

What choices do I have?

Information for people who have experienced a rape or sexual assault

This booklet was produced by the Commissioner for
Victims' Rights in consultation with



Government of South Australia
Office for Women

yarrowplace
rape and sexual assault service

WITNESS
ASSISTANCE
SERVICE

Foreword

I can only imagine what it would be like if I was sexually assaulted. I do not know how I would react but I suspect I would be frightened, even petrified. I do not know whether I would struggle, try to reason with the attacker or be immobilised with fear. I might feel confused, angry, ashamed and even helpless. I may feel very hesitant about telling others or seeking help. If I knew the attacker I might feel betrayed. It is possible that I would feel a range of different emotions that might change over time.

It is not possible to know these things with any certainty as I have not experienced a sexual assault but what I do know is there is no right or wrong way to feel or react. People who experience trauma, including the trauma associated with being a victim of sexual assault, react in many different ways.

I am not sure whether I would want to talk to anyone or whether I would know where to turn for guidance. I do know, however, that many victims of sexual assault find it helpful to talk to someone who can reassure them and explain that they are not to blame, as victims of sexual assault often feel that they are somehow to blame for what has been done to them.

This book is written for victims of a sexual assault. It addresses matters that victims themselves have identified as important. It is not a reflection on victims' experiences as each experience is a personal encounter; however, it draws from the commonalities in those experiences.

It is a book about choices, such as the choice whether or not to report to the police and/or seek support from services from Yarrow Place or other agencies that can provide support and help.

Making decisions as the victim of a sexual assault is not easy however, information about the range of choices and options available may assist you in the decision making process. Importantly, I urge you not to endure the effects of sexual assault in silence. The directory of services in this book will help you (or help you to help someone else) to find people who want to help.

A handwritten signature in blue ink that reads "Michael O'Connell". The signature is written in a cursive style with a large initial 'M' and 'O'.

Michael O'Connell

Commissioner for Victims' Rights

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Introduction

If you are reading this booklet, it is likely that you have been subjected to a sexual assault. Sexual assault is a traumatic experience that can disrupt your physical and emotional wellbeing. It may affect your relationships with partners, friends, family and significant others. You may be feeling, amongst other things, very confused and overwhelmed about what has happened to you and what to do next.

It is hoped that this booklet will guide you as you begin to process what has happened and to help you with some of the decisions you now face. It is not, however, a substitute for consultation with any of the services contained in this booklet.

This booklet is designed to give you information about the following:

- what sexual assault is.
- some of the myths and facts about sexual assault
- the impact of sexual assault
- medical, legal and support options/rights
- services you can use for information and support.

With information about your rights and options you will be able to make informed decisions and choices that are in your best interest. Some of the information might seem irrelevant now; however, its relevance might be evident later.

Hopefully this booklet will provide you with some information about the rights and options you have in order for you to make informed decisions and choices about what is best for you.

A note about language

The language throughout this booklet, where possible, is gender neutral as it is acknowledged that both men and women are victims of sexual assault. Any use of gender specific terms is not intended to imply that all victims of sexual assault are women or all sexual offenders are men.

The term sexual assault is used to cover any sexual crime including rape, unlawful sexual intercourse and indecent assault.

What do these words mean?

Accused

A term used throughout the criminal justice system to refer to the person charged with the crime, also called the defendant.

Consent

You freely agree to sexual activity. For more information see page 4.

Forensic medical examination

A thorough physical examination conducted by a doctor. The doctor will collect evidence that may help the police in building a case against the person who sexually assault you. See page 25.

Intervention order

An intervention order is an order issued by either the police or a Court, forbidding a person (the defendant) from behaving towards you (the protected person) in ways which may harass, threaten or abuse you or which may be violent. See page 50.

Perpetrator / abuser

A person who has wrongfully harmed someone else. If a person has not yet been found guilty of assault they are called the alleged perpetrator.

Sexual assault

Sexual assault covers many different types of behaviours and can be understood to be any unwanted or forced sexual behaviour. Sexual assault includes sexual harassment, indecent assault and rape. See page 4.

Survivor

Some people prefer to use the term 'survivor' instead of the term 'victim', because they see themselves as having survived a sexual assault. It is felt that term better reflects the strengths of the individual who has experienced a sexual assault. It is very much a personal choice as to whether you refer to yourself as a victim or a survivor.

Victim

A victim is a person who has been wrongfully harmed by someone else. The word victim means that something happened to the person. It does not mean that he or she is weak or damaged or responsible for what happened.

Facts about sexual assault

What is sexual assault?

The term 'sexual assault' covers many different types of behaviours and can be understood to be any unwanted or forced sexual behaviour. Sexual assault includes:

- sexual harassment – unwanted repeated sexualised comments, “passes”, dirty jokes, sexual questions.
- indecent assault - unwanted touching, fondling, masturbation
- rape - unwanted oral, anal or vaginal penetration.

Sexual activity (including sexual intercourse – see below) is illegal if it occurs:

- without consent
- and/or if it occurs with someone who is under the age of 17 years (referred to as Unlawful Sexual Intercourse).

(17 is the legal age of consent for sexual intercourse in South Australia).

A sexual activity is not consensual if:

- obtained by force or threats;
- the victim is asleep or unconscious;
- the victim is too intoxicated to give free and voluntary consent;
- the victim was unable to understand the nature of sexual activity;
- the victim was mistaken about the identity of the person they consented to having sex with; or
- the victim was being unlawfully detained
- the victim withdraws consent to the sexual activity.

The law requires a person's agreement to sexual activity to be free and voluntary. A person cannot consent where they are forced or threatened, or where they are under the influence of alcohol, drugs and/or prescribed medication.

Consent to sexual activity cannot be assumed. Physical resistance is not necessary to demonstrate lack of consent.

Sexual intercourse includes any activity consisting of or involving:

- (a) penetration of a person's vagina, labia majora or anus by any part of the body of another person or by any object; or
- (b) fellatio (oral sex); or
- (c) cunnilingus (oral sex),

and includes a continuation of such activity;

Penetration may only be slight, and ejaculation need not happen in order for it to be defined as rape.

Note: This information can be used as a guide to understanding what sexual assault involves under South Australian law however it is up to the Police and Director of Public Prosecutions to decide what criminal charges (if any) are appropriate. If you are unsure as to whether any particular behaviour is illegal, you can discuss this with police at the Sex Crimes Investigation Branch (SCIB). Please see page 52 for contact details.

It is still sexual assault even if:

- you have consented to sex with that person in the past
- you love the person who assaulted you
- you have consented to some sexual acts, such as fondling but not others
- the person who assaulted you is your common-law or married partner.

Who is affected by sexual assault?

Sexual assault occurs in all socio-economic, culturally and linguistically diverse groups.

While both men and women are victims of sexual assault, sexual assault is most commonly perpetrated by men against vulnerable groups of people. These groups include, but are not limited to women, young people, children, people with an intellectual impairment, people with a physical disability and gay, lesbian, bisexual, transgender, transsexual and intersex persons.

As stated, men can be victims of sexual assault too. Most often, the perpetrator is another man. This does not necessarily mean that either the victim or the perpetrator is gay. In a small minority of cases, the perpetrators of sexual violence are women.

It is important for men who have experienced sexual assault to know that most of the services and all the options described in this booklet are also available to them.

Why did this happen?

It is common to ask this question and attempt to make sense of what happened to you. You may try to reconstruct what happened in an attempt to understand by, for instance, replaying events in your head. You may think about what you did or did not do before the sexual assault and whether you could have prevented it. Although you may feel that you are to blame, it is important to remember that sexual assault is never your fault.

THE PERPETRATOR IS ALWAYS RESPONSIBLE FOR THE SEXUAL ASSAULT

Having a broader understanding of sexual assault may also assist you as you attempt to make sense of what has happened.

Sexual assault is a violation of trust, an exploitation of vulnerability and an abuse of power. This type of crime is not primarily a sexual act, but a crime of violence and humiliation that is usually perpetrated by men against women, young people, children and other men. The perpetrator uses power to control and dominate, and sex can be used as a 'weapon' to violate and humiliate the victim. For the victim the experience is traumatic, can be sudden, unexpected, random and life threatening in some circumstances, Victims are unable to prevent the sexual assault and are forced to participate against their will. Sexual assault victims are violated and rendered helpless by another person's need for power and control. As a consequence victims may struggle to regain a sense of control over their lives. This can take time.

It is difficult to know how often sexual assault happens because people often feel too embarrassed, frightened, ashamed or guilty to talk about it. It is estimated that only one in 10 sexual assaults are reported to police.

Myths and facts about sexual assault

Many myths and misconceptions exist about sexual assault. These myths commonly blame the victim and/or make excuses for the offender's behaviour.

REMEMBER THERE ARE NO EXCUSES FOR SEXUAL ASSAULT

People who have been sexually assaulted may find it difficult to report the crime to the Police or speak about their experience because of the many myths and misconceptions about sexual assault.

