report to police. Initial information is taken and police arrange a time to take your statement.
Police take your statement	Police will either take your statement the same day you report or at a later date, depending on when you and the police can make time.
Victims Support Scheme	You can start the process for Victims Support as soon as you have either a police statement or a medical report about the sexual assault. Strict time limits apply to this scheme - see p33 for more detail. You can apply for counselling through Victims Support immediately after the incident.
Police investigate	Can take days or months – depends how much evidence is needed.
Police arrest perpetrator	Usually they will do this soon after you make your statement, although it could be months or years later depending on how long the investigation takes and how complicated the matter is.
Police (sometimes with help from the Office of Director of Public Prosecution (DPP)) make decision whether to charge the perpetrator	This is decided after they have looked at the evidence gathered during the investigation.
Victim told whether or not perpetrator was charged	Usually same day as they charge or don't charge the perpetrator.
Perpetrator (now defendant) has to attend court for first time	A week or two after defendant is charged or next day if they have been kept overnight by police.

What happens	When it happens
Sexual Assault Communications Privilege (SACP)	The SACP can protect your counselling and medical records from being used in court. Legal Aid have a specialist SACP unit which can represent you in court. The SACP can apply at different stages in a criminal matter, at bail hearings, committal hearings and at the trial.
Defendant pleads guilty or not guilty to the offence they have been charged with	Either at the first court date or (more likely) at the next date the matter is 'mentioned' at court – a few weeks after the first court date – this is usually so they can get legal advice and representation if they want to before pleading.
Defendant who pleads guilty is sentenced	Usually sentencing is done on a separate date to the day the defendant pleads guilty – sometimes 2-4 weeks later depending on the court.
Defendant pleads not guilty then Committal Hearing is set	At least several weeks or sometimes longer between the not guilty plea and the committal hearing date.
No Bill	The DPP may stop the prosecution from continuing at any time if, for example, there is not enough evidence or the victim doesn't want to proceed. This is commonly known as a "No Bill".
Committal Hearing – Defendant Discharged	If it is decided that there is not enough evidence of the sexual assault, the magistrate can discharge the defendant at the Committal Hearing date or shortly after evidence has been heard. This results in the charges against the defendant being dismissed.
Committal Hearing – Trial date set	If there is enough evidence the trial date is usually set for a date at least several months away if not longer – delays caused by busy courts. (Trials usually last 3-5 days but some take weeks).
Trial – Not Guilty – Acquittal	At the end of the trial after the jury have heard all of the evidence.
Trial – Guilty	At the end of the trial after the jury have heard all of the evidence. Sentencing date set this day.
Trial – Jury unable to deliver a verdict	Retrial will be ordered – usually new date made for a new trial to commence in several months time.
Sentencing	Can happen on day or several weeks after the jury delivers Guilty verdict.
Appeal	Defendants can lodge an appeal within 28 days of the jury's decision.

Going to court

Court can seem formal and scary but you can have support people with you. Sometimes you will not even have to be in the court room, you may be able to give evidence from another room using closed circuit television.

Being a witness at court

As the **victim** you will be the prosecution's main **witness**. You do not need a lawyer.

You will be **subpoenaed** (a legal written notice sent to you) if the police want you to be a witness. If you need to pay travel costs to attend court you should contact the police to tell them you need money for travel costs.

What if I don't want to go to court?

Witnesses have to turn up to court or you might be brought before the court under a **warrant**.

If you really emphasise to the police that you do not want to press charges early on, they may decide not to proceed, it depends on the crime and what other evidence they have. This may be different if you are a child or young person (see page 21 Mandatory Report to Community Services).

Ultimately the decision to go to court is for the police and **prosecutor** but as the main witness it helps the police if you are willing to go to court.

Can I tell them I made it up so it will all go away?

No. It is a crime to make a false statement, so saying you made it all up will not necessarily make it all better. You could be charged with giving 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.

How can I make court easier?

