

Crimes Amendment (Strengthening the Criminal Justice Response to Sexual Violence) Bill 2024

Sexual Assault Support Service Inc. (SASS) submission

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**Sexual
Assault
Support
Service**



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SASS Submission

The Sexual Assault Support Service (SASS) Inc. is a Tasmanian community-based organisation committed to providing trauma-informed support and information services to survivors of sexual assault, carers and support people, professionals, and the broader community. The range of support options available at SASS includes counselling, case management and advocacy, 24/7 crisis support (including assistance and support at Forensic Medical Examinations and Police Statements). We also provide information and support to professionals and deliver evidence-based training workshops and community education activities in a range of settings, including schools and colleges.

As part of our goal to provide responsive and holistic services to individuals, families, and the broader community, SASS facilitates therapeutic intervention services for children and young people (aged under 18 years) who are displaying harmful sexual behaviours. SASS also operates a Redress Scheme Support Service for survivors of institutional child sexual abuse.

SASS welcomes the opportunity to provide comment on the Crimes Amendment (Strengthening the Criminal Justice Response to Sexual Violence) Bill 2024.

SASS strongly supports the intention of the Bill to provide necessary reforms in relation to protections for vulnerable persons involved in Commonwealth criminal proceedings.

In particular, we commend the following proposals put forward within the Bill:

- Making evidence of reputation and sexual experience inadmissible in proceedings involving vulnerable adult complainants;
- Enabling the pre-recording of evidence in proceedings involving vulnerable people; and
- Clarifying that restrictions on publishing material that identifies vulnerable complainants and witnesses within proceedings does not apply to vulnerable people who self-publish such information.

SASS does however raise one concern regarding the latter point. Whilst we have seen welcome moves across Australia to ensure that complainants in sexual assault proceedings can self-identify in the media, in the majority of states this only applies to those aged 18 and over. The Crimes Amendment Bill enables child complainants to self-identify where they have a letter from a medical practitioner or psychologist stating that the child understands the consequences of losing anonymity. SASS' concern is that this is not a significantly rigorous process to provide adequate protection for children in making a significant decision that, once taken, cannot be reneged. We would therefore encourage the Committee to consider whether there are additional safeguards that could be put in place, for example mandating that practitioners undertaking assessments of children must:

- Hold particular expertise in assessing Gillick competence;

- Have experience in working with children and young people who have experienced child sexual assault; and
- Be able to appropriately assess the correct balance between the rights of the child to self-identify and the best interests of the child given their developmental level and the trauma they have experienced.

We thank the Committee for their consideration of our feedback on this Bill.