Some of these myths include:

| Myth | Fact |
|--|---|
| All sexual offenders are strangers | Most sexual offenders are known to the victim – e.g. father, relative, partner, friend, boyfriend or colleague/manager. |
| Sexual assault is an impulsive act | Many sexual assaults are planned. The offenders have the intention to harm another person. They often take advantage of a person who is in a vulnerable situation. |
| All sexual assaults occur at night, on a dark street or a park | Many sexual assaults occur during the day. Over half of sexual assaults reported take place in the victim's home or in the offender's home. |
| It is a person's right to have sex with their partner whenever they want | Forcing a person to have sex when they are not consenting is sexual assault, regardless of the relationship between the perpetrator and victim |
| Women provoke sexual assault by the way they dress or behave | No person asks or deserves to be sexually assaulted. Sexual offenders use a variety of excuses to justify their behaviour. |
| Men cannot be sexually assaulted because they are strong enough to defend themselves | Sexual assault can happen to anyone, including men regardless of physical size and strength. |
| If the victim didn't scream or fight, it could not have been sexual assault | Many victims are not able to scream. They have been threatened and so may have become paralysed with fear, which means they are unable to fight back. They may also fear further violence from their attacker if they struggle. |

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| People who are drunk or intoxicated are asking to be sexually assaulted | Being under the influence of drugs or alcohol makes a person vulnerable and unable to give consent. Being in a vulnerable position does not imply consent. |
| A person is entitled to have sex with another if they take them out and pay for the meal. | Paying for drinks or meals does not entitle a person to have sex with the other person when s/he does not want to. Sex that is unwanted, forced, bullied or manipulated is sexual assault. |
| If a woman/man agrees to go on a date with another person – she/he is agreeing to have sex afterwards | Agreeing to go on a date does not mean agreeing to have sex. Consent to sexual activity must always be given freely and voluntarily |
| Anyone can prevent sexual assault if they really want to | This belief assumes that no one can be forced into sex. Most sexual assaults involve threats of physical harm or actual physical force. |
| In some cultures sexual assault against women, young people and children is acceptable | In Australian society sexual assault is not acceptable and it is against the law. It is a crime to perpetrate sexual violence against any other person – male, female, young or old. |
| Men who sexually assault people are “sick or perverts” | Perpetrators of sexual offences are mostly men from all socioeconomic backgrounds, professions and nationalities. There are no typical sexual offenders. Most perpetrators look and behave like ordinary men and lead ordinary lives. |
| Men who sexually assault other men are gay | Men who perpetrate sexual assault are often heterosexual. They choose to sexually assault other men as part of an act of violence and need for power and dominance. |

Surviving a sexual assault

How might I feel?

Your response to an assault may cover a wide range of physical and emotional symptoms. The physical and emotional reactions that you experience following a sexual assault may be very powerful and confusing; you may feel shocked, frightened and overwhelmed by your reactions.

There is no right or wrong way to feel or react. Every person who experiences sexual assault reacts in a different way. You may even feel and react differently from day to day. Some reactions may persist for extended periods of time while others may subside. Your reaction may be influenced by your age, gender, culture, and the circumstances of the assault, your prior coping strategies and the responses of those from whom you seek support.

While every person reacts differently there are a number of common reactions that are outlined below. You might recognise some of them, or you might find that your reactions are totally different.

Reactions and feelings may include the following:

Shock, numbness and disbelief

A person's reaction to trauma can be unique and varied. Some people may appear calm and rational, whilst others can be anxious and disoriented.

Fearful

A lot of things that felt safe before may no longer seem that way. You might feel scared or threatened in familiar places or situations – being at home, going out, being in a crowd, or walking to work.

Powerless and helpless

Sexual assault is a violation of your right to control what happens to you, your body, your emotions and your senses. It can leave you feeling that nothing you do or say matters any more.

Ashamed and embarrassed

You might feel that you are different from everybody else or that people will know that you have been sexually assaulted. It is important to remember that you have not done anything wrong to feel ashamed of.

Angry

You might be angry at the attacker or feel that no one can ever be really safe because there are those who sexually assault people. Sometimes anger is wrongly directed at yourself because you think you should have been able to avoid the attack. The list of "if only's" can be endless and this can leave you feeling guilty/angry even though you are in no way to blame.

Self blame

You might also find that you search through everything that happened prior to the assault looking for a reason for why it happened. Remember that your behaviour did not cause the assault. The only person responsible for the assault is the person who assaulted you.

Confused

You may have a lot of confused emotions, cry a lot or you may just feel numb. Sometimes people want to forget all about the sexual assault or find that it is too difficult to talk about it at first.

Dirty

Some people feel dirty and unclean and may spend time trying to physically wash that feeling away.

Physical reactions

You may experience headaches, muscle tension, stomach upsets, sleeping difficulties, panic attacks and changes in appetite. You may also experience physical pain as a result of the sexual assault. It is advisable to talk to your doctor should you notice any physical changes you are concerned about.

Impact on relationships

Being sexually assaulted may affect how you feel about relationships. It is very important that you regain control – establishing with whom, where, how and when you have contact. You may not want to be touched even by people you are close to, or you may feel a great need for physical contact and comfort.

How long will I feel this way?

You may or may not experience all or some of the previously mentioned effects. It is not possible to say how long you will feel this way as healing from a sexual assault is a process that is different for each person. Many people, however, find that the intensity of their physical and emotional reactions usually lessens with time. Your reactions are a normal response to the trauma you have experienced and it is important to give yourself time to recover and to seek support from people you trust.

Talking to someone may help you to understand and deal with your physical and emotional reactions. You may choose to seek support from family members, friends or other people you trust. Alternatively you may wish to consider professional support and/or counselling. A professional counsellor can provide a safe and private place to talk about your feelings and discuss your concerns. They will provide you with information and support. They will not judge you or make decisions for you. For more information see 'What is Counselling' on page 28.

Remember there are no timeframes for recovery. It is important to look after yourself during this time and get any support and treatment you need.

If you are feeling overwhelmed and unable to cope you should consult a professional counsellor or your doctor as soon as practical. You can also refer to page 52 for a list of services that may be able to assist you.

How will my family and friends react?

People can react in different ways when told about a sexual assault. Some of their reactions may feel helpful for you but sometimes their reactions may make it more difficult for you to cope. Often family, friends, and co-workers want to help but aren't sure how. It is okay to tell them what you need or do not need.

The following information is for you to read, to assist you to understand the possible impact on the people you might choose to tell about the sexual assault and their varied reactions.

It might be unhelpful when other people:

- feel upset or confused
- want you to report the assault to police
- want you to tell them exactly what happened
- blame you or themselves
- encourage you to forget about it
- push you to seek help e.g. counselling
- feel powerless, angry or guilty
- avoid the subject
- doubt you
- do not know how to help you or what to say.

It might be helpful when other people:

- validate your experience and reactions
- believe you
- not blame you
- listen to you
- assist you to feel safe
- respond to you in a non-judgemental way
- understand that you have been through a traumatic experience
- assist you to regain control over your life by supporting you in making your own decisions wherever possible
- are guided by you in deciding how you want to deal with the sexual assault – physically, emotionally and/or legally
- give you time and space to talk about the assault at your own pace
- encourage you but don't pressure you to talk about feelings
- support you.

Yarrow Place Rape and Sexual Assault Service can provide additional information to anyone wishing to support a loved one, friend or relative who has experienced sexual assault. See page 56 for contact details.

How might I manage the effects?

It is normal to feel the effects on your body, mind and emotions, in your interactions with others and in your beliefs about yourself and the world. Given the trauma you have experienced, it is important to take care of yourself and access the support available to you.

The impact of trauma reactions change over time. People may feel better as their body and mind adjust to what has happened to them.

You may already have ways of coping with stress that work for you.

Here are some suggestions that may add to your own ideas:

- talk it through with someone you trust e.g. friend, counsellor, family member
- seek out support from people who are important to you and try not to isolate yourself
- keep a diary to explore and record how you are feeling
- get plenty of rest, even if you find it difficult to sleep
- make time for relaxation
- get regular exercise such as walking, cycling or swimming
- try to eat regular and well balanced meals
- after an assault you may find your use of alcohol, drugs or other stimulants such as coffee, cigarettes and chocolate increases. It is important to keep in mind other coping strategies may be more healthy, and benefit you in the long term
- take time out from your usual activities if you feel you need to, however, continuing some of your usual routine is important.

Rights and options

After being sexually assaulted you may be faced with a number of decisions. For example, you may need to consider the following:

- Do I need to see a doctor?
- Should I report the sexual assault to the police?
- Will I need counselling?

It is important for you to know about the services that can assist you to understand the counselling, legal and medical options available to you.

In the metropolitan area you have the opportunity to meet with a crisis worker/counsellor from Yarrow Place Rape and Sexual Assault Service to discuss the above options. In rural areas the process is different, however, the information about your rights and options can be provided over the telephone.

Some of the options you have are linked with timeframes, for example when emergency contraception needs to be taken and when a forensic medical examination is possible.

The following sections provide information so you can make your own decisions about how you wish to proceed or deal with the sexual assault.

Remember you have the right to:

- ask questions
- have information to help you make decisions
- decide what happens to you
- choose the best option for yourself.

Declaration of principles governing treatment of victims of crime

1. You should be treated:
 - (a) with courtesy, respect and sympathy; and
 - (b) with due regard to any special need that arises –
 - (i) because of the victim's –
 - age; or
 - sex; or
 - race or ethnicity; or
 - cultural or linguistic background; or
 - (ii) for any other reason.
2. You should be informed about health and welfare services that may be available to alleviate the consequences of injury suffered as a result of the offence.
3. You should be informed, on request, about:
 - (a) the progress of investigations into the offence;
 - (b) the charge laid and details of the place and date of proceedings on the charge;
 - (c) if a person has been charged with the offence – the name of the alleged offender.
4. You should be informed, on request, if an application for bail is made by the alleged offender – the outcome of the application.