Understanding things can make them less scary. Before your court date you can prepare yourself by:

- Going to the court where the hearing will be held and just sit in the public viewing seats in one of the court rooms;
- Reading your statement;
- Asking a friend or relative to come with you for a practice run getting there and home;
- Organising a friend or relative to come with you on the day; or
- 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 assault matter will be referred to them by the **DPP**. See page 37 for Contacts.

Will it actually go ahead on that day at court?

Courts quite often cannot go ahead with a matter on the date it is set for. Sometimes they just run out of time to hear everything on the list for the day.

When this happens there is usually an “adjournment” where the lawyers and judge agree on the next suitable court date for the matter. The prosecutor will usually check with you but unless you will be interstate, overseas or in hospital, they will expect you to be free for that next court date as a witness.

No bills

The prosecutor said my case was a no-billing case – what does this mean?

This means the DPP has decided the case should not proceed. Usually it means the evidence against the **defendant** is not strong enough to get a conviction. It can be very hard to prove beyond reasonable doubt that sexual assault occurred. It is not always possible to get sufficient evidence to convict and the DPP cannot continue to pursue a case if they believe that it’s unlikely to succeed because it is not in the public interest for them to spend limited funds on cases that will not result in a conviction. It is also called No Further Proceedings (NFP).

The trial

What happens at a trial?

It is the main court event for a criminal matter. If a defendant has pleaded ‘not guilty’ then a trial will be organised. This will be the time when both the DPP prosecutors and the **defence lawyers** will present their case to the judge and jury. Part of the prosecution case will be your evidence (see page 31 for more details on giving evidence).

At the end of the trial a decision will be made and presented by the jury. If the jury finds the defendant guilty then the defendant will be sentenced (usually at a later date). If the defendant is found not guilty they will be **acquitted**.

Giving evidence

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

Prepare by reading your own statement

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, don't answer it until you do

You can ask the judge or the lawyer to repeat any questions you don't understand or to re-phrase it to make it easier. Don't answer it until you really know what they are asking. If you do not know the answer then just say you don't know.

The defence may make you look like you are not telling the truth

It may be difficult and upsetting when the defendant's lawyers suggest 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.

Do not discuss the case with other witnesses before or during the trial

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 DPP.

Guilty or not guilty

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 did commit the crimes they are charged with.

It can be hard to establish that someone is guilty 'beyond reasonable doubt' in sexual assault cases. There is a lower rate of conviction for sexual assault than for other crimes.

You might feel discouraged from reporting to the police because you have been warned how difficult it can be, but you should know that this system is in place to protect you too.

Sentencing

In NSW if a defendant has been found guilty of a crime they will receive a sentence. This is not always a prison sentence. Depending on 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.

See page 22 for the chapter about Staying Safe if the defendant in your matter has been allowed to serve a non-custodial sentence (that is, if they did not go to prison).

Appeals and retrials

Even when a jury or judge has found the defendant to be guilty there is the chance the defendant will appeal. Notice of an appeal is usually required within 28 days after the trial ending or sentence being given. The defendant may appeal the conviction and/or 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 either to the judge or the jury. If a retrial is necessary you may have to give your evidence again.

Other legal stuff you might need to know

Victims Support Scheme NSW

If you have been a victim of a violent crime, including sexual assault, 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;
- Recognition payments to acknowledge the trauma you have suffered.

Time limits for payments!!

Some time limits apply for financial assistance and recognition payments. For some payment types, you need to apply within 2 years after the violence occurred or, if you were a child, within 2 years of turning 18 years old. For other payment types there may be a longer period of time to claim. Call Victims Services for full information.

For more information contact a free legal service provider or Victims Services.

Victims' Rights

At all times during the investigation, police are obliged to comply with the Charter of Victims Rights, including that the victim:

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

Complaints about lawyers, judges and police

Lawyers

If you think a lawyer has not done their job advising, acting for or representing you, then you can:

- Bring the issue to their attention by writing down what you think they have done and see if they can make it right; or
- If this fails then a complaint can be made within 3 years of the incident to the **Office of the Legal Services Commissioner (OLSC)**, who may investigate the lawyer's behaviour on your behalf.

