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Federal government joins push for specialised sexual assault courts

The federal government's new scoping study will put pressure on states and territories to adopt specialised court systems to handle sexual assaults in the face of low conviction and reporting rates.



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The federal government will launch a new push for all states and territories to have specialist prosecutors and judges for sexual assault cases.

"We can't assume everyone is guilty," Sussan Ley, who has been Acting Minister for Women, said.

"But the conviction rate for sexual assault is so low and the reluctance of victims to engage with courts is so high that we have to do better."

The government will fund a new scoping study to bring together experts to look at the issues facing sex crimes and, by doing so, put pressure on states and territories to adopt specialised court systems to handle these cases.





Acting Minister for Women Sussan Ley. Picture: NCA NewsWire/Gary Ramage

The \$400,000 scoping study was included in this week's Budget after Ms Ley spent days sitting in courtrooms in Sydney and speaking with victims' advocates and police, including NSW Commissioner Mick Fuller.

"It is a confronting environment and, while there are many dedicated people at every level, we need to ensure we have the services in place victims need," she said.

This has been a cornerstone of The Saturday and Sunday Telegraph's Matter Of Consent campaign, supported by Rape and Sexual Assault Advocacy and Research.

A MATTER OF RESPECT

CHANGE CONSENT DEFINITION

We are asking the state government to legislate that a person must show what active and reasonable steps they took to obtain consent if they want to rely on the honest and reasonable belief defence.

SPECIALIST SEX ASSAULT COURTS

We are asking the government to commit to a pilot program of specialist sexual assault courts in NSW.

Similar to the child sexual assault pilot announced in 2015, it will have specialist judges who have undergone judicial education on sexual violence and its complexities. There will also be a focus on how survivors are familiarised with the court process and how they give evidence without extreme retraumatisation.

AUDIT OF HOW CONSENT EDUCATION IS TAUGHT

We are calling for the NSW Education Standards Authority (NESA) to carry out a statewide audit of exactly how schools, including independent, public and Catholic, are delivering relationship and sexuality education properly.

That way there can be confidence the subject is being treated properly in all schools.

Some jurisdictions, like the ACT, already have specialist prosecution units.



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"It could work across entire jurisdictions and help ensure women in regional communities have the same opportunities for justice.

"Not through a different court system but through one that gives women and male victims the support they

need to tell their story.”

The study will also look at how victims give evidence in court and the legal definition of consent, which varies around Australia.

Ms Ley said the commonwealth was leading the conversation but would work with “willing states and territories”.

Women’s Safety NSW chief executive officer Hayley Foster met with Ms Ley this month and advocated for specialist training of judges and magistrates that hear family and sexual violence cases.

“It has to start with the judicial officers,” Ms Foster said.

“The number one priority when it comes to increasing justice for these victims and improving the experiences going through court and consistent outcomes ... is to ensure we have those judicial officers making determinations with a strong understanding of domestic and sexual violence, coercive control and the way in which perpetrator behaviours pattern and manifest. From there, there is a lot we can do to specialise the courts.”

It will ultimately come down to individual state and territories to implement changes. NSW has so far resisted calls for a pilot of specialist sexual assault courts.

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