If a police officer or a person representing the Crown in bail proceedings is made aware that you feel a need for protection from the alleged offender –

 - (a) the police officer or other person must ensure that your perceived need for protection is brought to the attention of the bail authority; and

- (b) reasonable efforts must be made to notify you of the outcome of the bail proceedings and, in particular, any condition imposed to protect you from the alleged offender (unless the you indicate that you do not wish to be so informed).
5. You should be informed, on request, if the prosecutor decides not to proceed with the charge, to amend the charge, or to accept a plea to a lesser charge or agrees with the defendant to make or support a recommendation for leniency – the reasons for the prosecutor’s decision.

If you are a victim of a serious offence you should be consulted before any decision is made –

- (a) to charge the alleged offender with a particular offence; or
 - (b) to amend a charge; or
 - (c) to not proceed with a charge; or
 - (d) to apply for an investigation into the alleged offender’s mental competence to commit an offence or mental fitness to stand trial.
6. A victim of an offence you are entitled to be present in the courtroom during proceedings for the offence unless the court, in accordance with some other Act or law, orders otherwise.
7. You should only be asked to attend proceedings related to the offence if your attendance is genuinely necessary.
8. If you are to be a witness for the prosecution at the trial of the offence you should be informed by the prosecution about the trial process and about your rights and responsibilities as a witness for the prosecution.

The information should be given (if practicable) so as to allow the victim sufficient time to obtain independent advice, and arrange independent support, in relation to the exercise of those rights or the discharge of those responsibilities.

9. You should be protected as far as practicable from unnecessary contact with the alleged offender and defence witnesses during the course of the trial and in court proceedings.
10. There should be no unnecessary intrusion on your privacy. In particular, your residential address should not be disclosed unless it is material to the prosecution or defence.
11. If your property is taken for investigation or for use as evidence, the property should, if practicable, be returned to you as soon as it appears that it is no longer required for the purposes for which it was taken.
12. You are entitled to have any injury, loss or damage suffered as a result of the offence considered by the sentencing court before it passes sentence.
13. You should have access to information about how to obtain compensation or restitution for harm suffered as a result of the offence.

If the prosecutor is empowered to make an application for restitution or compensation on behalf of a victim in criminal proceedings –

- (a) the prosecutor should bring that fact to your attention; and
- (b) the prosecutor should, if you ask –
 - (i) make the application on your behalf; and

(ii) bring to the attention of the court any relevant information provided by you in connection with the application.

14. You should be informed, on request, about:

- (a) the outcome of the proceedings based on the charge and of any appeal from those proceedings;
- (b) details of any sentence imposed on the offender for the offence.

15. If you are dissatisfied with a determination (for example the sentence) made in relation to the relevant criminal proceedings (being a determination against which the prosecution is entitled to appeal) you may request the prosecution to consider an appeal against the determination. You must make this request within 10 days after the making of the determination. The prosecution must then give due consideration to that request.

16. You should be informed, on request:

- (a) if the release of the offender into the community is imminent – details of when the offender is to be released;
- (b) if the offender was ordered to undertake community service – whether the offender completed the community service; and
- (c) if the offender was subject to a bond – whether the conditions of the bond were complied with.

17. You are entitled to make written submissions to the Parole Board on questions affecting the parole of a person imprisoned for the offence.

18. You should be informed, on request:

- (a) if the offender is sentenced to imprisonment

and later makes an application for release on parole – the outcome of the proceedings and, in particular, any condition imposed to protect the victim from the offender.

- (b) if the offender is subject to a supervision order under Part 8A of the *Criminal Law Consolidation Act 1935* (which applies to mentally incompetent offenders) and the offender, or any other person, later makes an application for variation or revocation of the 20 order or an application for review of the supervision order is made – the outcome of the proceedings and, in particular, if the offender is released on licence, any conditions imposed on the licence.

19. You should be informed, on request:

- (a) if the alleged offender absconds before trial – the fact that he or she has absconded;
- (b) if the offender escapes from custody – the fact that he or she has escaped;
- (c) if the offender, having escaped from custody, is returned to custody – the fact that he or she has been returned to custody.

20. You should be informed, on request, about procedures that may be available to deal with a grievance the victim may have for non-recognition or inadequate recognition of the victim's rights under this Declaration.

Please note that a victim is not entitled to information that might jeopardise the investigation of an offence.

Mandatory reporting

If you are under 18 years old, some people such as doctors, police, teachers, social workers and youth workers have to report information about sexual assault to the Child Abuse Report Line (CARL), which is part of the Department for Communities and Social Inclusion (DCSI). Workers from DCSI may get in touch with you, especially if your safety is at risk. DCSI will also forward the information about the sexual assault to the police. The police may contact you to discuss what may happen.

Confidentiality/privacy

Victims of sexual assault can expect to have their right to privacy and confidentiality respected. There may at times be limitations to this but these limitations will be discussed with you by any counsellors, police and prosecutors with whom you have contact.

Although you may feel a desire to tell other people, such as friends on Facebook or other social media, about what happened to you, you should be wary because that information could be disclosed in criminal proceedings and may impact on the outcome.

Medical care following a sexual assault

1. Medical examination for the purpose of a health check

If you have experienced a sexual assault you may have health concerns that you would like to discuss with a doctor and you may want the doctor to check that you are alright. This type of medical care is called a health check. It is done for your purposes, and will only take place if you request it.

If you feel more comfortable you can request either a male or female doctor, however this can cause delays at times if the preferred gender of doctor is not immediately available.

Common health concerns that you could discuss with the doctor:

1) Injuries

It is quite common to have some minor bruising or scratches from a sexual assault. The doctor can check these injuries and advise you about treatment and the length of time it may take for the injuries to heal.

It is less common to have a serious injury but if you have, for example, been hit on the head or have significant pain, it is really important to see a doctor to have this checked out.

2) Concerns about pregnancy

If you are not using contraception at the time of the assault, you may want to take the Emergency Contraceptive Pill – ECP (also known as the morning after pill) to reduce the chance that you will get pregnant.

The ECP is most effective when taken as soon as possible after the unprotected sex but can be taken up to 5 days after. You can get it from the chemist and do not need to see a doctor. A doctor can prescribe a less expensive alternative if this is an issue.

If you are pregnant at the time of the assault you may be worried about your baby. It is unlikely that your baby will have been harmed, but you can ask the doctor to check that your baby is alright. If you have any bleeding or abdominal pains it is very important that you see your doctor.

3) Concerns about sexually transmitted infections (STIs)

In South Australia the chance of getting a sexually transmitted infection, including HIV/AIDS, from a sexual assault is very low.

There are medications available that can help to protect you against some sexually transmitted infections including Chlamydia and HIV. You can ask the doctor about these medications and decide if you would like to take them. Medication to help prevent HIV needs to be started within 3 days of the assault.

The doctor will not be able to tell you at the time of the assault whether you have developed a sexually transmitted infection from the assault. You will need to have follow-up STI testing to check this (see section on follow up medical care).

4) Other health concerns

You may want to talk to the doctor about concerns such as sleeping difficulties, eating problems, feeling sick, aches and pains and difficulties going to the toilet.

You can ask the doctor for a certificate if you think you will need to take some time off work, school or university.

If you are certain that you do not want to take police action in relation to the assault but would like a health check, you could consult a doctor at Yarrow Place (in the metropolitan area) or your own doctor depending on what makes you feel more comfortable.

If you are considering police involvement, a medical examination for the purpose of collecting evidence (a forensic medical examination, FME) will be important. A health check can be done as part of the forensic medical examination.

These examinations (FMEs) are done by doctors who have been trained to provide this service and in Adelaide are usually done by a Yarrow Place doctor.

2. Medical examination for evidentiary purposes (forensic medical examination)

When reporting the incident to the police, they will discuss with you the need for a medical examination for evidentiary purposes. This examination will only take place with your consent.

This is where a doctor conducts a thorough physical examination and collects evidence that may help the police in building a case against the person who sexually assaulted you. Many people who have experienced sexual assault do not suffer physical injuries. It is important to remember you don't necessarily have to be injured in order for a medical examination to take place and be useful.

The medical examination should take place as soon as possible. It is less likely as time passes that there will be any physical evidence for the doctor to collect. Remember that you always have the option of having the examination and then deciding at a later date whether you wish to proceed with police investigation. This is called a 'Just in Case' forensic medical examination and the evidence can be stored for a year.

With your permission, the doctor will take a brief history from you about the assault, so that the doctor knows what specimens need to be collected and also knows what medical attention is required. The doctor will ask you about any soreness or injuries you may have, ask you to put on a gown and will check your body for injuries and make a note if any are found. The doctor may also take photographs of these injuries but generally will not take photographs of any genital injury, or photographs from areas you do not want to be seen by the jury in court.

The doctor may also take samples to help the police identify who assaulted you and to corroborate your description of what took place. The samples are looking for DNA from semen, saliva or from touch. The doctor will collect swabs to help find this DNA from the areas where there has been physical contact. This could be for example swabs for saliva from your neck if you have been kissed there, swabs for contact DNA from you arm if you were held there tightly or swabs for semen from your mouth, vagina or anus if there has been penetration (you may be unsure whether ejaculation occurred). The doctor may also ask for a urine and blood sample, swabs from under your fingernails and samples of hair.

Remember, swabs will only be taken with your consent from areas which have had physical contact with the offender. The examination may be stopped at anytime if you are not comfortable with proceeding. This examination may take up to two or three hours.