Judges

If you think a judge has not done the right thing, there are only limited ways to make a complaint. You could:

- Ask the **prosecutor** at the DPP about the possibility of an appeal if it is an issue with the decision made by the judge; or
- Make a written complaint which can be lodged with the Judicial Commission of NSW for complaints about the ability and behaviour of judges.

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 being 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 **Local Area Commander** and if it remains unresolved you can also send it to the **NSW Ombudsman** to investigate.

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

Acquitted (acquittal)

A court finding that the defendant is not guilty.

Apprehended Violence Order (AVO)

Court orders that protect people from physical assault, stalking, harassment, intimidation or damage to property by another person. These include Provisional AVOs that are made by the Police to protect you until you attend the first court date, Interim AVOs that can protect you from one court date until the next court date, and Final AVOs which protect you for a specified period of time.

Beyond Reasonable Doubt

The standard by which the court/jury must decide if the defendant is guilty or not guilty. If there is reasonable doubt that the person did not commit the crime they cannot be found guilty.

Breach/Breaching (relates to AVOs and bail)

Breaking or not obeying a court order like AVOs or bail conditions. Also known as contravening an order.

Community Corrections Office (Probation and Parole) NSW

The corrective services department that supervises persons on parole.

Community Services (FACS/ Family and Community Services)

Formerly known as DoCs or Department of Community Services and now known as Family and Community Services NSW, FACS or just Community Services.

This is the state government department responsible for working with vulnerable families where children are at risk of abuse and neglect.

Custody/Custodial Sentence

Refers to a court decision that the defendant must spend time in a prison or remand centre.

Defence Lawyer

The lawyer for a person who has been charged with a crime. They represent the defendant.

Defendant

The person also known as: the accused, offender, perpetrator, rapist, abuser.

Director of Public Prosecutions (DPP)

See Prosecutor below.

Local Area Commander

The NSW Police Force is divided into Local Area Commands each of which has its own Local Area Commander to whom you can make a police complaint

LGBTIQ

This acronym means lesbian, gay, bisexual, transgender, intersex and queer.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog. Their job is to make sure that agencies they watch over fulfill their functions properly and improve their delivery of services to the public.

Office of the Legal Services Commissioner (OLSC)

The Legal Services Commissioner receives complaints about solicitors and barristers in New South Wales.

Parole

Parole is the release of an offender from custody to serve the balance of their sentence in the community. Parole does not mean that offenders are free without

supervision. While on parole, the offender is still considered to be under a sentence. Supervision requirements may include drug testing and conditions as to where and with whom the defendant lives.

Prosecutor

A prosecutor can be a specially trained police officer (in local court and children's court) or a lawyer from the ODPP (Office of the Director of Public Prosecutions). They represent the state in a criminal case as the offence is taken to have been committed against the community. Victims in criminal matters do not usually need their own lawyer because the prosecutor speaks to the court about the matter on their behalf.

Protected Confidence

Something you said to a counsellor, social worker caregiver, GP or nurse about a sexual assault where you were the victim. The privacy of a protected confidence can be protected by law. See Sexual Assault Communications Privilege below.

Remand Centre

A prison where persons charged with a crime may be housed while they wait to apply for bail or attend their hearing. Time spent in a remand centre is often counted as part of the sentence if the defendant is found guilty and given a custodial sentence.

SAIK

See Sexual Assault Investigation Kit (SAIK) below.

Sexual Assault Communications Privilege

A special law which says it is important to keep your relationship with your counsellor and the things that you tell them private and if, during a sexual assault trial, anyone wants to see the notes about what you have discussed they need to have very good reasons to do this.

Sexual Assault Investigation Kit (SAIK)

Commonly known as a 'Rape Kit'. This is the kit that is used by specially trained doctors or nurses to collect 'forensic' evidence from you after a sexual assault including swabs of various body parts, blood and urine pathology results and notes by the examining doctor.

Statement

An oral or written account of the event. All witnesses in a criminal matter, including police officers who attend the scene, will usually be asked to give a statement.

