



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

Inquiry into the Sexual Assault Reform  
Legislation Amendment Bill 2022

**Submission Number: 003**

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Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
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7 November 2022

Dear Justice and Community Safety Committee,

### **Inquiry into Sexual Assault Reform Legislation Amendment Bill 2022**

ACT Council of Social Service (ACTCOSS) appreciates the opportunity to provide a submission to the Inquiry into the Sexual Assault Reform Amendment Bill 2022. ACTCOSS's feedback on the legislation is largely consistent with input provided to the initial proposed amendments based on the Sexual Assault Prevention and Response (SAPR) committee's report '[Listen. Take action to prevent, believe and heal](#)'.

We are supportive of the efforts that the Bill makes to align the legislation with processes that are trauma-informed and victim-survivor centric. It is imperative that those who are most vulnerable to sexual violence – women, Aboriginal and/or Torres Strait Islander people, members of the LGBTQIA+ community, people with disabilities and people from culturally and linguistically diverse backgrounds – are prioritised and actively supported by the legislation. In order to establish culturally sensitive and targeted sexual violence response practices, these communities need to be actively involved in the consultation process for this legislation.

ACTCOSS encourages the ACT Government to pursue a greater investment into restorative justice processes and systems as a part of the current momentum surrounding reform of sexual violence responses. [Research on restorative justice in the Australian criminal justice system](#) suggests that a singular focus on criminalisation neglects significant objectives including victim-survivor satisfaction, offender responsibility for actions and compliance with sentence requirements.

Ensuring that victim-survivors are empowered with all options is an important step in cultivating a system that is trauma-informed and has capacity to hold perpetrators accountable and achieve behavioural change. Further, criminal responses that lead to increased incarceration may not always be appropriate for victim-survivors, or for perpetrators from vulnerable communities or who have themselves experienced significant trauma. We encourage the ACT Government to seriously consider how we can embed restorative justice practices into legislation and actions around family and sexual violence.

We are also concerned by provisions in the Bill that have the impact of widening the criminal justice net, given the likelihood of a disproportionate increase in the incarceration of marginalised communities. Ongoing unconscious bias and discrimination within the criminal legal system in Australia means that changes to legislation aimed at protecting victims can disproportionately impact perpetrators from marginalised backgrounds while other perpetrators continue to evade justice. We would strongly encourage the ACT Government to embed strong



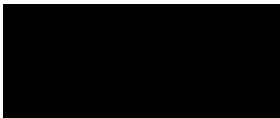
monitoring and evaluation of the impact of these legislative changes to ensure that the intended outcomes are being achieved.

Additionally, ACTCOSS is supportive of provisions within the Bill focused on the minimisation of re-traumatisation and counteracting exacerbation of stress for victim-survivors. The presumption of a closed courtroom whilst victim-survivors are giving evidence in a sexual assault or civil family violence proceeding is a positive step. This change needs to be coupled with an accessible and well-communicated mechanism for requesting a public hearing if it is a witness's preference in the interests of safety and justice.

ACTCOSS also supports the extension of the standing to apply for a Workplace Protection Order (WPO) to an individual or a trade union if done with the consent of, and in consultation with, the affected person. Likewise, there needs to be provisions necessitating consent of the affected person where an employer makes an application for a WPO. It is vital that victim-survivors are not denied autonomy over decisions that will impact their lives. Consent and autonomy must be centred in the legislation and its subsequent implementation to ensure a victim-survivor centric model.

The legislative reforms proposed by the Bill need to be coupled with operational safeguards to ensure that navigating the justice system does not deepen the trauma that victim-survivors experience. Further, we must make certain that this legislation does not result in perverse outcomes for people who experience disadvantage and are likely victims of trauma themselves. A just system requires that individuals and the community are provided options and outcomes that can offer safety, autonomy and support.

Yours sincerely



Dr Gemma Killen  
Head of Policy