Your clothing may also need to be taken as evidence.. You can ask for your clothing to be returned once it has been examined. On occasions the scientists need to cut a small piece from your clothing to check it better so your clothing may be damaged when it is being tested.

All the information recorded by the doctor, including personal medical information, will (if you have consented to police action) be passed on to the police and lawyers involved in the legal case.

The offender may also have a forensic medical examination based upon police request if charged close to the time of the offence. This is conducted by a police Doctor not a Yarrow Place Doctor.

3. Follow up medical care

Follow up medical care is provided so that you can talk with the doctor about any health concerns you may have had since the assault. The first follow up appointment is generally offered 2 to 3 weeks after the assault.

At this appointment the doctor can:

1. Check that injuries have healed.
2. Do a pregnancy test if required. This is important if your period is late or if the period that you have had since the assault seems different to normal.
3. Take swabs or a urine sample to test for some sexually transmitted infections.
4. Give you the opportunity to talk about health concerns such as poor sleeping, anxiety, depression, or problems eating and discuss how best to manage them.

The second follow up appointment is generally offered about 3 months after the assault. The doctor can check with you how you are getting on and can offer you a blood test for HIV/AIDS, hepatitis B and C and syphilis.

If you have concerns that you would like to discuss at times other than these, contact your doctor for an appointment.

Counselling

Because sexual assault can be a traumatic experience, it is often useful to have someone to talk to about your feelings, fears and concerns. Professional counselling can offer you someone to talk to and seek information and discuss your options, in a safe and confidential manner.

Counselling is available on an individual basis. Counselling is not about re-living the police witness statement or assault experience, but focussing on feelings and reactions that you may be experiencing as a result of the sexual assault, and how are you going to cope with these feelings and reactions.

You may wish to have counselling soon after the sexual assault, or sometime later depending on your needs.

Deciding to see a counsellor does not mean you have a problem, but rather you are experiencing normal reactions that you need to talk about.

Some people find that with the support and help of friends and family, they do not need professional counselling.

For information regarding counselling options, please refer to the 'Where Can I Get Help?' section on page 52.

Reporting options for you as a victim of crime

Should I report the sexual assault to police?

Police always encourage victims of crime to report their matter. You can expect to be treated with respect, understanding and sensitivity.

It is your decision whether or not you report the sexual assault to police and it is important to decide what is right for you. The information in this section is intended to assist you to make an informed decision.

People who are victims of sexual assault often have strong reasons for choosing to tell, or not tell, the police.

Why do people choose to report a sexual assault?

Some of the reasons include:

- They believe that the offender should be held accountable for their actions
- Reporting the offence allows them to regain some sense of power and control
- They do not want the offender to harm other people
- To ensure their personal safety and future protection from the offender.

What are some common concerns people may have about reporting to police?

Some of the concerns include:

- Feeling embarrassed;
- Fear of not being believed;

- Thinking what happened was not a serious crime;
- Fear of revenge from the offender;
- Not wanting to get the offender into trouble;
- Fear of becoming involved in a lengthy and arduous legal process.

If these are some of the reasons why you are hesitating to report to police, it may help to speak to someone to find out if these concerns can be addressed.

What are my options when I speak to police?

You can:

- Ask for more information:
You may wish to talk to the police informally and/or anonymously over the telephone or in person before making a final decision. Details of the offending can still be recorded by police for intelligence purposes without the caller identifying themselves.
- Make a report and request no further action:
You can choose to talk to the police, make a police incident report and then sign a form saying that you wish there to be no further investigation.
- Make a formal report:
If you choose to make a police incident report and provide a formal statement police may use your statement to try to apprehend, and where possible, charge the person who sexually assaulted you. Your statement then becomes the basis of the police investigation and is a key part of any court proceedings.
- Provide information anonymously without contacting the police personally:
If you are apprehensive about involving police you are encouraged to make contact with Yarrow Place, Rape and Sexual Assault Service where you will be provided with information and choices about accessing medical

and counselling services. (Phone 8226 8787 Free call 1800 817 421). An opportunity exists to provide information anonymously to police by completing a questionnaire that in no way identifies you as the victim. Forensic evidence can also be collected by specialist doctors from Yarrow Place and stored away for a period of time which allows you to make important decisions.

South Australia Police strongly urges anyone who has experienced a sexual assault to make contact to discuss the options available to them.

When should I report?

You do not have to report the sexual assault immediately, you can take some time to decide if you want to. You can report a sexual assault regardless of when it happened and police will undertake a full investigation. **However, it is helpful to the investigation if the sexual assault is reported as soon as possible after it has occurred to prevent a possible loss of evidence.**

You can still report a sexual assault that happened some time ago whether or not:

- You can remember everything that happened
- You are not sure where the perpetrator is living
- You think there is a lack of evidence.

What can I expect when I make a report

Reports are referred to an appropriate area for investigation and police will take a statement from you about your experience. Making a statement may be very difficult and upsetting for you as the police officer will ask for a detailed account of the assault. On the other hand, a common experience for victims is that this process may

also be therapeutic and empowering. Due to the amount of detail needed, it may take a number of hours to make your statement.

You can request to provide your statement to either a male or female police officer and all reasonable steps will be taken to accommodate your request. However, this is not always possible.

You might like to consider asking a support person such as a friend, relative or partner to accompany you to the Police station but they will be asked to remain in the waiting area whilst you give your statement.

When making a statement the police officer will explain to you why such detailed information is required for your statement. If you wish to know what will happen with your statement the police officer will be able to advise you.

Remember to read through your statement carefully and make any alterations as required. You can request a copy of your completed statement at this time.

What happens next?

The investigating officer assigned to the case is responsible for advising you of the progress of the investigation or if the offender has been arrested. You may also contact the Local Service Area (LSA) Victim Contact Officer on how the investigation is progressing. See page 52 for contact details.

As part of the investigation police may contact anyone who may be able to assist them with their enquiries for example, the person you first told about the assault or any witnesses to the assault.

You can assist police by providing information about who may be able to assist. Speak to the Investigator(s) if you are concerned about who may or may not be contacted during the investigation.

If you want to know anything about the investigation, you should ask the investigating officer or, if he or she is unavailable, the Victim Contact Officer (see page 52). The police however, are not obliged to tell you anything that may jeopardise the investigation.

There is no limitation on the time that can pass between when a sexual assault happens and the commencement of a criminal prosecution. Some investigations may take several years, especially when there is no suspect immediately identified.

Advances in forensic science (such as DNA technology) that were not available when some victims reported assaults have since helped to identify suspects after many years. Occasionally, suspects have been apprehended a decade or more after the assault happened. It is important that if you are worried about the delay that you speak with police investigator.

Not all reports will result in a prosecution. This does not mean that you are not believed. A prosecution can only happen if the relevant and admissible evidence is considered strong enough to secure a reasonable prospect of conviction.

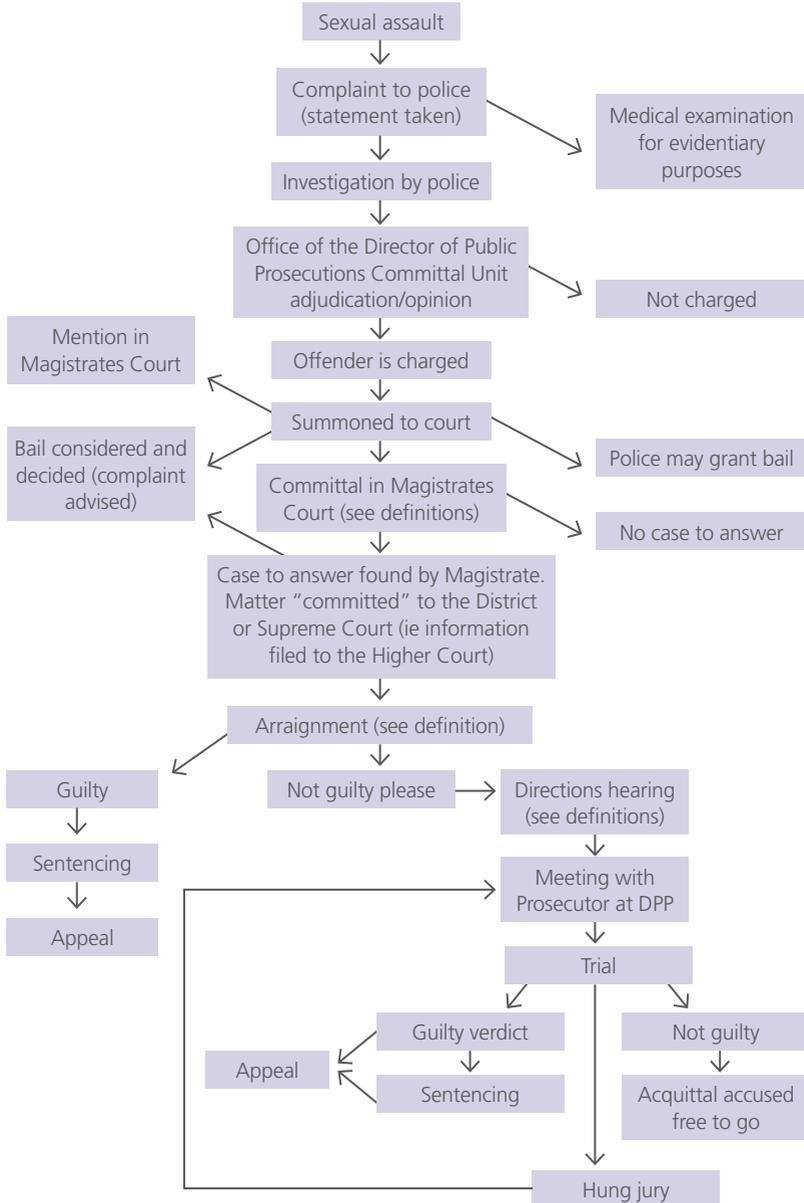
What if I change my mind?