Subpoena

A court order issued in a court case to direct a person or agency to either:

- attend court to give evidence; or
- produce documents to the court for evidence; or
- both attend court and produce documents.

Victim

The person who the crime was committed against. Also known as the complainant, witness, survivor.

Warrant

A document issued by a judge or magistrate of the court authorising that a person be arrested for the purpose of being brought to court.

Witness

A person who saw or heard an event happen. The victim of a sexual assault is also referred to as a witness in criminal trials.

Witness Assistance Service (WAS)

A support service for victims and witnesses of crime to assist them through the court process. It is a program of the Office of the Director of Public Prosecutions.

Contacts

CRISIS SUPPORT	
<p>NSW Police <i>For urgent assistance or to report a crime</i></p>	<p>000 or 106 (TTY) 131 444 or (02) 9211 3776 (TTY) (general enquiries) 1800 333 000 (Crime Stoppers) 1800 622 571 (Complaints)</p> <p>www.police.nsw.gov.au</p>
<p>Lifeline <i>Crisis counselling 24 hours a day, 7 days a week</i></p>	<p>13 11 14</p> <p>www.lifeline.org.au</p>
<p>NSW Rape Crisis Centre <i>24-hour, 7-day service providing support and counselling for rape victims</i></p>	<p>1800 424 017</p> <p>www.nswrapecrisis.com.au</p>
<p>1800RESPECT (National) <i>24-hour, 7-day service providing counselling for sexual assault, domestic and family violence. Online counselling also available</i></p>	<p>1800 737 732</p> <p>www.1800respect.org.au</p>
<p>Domestic Violence Line (NSW) <i>24-hour, 7-day emergency, referral and counselling line for persons experiencing domestic violence. Domestic Violence Line makes referrals to women's refuges, family support services, counselling, the police and courts, lawyers and hospitals. It helps with transport, emergency accommodation and other relevant support</i></p>	<p>1800 656 463 or 1800 671 442 (TTY)</p> <p>www.community.nsw.gov.au</p>
<p>Child Protection Help Line <i>To report suspected child abuse or neglect 24 hours</i></p>	<p>132 111</p>
<p>Kids Help Line <i>Free, 24-hour counselling service for young people aged 5-25 years. Email or web counselling available</i></p>	<p>1800 551 800</p> <p>www.kidshelp.com.au</p>
<p>Link2Home <i>A 24-hour state-wide, Homelessness service</i></p>	<p>1800 152 152</p>
<p>Victims Services <i>Victims of sexual assault and other violent crimes can make claims for financial assistance and get free counselling</i></p>	<p>1800 633 063 (02) 8688 5511 1800 019 123 (Aboriginal contact line)</p> <p>www.victimsservices.justice.nsw.gov.au http://www.sexualassault.nsw.gov.au/VOSA/sexual_assault_contactus.html</p>

LEGAL ADVICE AND INFORMATION

Women's Legal Service NSW

Women's Legal Advice Line

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

(02) 8745 6988 or
1800 801 501 (rural freecall)

www.wlsnsw.org.au

Indigenous Women's Legal Contact Line

Free confidential legal information, advice and referrals for Aboriginal and Torres Strait Islander women in NSW

(02) 8745 6977
1800 639 784 (rural freecall)

www.wlsnsw.org.au

Domestic Violence Legal Advice Line

NSW service providing free confidential legal advice and representation, resources and referrals to women experiencing domestic violence

(02) 8745 6999 or
1800 810 784 (rural freecall)

www.wlsnsw.org.au

Working Women's Legal Service

Free confidential legal advice about sexual harassment and discrimination at work in NSW

(02) 8745 6954

www.wlsnsw.org.au

Community Legal Centres

Call LawAccess or visit the CLC 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

National Children's and Youth Law Centre

An independent, non-profit organisation working for and in support of children and young people, their rights and access to justice

(02) 9385 9588

www.ncylc.org.au

Lawstuff

Legal information on topics relevant to children and young people in an easy to read format

