



Dr Marisa Paterson MLA

ACT LEGISLATIVE ASSEMBLY

MEMBER FOR MURRUMBIDGEE

21st August 2023

Mr Andrew Barr MLA
Chief Minister

Ms Yvette Berry MLA
Deputy Chief Minister

Mr Shane Rattenbury MLA
Attorney-General

Open Letter, Calls for a specialist sexual offences court in the ACT

Dear Chief Minister Barr, Deputy Chief Minister Berry and Attorney-General Rattenbury,

The following open letter is supported by a broad range of community organisations in the ACT, including those who work with victim-survivors, calling on the ACT Government to explore the implementation of a specialist sexual offences court.

Sexual violence remains one of the most underreported, under-prosecuted and under-convicted crimes in the ACT and nationwide. Victim-survivors of these crimes often report that they experience significant challenges in reporting sexual offences to the police and are often revictimised through court processes.

According to the latest [Australian Bureau of Statistics \(ABS\) research](#), in the ACT an estimated 73,200 women in the Australian Capital Territory (42%) have experienced violence (physical and/or sexual) since the age of 15, of

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which, 25% experienced sexual violence. Of those who have experienced sexual violence, ABS data indicates that 87% of women do not report their sexual assault to the police.

It is important to note that this dataset did not collect data specifically on the experiences of First Nations people, and also does not capture the rate of violence specifically experienced by Australians with diverse gender and sexual identities, or people with disability. Research indicates that that these groups may disproportionately be affected by sexual violence. The [2018 Trans and Gender Diverse Sexual Health Study](#) found that instances of sexual violence or coercion are 4 times higher for gender diverse people than for the broader population. Similarly research on the national level indicates that [The Australian Institute for Health and Wellness research](#) indicates that people with a disability are over 10% more likely to experience violence. [The Our Watch report](#) found that three times as many Indigenous women reported sexual violence than non-Indigenous women. The above research is an example of how important it is to understand the context to sexual violence, and various intersecting factors at play. The ACT criminal justice system is not currently equipped to respond and support such diversity of needs and experience.

The latest statistics from the ACT show that there were 500 reports of sexual offences to the police in the 2021-2022 reporting period. Very few of those cases ever progress to the courts. Those cases in the ACT that did progress to court, saw a 7% conviction rate. There is a clear disconnect between the prevalence of sexual violence in our community and interaction of victim-survivors with the criminal justice system. This is clearly evidenced by the Listen: Take action to prevent, believe and heal report presented to the ACT Government.

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Victim-survivors' ability to achieve justice through the current justice system in the ACT is deeply concerning.

Numerous research studies show that victim-survivors of sexual violence who engage with the court system have an overwhelmingly negative experience and are often retraumatised through the process. This needs to change.

If victim-survivors choose to pursue justice through the courts, the system should provide a safe environment and ensure victim-survivors are prepared, know what to expect and are able to make informed choices. This should be supported by trained legal experts and judiciary who are educated about: – the drivers, forms, and dynamics of sexual violence – trauma-informed court practices – the impact of these crimes on victim-survivors, including how perpetrators may use the system against them.

New Zealand piloted a specialist sexual violence court in 2016, featuring specialist training for the judges, lawyers and case managers. This pilot program's 2019 evaluation found that cases progressed more quickly, the quality of case review hearings and trials improved, with judges intervening more often to prevent unacceptable questioning. Further, better case management and representation led to more and earlier guilty pleas. As a result, victim/survivors reported far less trauma associated with the court process.

Similar programs have also been implemented by other countries such as South Africa. Scotland is due to progress with a specialised sexual offence court soon. The driving aspect of these reforms is that sexual offences require specialisation to achieve best-practice justice outcomes.

Noting that the Commonwealth Attorney-General's Department has recently released funding for a trauma-informed legal services pilot program, if such

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program were to be successful in the ACT, a specialised sexual offences court in the ACT would greatly compliment this service.

In the considerations of such a court, we urge that experts including those with lived experience are part of the process of consultation, design, implementation and evaluation. Building on the *Listen. Take Action to Prevent, Believe and Heal* report and the Sofronoff Board of Inquiry report recommendations, the supporters of this open letter look to instil hope and push the ACT Government to think big picture on systemic reforms.

The letter represents an urgent call to explore the implementation of a specialist sexual offences court in the ACT.

Sincerely,

Dr Marisa Paterson, MLA- Member for Murrumbidgee
Canberra Rape Crisis Centre
Domestic Violence Crisis Centre
A Gender Agenda
YWCA
Aboriginal and Torres Strait Islander Elected Body
Women with Disabilities ACT

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