If you have made a formal report but then decide that you do not want police action, you need to inform the police. You will be asked to complete a form indicating your wish for the police to stop the investigation. You may later request that police resume the investigation; however, it is a police decision as to what happens next.

It's also important to know that asking police not to continue with the investigation will affect any claim for compensation unless you have good reason for not cooperating. You can obtain free legal advice about compensation for victims of crime. See page 48 for more information.

Flowchart of the legal process

For a 'Virtual Tour' of South Australia Courts please log-on to www.courts.sa.gov.au



The legal process (explanation of the flowchart)

Sexual assault

A crime is committed.

Complaint to police

The sexual assault is reported to the police.

Investigation by police

A officer is allocated to investigate the matter. The investigating officer will speak to the victim, other witnesses and the accused.

Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) is the independent statutory prosecuting authority for the State. The ODPP employs solicitors who prepare cases for trial and barristers called prosecutors who prosecute the case in court.

All crimes are considered to be a crime against the State. The ODPP acts for the State and therefore any legal costs are the responsibility of the State government. Victims do not need their own legal representation and can only have legal representation in exceptional circumstances.

The ODPP has a Witness Assistance Service (WAS) that provides information, assistance and counselling to witnesses.

Adjudication/opinion

The solicitors at the ODPP may provide the police with an opinion as to whether or not a person should be charged. If charges are not laid, it will be explained to you by the solicitor and the ODPP Witness Assistance Officer.

A solicitor, on receiving all of the evidence from police, may decide not to proceed on the basis that there is no reasonable prospect of conviction. This is not to suggest that a crime has not been committed, however, it would be difficult to prove in the criminal court beyond reasonable doubt. In some cases, you may decide that you do not want to proceed with the case. If this is the case, you should contact the police investigating officer or the ODPP solicitor as soon as possible.

The ODPP may decide to proceed with the case, but with “lesser charges”. The solicitor should talk to you before such a decision is made. You may not agree with the decision that is made, however, the solicitor, police officer and / or witness assistance officer are there to answer any of your questions. In some cases, the case might be handled by a police prosecutor in the Magistrates Court. You should still be consulted before any key decision that affects you is made.

Charging the accused

- The alleged offender is charged by the police when there is reasonable cause to believe that a crime has been committed by the person.
- The alleged offender is then summonsed to appear at the Magistrates Court for a hearing.
- A summons (a written document) advises the alleged offender when to appear in court and the offence(s) charged.

Arrest or summons and bail application

- If the alleged offender is arrested, he /she is entitled to apply for bail.
- If bail is granted, the offender may be released.

- You will be notified by either police or the ODPP solicitor of bail applications and outcomes.
- Bail is usually granted by the court unless there are strong reasons why the application should not be granted.
- If the application for bail is not granted, then the alleged offender is held or remanded in custody until the court hearing.
- An alleged offender may re-apply for bail if his / her circumstances change.

Bail conditions can be arranged to ensure your safety should bail be granted to the alleged offender. If you have fears for your safety, you should discuss these with the police investigating officer as soon as possible.

Bail conditions can cover issues such as:

- the alleged offender not to contact you or other witnesses, either directly or indirectly,
- the alleged offender is to reside at a certain residence;
- the alleged offender is not to come within a certain distance of the victim's home.

Committal proceedings (Magistrates Courts)

Committal Proceedings are proceedings held in the Magistrates Court by way of preliminary examination for the court to decide whether there is sufficient evidence for the matter to be sent to (committed) a higher court for trial.

For Mention Only (FMO)

This is the first time a person appears in the Magistrates Court and is usually at the next available court time following an arrest.

BAIL may also be discussed at this hearing and a date set for a DECLARATIONS HEARING.

Declarations (DECS)

The DECS is the hearing by which the prosecution must file all written witness statements and evidentiary material relevant to the alleged offence before the court.

In more complex cases the written witness statements and evidentiary material may not be ready before the first DECS hearing and a further adjournment will be sought.

Once all DECS are received the Magistrate will set the matter for an ANSWER CHARGE date.

Answer Charge (AC)

Once all DECS have been filed and read by the Magistrate and Defence Counsel, the accused person will be asked to enter a plea of GUILTY or NOT GUILTY to the relevant charges. This is referred to as ANSWERING THE CHARGES.

If the accused person enters a plea of GUILTY to the relevant charges, the matter will be COMMITTED FOR SENTENCE in the District or Supreme Court (for Major Indictable matters).

In Summary and Minor Indictable offences, the matter will proceed to SENTENCING SUBMISSIONS and then SENTENCE in the Magistrates Court.

Where the accused person enters a plea of NOT GUILTY to the relevant charges, and the magistrate finds A CASE TO ANSWER has been established, the matter will be COMMITTED FOR TRIAL in the District or Supreme Court.

Other hearings that may be heard in the Magistrates Court include the following:

Bail Applications

Where an accused person is ARRESTED, they are entitled to APPLY FOR BAIL.

In alleged criminal matters it is important to note that there is a PRESUMPTION OF BAIL – that is, in the eyes of the law, all accused persons should receive BAIL (given they are ‘innocent until proven guilty’) unless there are strong reason to not grant BAIL.

If BAIL is GRANTED by the court the offender will enter into a BAIL AGREEMENT and then be released to appear at a date in the future. This may involve a SIMPLE BAIL AGREEMENT, or, depending on the seriousness of the alleged offences, may involve the accused person being placed on HOME DETENTION BAIL.

Where BAIL is REFUSED the accused person will be REMANDED IN CUSTODY.

Where an accused person has been REFUSED BAIL, they may RE-APPLY for BAIL at a later date. Also, where BAIL has been GRANTED, an accused person may seek to VARY their BAIL CONDITIONS at some point leading up to the trial.

Where an accused person is found to be in BREACH of their BAIL CONDITIONS the Magistrate or Judge may REVOKE their BAIL and REMAND the accused person in custody.

Where a person on BAIL absconds or cannot be located, a BENCH WARRANT will be issued by the relevant court.

No Case Submissions (NCS)

NCS is also known by the term ‘NO CASE TO ANSWER’.

NCS involve submissions by the defence lawyer that the opposing party has no evidence (or lacks sufficient evidence) to commit the matter to a higher court for trial.

A successful NCS results in the end of the criminal matter and the release of the accused person.

Rule 20 hearing

Occasionally, Defence counsel will make a RULE 20 APPLICATION in the Magistrates Court. Here a witness for the prosecution may be asked to give (limited) evidence in person on the statement they gave to Police.

Oral Committee proceedings do not occur in every matter. Where additional information is required from a prosecution witness, an addendum statement will usually be taken by Police (avoiding the need for a RUL 20 HEARING).

Higher court proceedings (District and Supreme courts)

Matter committed to trial

Where a Magistrate determines that there is a CASE TO ANSWER (that is there is sufficient evidence to send the matter to a higher court) the matter will be COMMITTED TO TRIAL in the District or Supreme Court. It is important to note that the term COMMITTED TO TRIAL, simply means sending the matter to one of the higher court jurisdictions, and does not mean that the next court date is the trial.

Arraignment (ARR)

The ARR involves the reading of the relevant charges in the higher court.

The ARR is the first official appearance in the District or Supreme Court whereby the accused person must formally enter a plea of GUILTY or NOT GUILTY to the relevant charges.

Where an accused person enters a plea of GUILTY, a conviction is recorded and the Judge will hear SUBMISSION on SENTENCE, or more commonly, adjourn this to a later date.

Where an accused person enters a plea of NOT GUILTY the Judge will adjourn the matter to a DIRECTIONS HEARING.

Directions Hearing (DH)

DIRECTIONS HEARINGS are closed court hearings involving the Judge, Legal Counsel and the Accused person.

At these hearings, relevant issues pertaining to the trial are discussed and a date for TRIAL will normally be set. Depending on the number and complexity of issues in dispute (to be argued at a TRIAL), the Judge will list the TRIAL for a set number of days.

It is common for a number of DHs to take place prior to the actual TRIAL date.

Trial (District and Supreme courts)

The purpose of a TRIAL is to put all relevant and admissible evidence before the court.

It is then for the Jury (or Judge in a 'Judge Alone' trial) to decide whether the Prosecution has proved the guilt of the accused person 'BEYOND ALL REASONABLE DOUBT'.

If not, the accused person will be found NOT GUILTY and will be 'free to go'.

At TRIAL witnesses for both the prosecution (and defence*) are called to give oral evidence before the court. This will involve telling the court what happened in response to questions from both the Prosecutor and defence lawyer.

Following the conclusion of the TRIAL a verdict will be handed down. This may involve:

- A finding of GUILTY to some or all of the charges;
- A finding of NOT GUILTY to some or all of the charges;
- A HUNG JURY (meaning the jury is not able to agree on a verdict).

On occasions, a TRIAL may result in a MISTRIAL. This involves the termination of the TRIAL before its natural conclusion because of a prejudicial error in procedure. In such circumstances a new Jury will be empanelled and the TRIAL will start over.