(02) 9385 9588

www.lawstuff.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 0799 (advice)
(02) 8234 0700 (appointments and enquiries)

www.iarc.asn.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

<p>Legal Aid NSW SACP Unit <i>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</i></p>	<p>www.legalaid.nsw.gov.au/what-we-do/civil-law/sexual-assault-communications-privilege-service sacps@legalaid.nsw.gov.au</p>
<p>LawAccess <i>Free legal information, advice and referrals</i></p>	<p>1300 888 529 www.lawaccess.nsw.gov.au</p>
<p>Royal Commission into Institutional Responses to Child Sexual Abuse <i>The Royal Commission investigating how institutions like schools, churches and sporting groups responded to allegations of child sexual abuse</i></p>	<p>www.childabuseroyalcommission.gov.au</p>
<p>Knowmore Legal Service <i>Independant service giving free legal advice to people who are considering telling their story or providing information to the Royal Commission</i></p>	<p>1800 605 762 www.knowmore.org.au</p>

OTHER SUPPORT SERVICES

<p>Witness Assistance Services (DPP) <i>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</i></p>	<p>1800 814 534 (02) 9285 8646 (TTY) www.odpp.nsw.gov.au/witness-assistance-service</p>
<p>Immigrant Women’s Speakout <i>9.30am – 5pm Monday to Friday. Offers a range of services to women of non-English speaking background including information, advocacy and referral services</i></p>	<p>(02) 9635 8022 www.speakout.org.au</p>
<p>Acon’s Community Safety and Social Inclusion Project <i>10am – 6pm Monday to Friday. Support for gay and lesbian persons experiencing domestic violence</i></p>	<p>(02) 9206 2000 or 1800 063 060 or (02) 9283 2088 (TTY) www.acon.org.au/lgbti-health/safety/</p>
<p>Sex Workers Outreach Project (SWOP) <i>Education and health promotion for sex workers in NSW</i></p>	<p>(02) 9206 2166 or 1800 622 902 www.swop.org.au</p>
<p>Translating and Interpreting Service (TIS) <i>Interpreting for people whose first language is not English</i></p>	<p>131 450 www.tisnational.gov.au</p>
<p>National Relay Service <i>24-hour service relaying information for deaf and speech impaired persons. There are special contacts available for emergency services - see website for more information</i></p>	<p>TTY/voice calls 133 677 Speak & Listen 1300 555 727 SMS relay 0423 677 767 www.relayservice.gov.au</p>
<p>Deaf Society NSW <i>Support, advocacy, referral and interpreting for people who are deaf</i></p>	<p>(02) 8833 3600 or (02) 8833 3691 (TTY) www.deafsocietynsw.org.au</p>
<p>People with Disability <i>Support, advocacy and referral for people with disability</i></p>	<p>1800 422 015 or 1800 422 016 (TTY) www.pwd.org.au</p>
<p>Sex Workers Outreach Project <i>Provides sexual health information and support to sex workers in NSW</i></p>	<p>1800 622 902 www.swop.org.au</p>

MORE COUNSELLING AND SUPPORT SERVICES

<p>NSW Health Sexual Assault Services <i>Free services including information, crisis counselling, medical care and forensic examination and ongoing counselling and support groups</i></p>	<p>www.kidsfamilies.health.nsw.gov.au/current-work/programs/programs-and-initiatives/sexual-assault-services</p> <p>For your local service contact your nearest major public hospital.</p>
<p>Women's Health Centres <i>Find your nearest women's health centre for counselling, groups, and other health services</i></p>	<p>(02) 9560 0866</p> <p>www.whnsw.asn.au</p>
<p>CASAC (Child and Adolescent Sexual Assault Counselling) Inc <i>Peak body for community based services providing Child Sexual Assault counselling and support services to children, young people and adults, and their non-offending family members</i></p>	<p>(02) 9750 0500</p> <p>www.casac.org.au</p>
<p>ASCA (Adults Surviving Child Abuse) <i>Services for adults who have experienced child abuse and trauma including a support line, information and resources</i></p>	<p>1300 657 380</p> <p>www.asca.org.au</p>

Notes