*NB: An accused person may choose not to give evidence.

Sentence (District and Supreme courts)

Where an accused person decides to plead GUILTY to the relevant charges, or is found GUILTY by a Jury (or Judge in a 'Judge Alone' TRIAL) they will need to be SENTENCED by the court.

This will usually occur in two stages, namely SENTENCING SUBMISSIONS and SENTENCING.

Sentencing submissions

During SENTENCING SUBMISSIONS the prosecution and Defence Counsel provide the court with all relevant information to assist the Judge in determining an appropriate SENTENCE which reflects the criminality of the offending. Issues covered in SENTENCING SUBMISSIONS usually include:

- Defendants antecedents (prior offences);
- Victim Impact Statements;
- Relevant authorities (precedents);
- Background information pertaining to the defendant;
- Psychological / Psychiatric Reports for the defendant;

- Character witnesses for the defendant;
- Discussion on suitable penalties (tariffs);
- Any other information relevant to the SENTENCING of the defendant.

Sentence

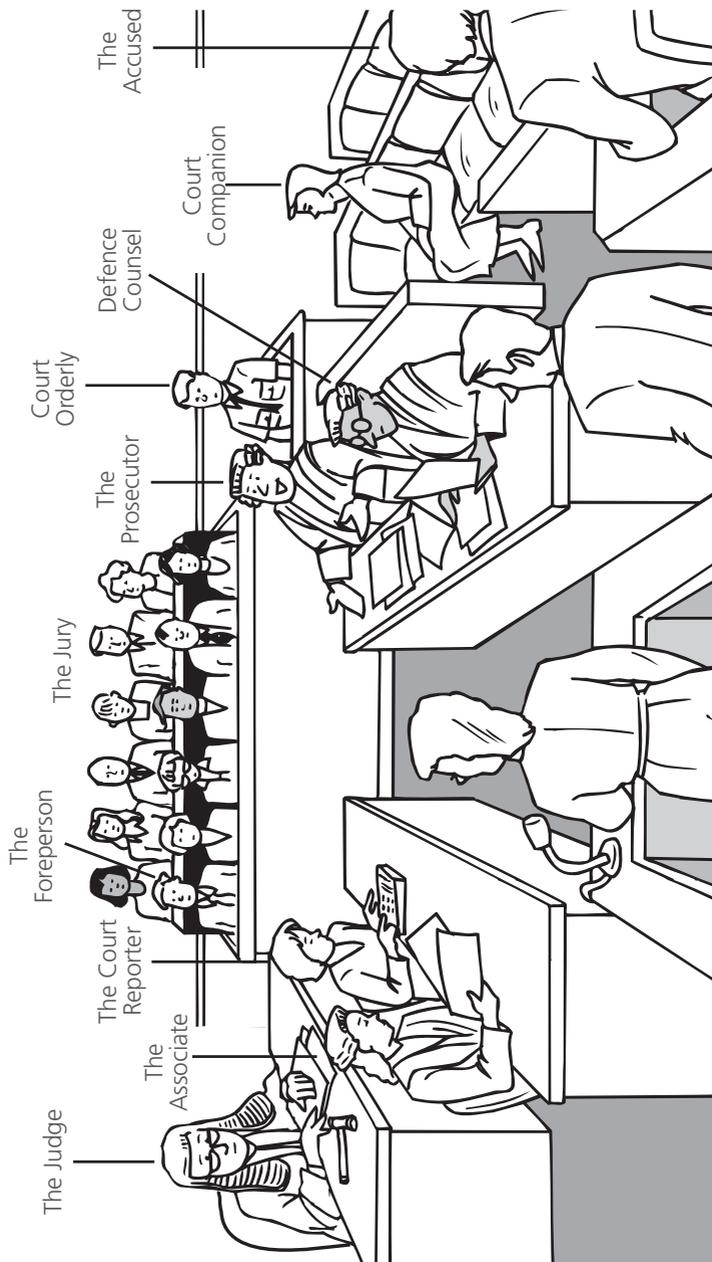
Once SENTENCING SUBMISSIONS are completed, the Judge will set a date to SENTENCE the accused. This is the penalty imposed on the accused person once they are found GUILTY of an offence.

This will usually involve setting a HEAD SENTENCE (total time to be served) and NON PAROLE PERIOD (period that must be served prior to a defendant being eligible for parole).

A Judge will also decide whether the defendant will receive a CUSTODIAL SENTENCE (required to spend time in a correctional facility) or SUSPENDED SENTENCE (not required to spend time in a correctional facility).

Where a defendant receives a SUSPENDED SENTENCE, they may be released unconditionally, or with particular requirements and conditions to fulfil.

Courtroom layout



Vulnerable witness provisions

Special provisions to assist victims of crime to feel more comfortable whilst giving evidence are available in the Magistrates, District and Supreme courts.

A Witness Assistance Officer (WAO) from the ODPP will have contact with you as the case progresses through the criminal justice system and if required can take you on a court familiarisation tour. The WAO is available to discuss any concerns or special requirements you might have about giving evidence and talk with you about vulnerable witness provisions available to assist you in court. The ODPP solicitor may then apply to the court for the vulnerable provision/s however any request can be made, revoked, varied or denied at the Judge's discretion.

The vulnerable witness provisions available in the court include:

- having a court companion (support person who is not involved in the case) in court with you while you give evidence;
- placing a one way screen between you and the accused. This screen will obscure your view of the accused.
- closing the court while you give your evidence so that members of the public and others are not permitted to be in the court room;
- use of closed circuit television (CCTV) so that you are not in the same room as the accused person when you give evidence. You are able to see the prosecutor, defence lawyer and Judge. The television in the court room will show the victim, the court companion and the Sheriff's Officer.

Victim Impact Statements

A Victim Impact Statement (VIS) is an opportunity for the victim of a sexual assault to tell the Court about the impact and effects of the crime. A VIS is provided to the sentencing Judge after a guilty plea is entered by the accused, or after a guilty verdict is found by the Judge and or Jury, but before sentencing the accused.

The VIS may cover the following issues:

- emotional impact;
- financial loss or suffering (i.e. time off work, employment issues);
- psychological trauma or stress (i.e. panic/anxiety, depression) ;
- physiological (health) impact (i.e. weight loss/gain, headaches);
- impact on extended family / friends (if appropriate);
- changes to housing / accommodation as a result of the crime;
- any other information that you believe the court should be aware of in relation to the impact of the crime.

Options for presenting the Victim Impact Statement (VIS)

There are several options available for presenting your VIS to the court;

- (a) Attend court and read it out aloud yourself to the court.
- (b) Request that the Judge's Associate (assistant) or someone else to read it out aloud in court on your behalf.
- (c) Ask the ODPP prosecutor to hand it up to the Judge in its written format for the Judge to read.

The VIS must be given to the ODPP solicitor, Witness Assistance Officer or the investigating police officer before the date for submissions for sentence. A copy will be sent to the court and to the defence lawyer for the accused to read beforehand. The accused should not be allowed to keep a copy.

If members of the media are present in court and the VIS is read out aloud the media may report on its contents however, the media is unable to publish any details that identify or tend to identify the name of the victim.

Further information and assistance with Victim Impact Statements (VIS)

For assistance and guidelines for preparing a VIS or to discuss options for presentation contact the following;

1. ODPP Witness Assistance Officer
2. Investigating Police Officer
3. Solicitor or Prosecutor at ODPP.

For contact details, refer to the 'Where Can I Get Help?' on page 52 of this book.

The Victims Register

The Victim Service Unit in the Department for Correctional Services maintains a Victim Register. Registered victims are entitled to information about the offender if he or she is in prison, if he or she is serving a Community Service Order or a Bond.

In order to register as a victim of crime and be placed on the Victim Register, you need to show that:

- you are a victim of a criminal offence; and
- the offender you wish to register against is under the supervision of the Department for Correctional Services; or
- the offender you wish to register against is in prison in relation to the offence, or offences, for which that person is a victim.

You can have your name placed on the Register by approaching the Victim Services Unit in the Department for Correctional Services (phone 8226 9067). The application form is also down-loadable, see: www.voc.sa.gov.au. Only the Unit and, when appropriate, the Parole Board have access to your details. This ensures confidentiality. The person who committed, or is accused of committing, the offence cannot get hold of your details.

Before you are listed on the Victim Register, the Department will check details of the offence and of you with the police.

What is (state funded) victim of crime compensation?

There are some circumstances in which a victim of crime can claim money from the Government to go some way towards compensating for injury. Injury can include mental illness, shock, sexually transmitted infection or pregnancy if they are a result of the crime, but does not include property loss or damage.

You do not necessarily need to know who the offender was, or wait for the offender to be convicted of the crime, to apply for compensation. However, you do have to make the claim within 3 years of the offence. For children the time limit starts when the child turns 18.

Compensation is initially paid from public funds, but the Government can require the offender to pay it back, if he or she is able to.

You will need a lawyer if you wish to make a claim for state funded victim compensation.

For more information about state funded compensation contact Yarrow Place, Victim Support Service, Legal Services Commission (see also www.lawhandbook.sa.gov.au) or the Law Society of South Australia. See page 52.

Other alternatives

Sexual harassment

If you think you have been unlawfully discriminated against, sexually harassed or victimised you may be able to lodge a complaint under the South Australian Equal Opportunity Act.

Sexual harassment is sexual behaviour which makes people feel offended, afraid or humiliated and in the circumstances, it is reasonable to feel that way.

It does not matter how the behaviour is intended. It can still be unlawful even if it was meant as a compliment or a joke. The question is whether the other person feels offended and whether that is a reasonable reaction.

- sexual harassment can be:
- unwelcome touching or kissing
- comments or jokes, leering or staring
- direct or implied propositions, or requests for dates
- questions about sexual activity.

Mutual attraction or friendship with consent is not sexual harassment.

It is unlawful to sexually harass people in:

- work
- education
- customer service, including harassment by or of customers
- granting of qualifications
- clubs and associations.

To find out if your complaint is covered by the Equal Opportunity Act, contact staff at the Equal Opportunity Commission (EOC) or visit www.eoc.sa.gov.au. The service provided by the EOC is free and impartial.

Intervention orders (formally called restraining orders)

What is an intervention order?

You may be able to apply for an intervention order if you were sexually assaulted by a family member or someone close to you. You may also be able to apply for an intervention order against someone who is stalking you.

An intervention order is an order issued by either police or the Court, forbidding a person (the defendant) from behaving towards you (the protected person) in ways which may harass, threaten or abuse you or which may be violent. The defendant (or perpetrator) may be ordered not to do various things, such as not to come to your home and place of work, not to go to your children's school, not to follow or watch you, not to phone you or send messages to you. The defendant may also be ordered to do certain things, such as to move out of the house they may share with you. An order can be made specifically for you and your situation.

It is an offence for the perpetrator to disobey the order. This is called 'breaching' the order. You should tell the police if you believe the person has breached the order.

You can choose to seek an order instead of reporting the sexual assault to police or you can make a report as well.

How do I get an intervention order?

Intervention orders may be issued by the police (called an interim intervention order) or may be issued by the Court. In each case, there must be grounds for issuing an order.

This means that the police or the Court must be of the view that you will be subject to an act of abuse by the other person, unless there is some intervention to help you. There are many examples of what an act of abuse is, and the police can listen to your situation and tell you if it fits the grounds for an intervention order.

If you have grounds, the police will decide to either issue an interim intervention order directly to the person who is being abusive, or to help you make an application to the Court to issue an order. The circumstances will determine which method is used. Each method is explained in this booklet. You should read about both methods so you know what you need to do.

For assistance with an intervention order contact police at your local police station or one of the Family Violence Investigation Sections. For contact details see page 52.

Family Safety Framework

If the sexual assault happened within the context of domestic or family violence and there is a high risk that the perpetrator will continue to be violent towards you and/or your children, in spite of an intervention order, your case might be referred to the Family Safety Framework.

The Family Safety Framework provides for a multi-agency response to high risk cases of domestic violence and family violence. If your case is referred agencies will discuss the risks posed to your safety and how they might assist in increasing your safety and maintain your wellbeing. You may also be assisted to access relevant support. Any information shared about you will be in confidence and will not be shared with the perpetrator. Your safety and privacy are important.

Where can I get help?

Useful contacts and resources

Legal

South Australia Police

| | |
|--|----------------|
| For an emergency situation | 000 |
| For police assistance/attendance | 131 444 |
| Sex Crime Investigation Branch | (08) 8172 5555 |
| Victim Contact Officers/Family Violence Investigation Sections | |
| Adelaide | (08) 8172 5000 |
| Elizabeth | (08) 8207 9411 |
| Holden Hill | (08) 8207 6000 |
| Port Adelaide | (08) 8207 6444 |
| South Coast | (08) 8392 9000 |
| Sturt | (08) 8207 4700 |

In country areas contact your local police station.

Gay and Lesbian Liaison Officers (GLLO)

The GLLO network has representatives in Metropolitan and Country locations and also specialist policing areas including State Crime Prevention Branch, Sexual Crime Investigation Branch and Major Crime Investigation Branch. All GLLOs have undergone special training in gay, lesbian, bisexual and transgender issues and can provide discrete, non judgemental guidance and support in the reporting of crimes.

GLLO officers will not usually investigate the crime, but are available to discuss the incident and facilitate the agreed and most appropriate response to it.

GLLOs can be contacted anonymously by members of the GLBT community, or by their family or friends to discuss issues and seek advice.

Web: www.sapolice.sa.gov.au

**Office of the Director of Public Prosecutions
Witness Assistance Service**

- Information about court process
- Support and preparation for court

Ph: (08) 8207 1529 (metro)

Country Callers: 1800 505 404

Web: www.ODPP.sa.gov.au

**Department for Correctional Services - Victims'
Services Unit / Victims' Register**

Ph: (08) 8226 9067

Web: www.corrections.sa.gov.au/victims-info

Commissioner for Victims' Rights

The Commissioner is an independent statutory officer who helps victims in their dealings with the criminal justice system, public officials and public agencies; as well as, consults public officials and public agencies on their treatment of victims. The Commissioner can recommend public officials and public agencies make a written apology if they have not treated victims properly. If you are unsure of your rights you can contact the Commissioner for Victims' Rights.

Ph: (08) 8204 9635

Email: voc@agd.sa.gov.au

Web: www.voc.sa.gov.au

Post: GPO Box 464 Adelaide SA 5001

Legal Services Commission – Legal Helpline

Telephone Advice Line 1300 366 424

9am–4.30pm Monday to Friday

TTY (TELEPHONE TYPEWRITER) is available

on-line <http://www.lsc.sa.gov.au>

Free and confidential legal advice by telephone and by appointment. Offices located in Adelaide, Elizabeth, Port Adelaide, Holden Hill, Noarlunga and Whyalla. Referrals to other services where appropriate. Interpreters available on request. Please note that legal aid is not available for victims compensation applications.

Law Society of South Australia

The Law Society can refer you to a lawyer for advice.

Ph: (08) 8229 0222

Web: www.lawsocietysa.asn.au

Women's Legal Service

The Women's Legal Service provides a free and confidential legal service to women in South Australia.

Telephone Advice: (08) 8221 5553

Country Callers: 1800 816 349

TTY: 1800 670 864

Admin:(08) 8231 8929

Email: wls@wlssa.org.au

Equal Opportunity Commission

Ph: 8207 1977

Country Callers: 1800 188 163

TTY: (08) 8207 1911

Email: eoc@agd.sa.gov.au

Web: www.eoc.sa.gov.au

Crisis services

Crisis Care

For assistance with after hours emergencies call the Crisis Care telephone service. The service operates from 4pm to 9 am on weekdays and 24 hours on weekends and public holidays. Crisis Care can assist people in crisis as a result of personal trauma, suicidal behaviour, child abuse or neglect and homelessness among other things.

Ph: 131 611

Lifeline

Lifeline is a telephone counselling service available 24 hours a day, seven days a week. Volunteer telephone counsellors will listen, support and assist you to clarify options and choice for yourself. Counsellors may also provide you with information about community services.

Local call costs, however additional charges may apply for calls from pay phones, mobiles or some home phone plans.

Ph: 13 1114

Mental Health Tirage Service (24 hours)

Ph: 13 14 65

Domestic Violence and Aboriginal Family Violence Gateway Services

Ph: 1800 800 098 (24 hour service)

Sexual assault services / counselling / health care

Yarrow Place – Rape and Sexual Assault Service

- Medical Service (including forensic examination)
- Counselling – Support Group and Information Seminars
- Information about Victim Compensation

Ph: (08) 8226 8777 (metro)

After Hours: (08) 8226 8787

Country Callers: 1800 817 421

Web: www.yarrowplace.sa.gov.au

Victim Support Service

- Court Companions
- Counselling
- Information about Victim Compensation

Ph: (08) 8231 5626 (metro)

Country Callers: 1800 182 368

Regional offices in Murraylands, Port Augusta, Port Lincoln, Port Pirie, Riverland, South East and Whyalla

Shine SA Sexual Healthline

The Sexual Healthline is a confidential service, so if you want to talk to someone about your sexual health, but feel more at ease with a telephone conversation than face-to-face contact then contact us on:

Ph: 1300 883 793

Country Callers: 1800 188 171

An interpreter can be arranged free of charge if required.

And if you prefer to use email, our sexual health nurses are happy to respond to your questions at sexualhealthhotline@health.sa.gov.au.

Pregnancy Advisory Centre

The Pregnancy Advisory Centre provides women in South Australia with information about pregnancy options and a safe, high quality, abortion service.

Counsellors are trained social workers and provide unbiased, woman centred counselling.

Abortions are provided by qualified, non-judgmental medical staff. Counselling and abortion services are FREE, provided at no cost to clients. Contraception is provided at minimal cost.

The Centre is open Monday to Friday 9.00 am to 4.00pm.

Ph: (08) 8347 4955

Country Callers: 1800 672 966

Clinic 275

Sexually Transmitted Disease Clinic – no appointment is necessary.

Clinic hours are:

Monday, Thursday, Friday – 10.00am-4.30pm

Tuesday, Wednesday – 11.00am-6.30pm

Ph: (08) 8222 5075

Email: STD.Services@health.sa.gov.au

1800Respect – National Sexual Assault, Domestic Violence Counselling Service

1800Respect provides a professional 24/7 telephone and online, crisis and trauma counselling service to anyone whose life has been impacted by sexual assault, domestic or family violence.

Ph: 1800 737 732

Web: www.1800respect.org.au

Uniting Communities – Childhood Sexual Abuse Counselling

This program provides counselling to children, young people and adults who have experienced sexual abuse or violence. Counselling usually occurs on an individual basis. Groups are conducted when requested.

Ph: (08) 8202 5190

Email: enquiries@unitingcommunities.org

Web: www.unitingcommunities.org/

Services for women

Women's Information Service

The Women's Information Service is a free and confidential information and referral service for all women in South Australia. Women seeking information can call any time between 9am and 5pm Monday through Friday. Women can also visit the service in person Monday, Tuesday, Thursday and Friday from 10am to 4pm. Women can also e-mail the Women's Information Service at info@wis.sa.gov.au.

Ph: (08) 8303 0590

Country Callers: 1800 188 158

Email: info@wis.sa.gov.au

Web: www.wis.sa.gov.au

Address: Ground Floor, Chesser House, 91-97 Grenfell Street, Adelaide

Women's Health Statewide – Healthline

Ph: (08) 8239 9600

Email: cywhswhs@health.sa.gov.au

Web: www.whs.sa.gov.au

Working Women's Centre of SA Inc.

The Centre is open Mondays, Wednesdays, Thursdays and Fridays. On Tuesdays there is an answering service. It is best to phone to discuss your problem with the enquiry officer first.

The Working Women's Centre provides information, advice and advocacy to women who have experienced problems at work, including sexual harassment, workplace bullying, unfair dismissal and workplace safety issues.

Ph: (08) 8410 6499 during office hours

Services for men

MensLine Australia

MensLine Australia is a professional telephone support, information and referral service for men, specialising in family and relationship concerns.

Open 24 hours a day, seven days a week, MensLine Australia is available to all men and their families for the cost of a local call.

Ph: 1300 78 99 78

Web: www.menslineaus.org.au

Services for children and young people

Child Abuse Report Line (24 hour service)

The Child Abuse Report Line is a part of Families SA. The Report Line is a centralised point of intake and all child protection concerns are to be reported to the Report Line.

Ph: 131 478

Child Abuse Prevention Service

Ph: 1800 688 009

Child and Adolescent Mental Health Service (CAMHS)

Ph: (08) 8161 7389 (North)

Ph: (08) 8204 5142 (South)

Child Protection Services

Women's and Children's Hospital

Ph: (08) 8161 7000

Flinders Medical Centre

Ph: (08) 8204 5485

Kids Help Line

Ph: 1800 55 1800 (free call)

The Second Story (TSS)

The Second Story (TSS) is the youth section of Children, Youth and Women's Health Service. TSS is a free, confidential health service for young people aged 12-25 years. TSS services include clinical services, counselling and a health information line.

Health Information Line (24 hour service)

Ph: 1300 13 17 19

General Enquiries

Ph: (08) 8303 1500

Disability / mental health services

Disability Information and Resource Centre Inc.

DIRC provides a professional and friendly information and referral service to the people of South Australia.

Ph: 1300 305 558

Web: www.dircsa.org.au

Disability Advocacy and Complaints Services of SA

A statewide, confidential, independent service that receives and acts on complaints from people with disabilities and their families or associates which arise as a result of disability. Advocates will meet with people out of hours and where required, including client's place of residence or employment.

Ph: (08) 8297 3500

Or 1800 088 325

Web: www.dacssa.org.au

National Disability Abuse and Neglect Hotline

The National Disability Abuse and Neglect Hotline is an Australia-wide telephone hotline for reporting abuse and neglect of people with disability. The Hotline works with callers to find appropriate ways of dealing with these reports.

Ph: 1800 880 052

Email: enquiries@disabilityhotline.org

Web: www.disabilityhotline.org

GLBTTIQ

Gay and Lesbian Counselling Service of S.A Inc.

The Gay and Lesbian Counselling Service of SA provides information, counselling and referrals on issues concerning sexuality or sexual health. This service operates from 7pm to 10pm every night.

Ph: (08) 8334 1623

1800 182 223

Email: glcs@glcssa.org.au

Web: www.glcssa.org.au

Man2Man Infoline

The Man2Man InfoLine responds to the needs of gay, bisexual and same sex attracted men across the State, for sexual health and wellbeing, information, support and referral. The Man2Man Information Line is a free, professional and confidential service and is available Monday to Friday from 9.30am to 5pm.

Ph: (08) 8334 1617

Country Callers: 1800 671 582

Web: www.acsa.org.au

South Australian Transsexual Support

A confidential support and information service established by Transsexuals for Transsexuals who have permanently changed their gender role and/or are in a recognised Gender Reassignment program.

SATS also provides information on all aspects of Gender Reassignment for the General Community and people experiencing difficulty with their Gender Identity.

Ph: (08) 8362 3223

1800 182 233

Web: www.tgfolk.net/sites/satsg

The Second Story Youth Health Service (12-25)
(Inside Out and Evolve Projects)

Ph: (08) 8232 0233

1800 1317

Web: www.cyh.sa.gov.au

Aboriginal and Islander Services

Aboriginal Legal Rights Movement (ALRM)

ALRM provides comprehensive legal advice and assistance through its staff lawyers and, where appropriate, private lawyers, to people of Aboriginal descent and their spouses.

Ph: (08) 8113 3777 or 1800 643 222

Web: www.alm.org.au

Aboriginal Family Support Services

Ph: (08) 8212 1112

Aboriginal Health Council of SA

Ph: (08) 8273 7200

Aboriginal Services Division

Dept of Health

Ph: (08) 8226 6344.

Buttlingarra Aboriginal Corporation (Whyalla Norrie)

Ph: (08) 8649 2722

Muna Paiendi Community Health Care Centre

Ph: (08) 8182 9206

Nganampa Health Council (Alice Springs)

Ph: (08) 8952 5300

Nunkuwarrin Yunti

Ph: (08) 8223 5217

NPY Women's Council

Domestic and Family Violence Service

Ph: (08) 8958 2345

Email: enquiries@npywc.org.au

Web: www.npywc.org.au

Pika Wiya Health Service (Port Augusta)

Ph: (08) 8642 9999

Weenamooga Aboriginal Women's Group (Ceduna)

Ph: (08) 8625 2183

Services for culturally and linguistically
diverse communities

Migrant Resource Centre of SA

The MRCSA's purpose is to support the effective settlement and participation of people from refugee and migrant backgrounds, particularly those who are new arrivals to South Australia.

Ph: (08) 8217 9500

Email: admin@mrcsa.com.au

Web: www.mrcsa.com.au

59 King William Street, Adelaide, SA 5000

Migrant Health Service

Ph: (08) 8237 3900

21 Market St, Adelaide, SA 5000 Australia

Migrant Women's Support Service

The office address of the Migrant Women's Support Service Inc. is confidential.

Mail can be posted to the following address:

M.W.S.S. PO Box 83, Welland, SA 5007

If you would like to visit the service, please call us to make an appointment.

Ph: (08) 8346 9417

Email: admin@mwss.org.au

Operating Hours are: 8.30am-5.30pm Monday-Friday

| | |
|--|----------------|
| | Personal notes |
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Feedback or lodging complaints

The Declaration of principles governing the treatment of victims of crime applies to all South Australian public agencies and officials.

If you feel that you have been treated appropriately or wish to make suggestions on how to improve the way victims are treated, your comments are welcome. Please direct your comments or suggestions as explained below.

As a victim of crime, you are entitled to complain if you believe that your rights have not been met and/or that you have been treated inappropriately. If you feel that your rights have not been recognised or have been given inadequate recognition there are a number of things you can do. These are explained below.

Police officers

You should contact the Victim Contact Officer or a supervising officer at your local police station. Telephone your local police station (see the White Pages).

If you are not satisfied with the response that you receive or you have more than a minor grievance you should contact either:

- The Commissioner of Police, GPO Box 1539 Adelaide SA 5001; or
- The Police Complaints Authority, GPO Box 464 Adelaide SA 5001. Phone (08) 8226 8677.

Your opinion is important to the South Australia Police. As part of the South Australia Police service excellence process you are invited to provide general feedback by visiting the South Australia Police website: www.police.sa.gov.au

The Health and Community Services Complaints Commissioner:

The Health and Community Services Complaints Commissioner helps people – service users, carers and service providers – resolve complaints about health and community services, including child protection services, when a direct approach to the service provider is either unreasonable, or has not succeeded.

- covers health and community services across the public, private and non-government sectors
- handles complaints confidentially and impartially monitors and reports complaint trends
- makes recommendations to improve safety and quality
- is an independent statutory officer
- operates a telephone enquiry service.

Monday to Thursday 10am to 4pm

Ph: (08) 8226 8666

toll free in regional South Australia 1800 232 007

Fax: (08) 8266 8620

Commissioner for Victims' Rights

The Commissioner is an independent statutory officer who helps victims in their dealings with the criminal justice system, public officials and public agencies; as well as consults public officials and public agencies on their treatment of victims. The Commissioner can recommend public officials and public agencies make a written apology if they have not treated victims properly. If you are unsure of your rights (see pages 52), you can contact the Commissioner for Victims' Rights.

- By telephone on 8204 9635
- In writing to GPO Box 464 Adelaide SA 5001
- By email voc@agd.sa.gov.au
- See also www.voc.sa.gov.au

Feedback or complaints about this information booklet

Your feedback is important to us as we seek to ensure that this booklet is a valuable and up to date resource for people who have experience sexual assault. If you would like to provide any feedback or lodge a complaint in relation to this booklet please contact:

The Commissioner for Victims Rights
GPO Box 464
ADELAIDE SA 5001
Ph: (08) 8204 9635
voc@agd.sa.gov.au



Government of South Australia
Commissioner for Victims' Rights

