



**Submission prepared by Zig Zag Young Women's Resource Centre  
for the Parliamentary Inquiry on Strategies to Prevent and Reduce  
Criminal Activity in Queensland**

**July 2014**

Zig Zag Young Women's Resource Centre Inc welcomes the opportunity to provide a written submission to the Legal Affairs and Safety Committee for the Parliamentary Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland. We respectfully submit recommendations relating to specific areas of expertise based on our extensive knowledge and experience in providing sexual assault support and prevention services to young women who have been victims of violent crime, specifically sexual offences.

**Organisational Details**

Zig Zag Young Women's Resource Centre Inc. (hereafter referred to as 'Zig Zag') was established in 1988 to respond to specific identified needs of young women, namely sexual violence, accommodation, and the provision of a safe and confidential place for young women to obtain information, advice, and support. Zig Zag is an incorporated community managed organisation that currently receives funding from the Department of Communities, Child Safety and Disability Services (DCCSDS) and the Department of Housing and Public Works (DoH) to provide two programs to young women in the wider Brisbane region:

**1. *Sexual Assault Support and Prevention Program:***

This program provides direct support services to young women aged 12 years to 25 years who have experienced sexual assault at any time in their lives. Services include:

- Information, referral and advocacy;
- Individual counselling (including crisis support);
- Court support (limited availability as this is not directly funded);
- Therapeutic group work; and
- Community education to prevent and reduce sexual violence.

**2. *Supported Accommodation and Assistance Program:***

This program provides direct support services to young women aged 16 years to 25 years who are experiencing or at risk of experiencing homelessness. Services include:

- Information, referral and advocacy;
- Supported medium term accommodation; and
- Practical assistance to access emergency accommodation and long-term, secure, and affordable housing.

Zig Zag greatly values its joint service capacity to respond to the needs of young women survivors of sexual assault *and* young women who are experiencing or at risk of homelessness. Sexual violence within the home has been found to be a major cause of homelessness for young women. In fact, 50 - 90% of young women who are homeless are homeless due to sexual abuse. It must also be noted that a lack of secure housing will, quite obviously, place young women at a far greater risk of subsequent and repeated sexual assault. A survey of homeless young people in Sydney found that 76% of females reported having been sexually assaulted since becoming homeless.

## Submission Details

Zig Zag has significant experience in providing direct therapeutic support services to young women who have been victims of violent crime namely sexual offences against children, young women, and young adults under the age of 25 years. Zig Zag respectfully submits recommendations relating to the following specific aspects of the Parliamentary Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland (hereafter referred to as 'the Inquiry'):

1. Particular trends in relation to the reporting of sexual offences and the progress of complaints through the criminal justice system;
2. Experiences or observations of the Queensland criminal justice system, specifically the experiences from victims of sexual violence; and
3. Interactions with the Queensland Police Service on reporting sexual offences.

### **1. Particular trends in relation to the reporting of sexual offences and the progress of complaints through the criminal justice system**

It is important to acknowledge that sexual violence continues to be significantly underreported criminal offences in Australia, making it difficult to statistically measure the prevalence of sexual violence in the community. Data indicates that sexual violence is endemic with one in three young women experiencing some form of sexual violence before the age of 18 years. Sexual violence is a largely hidden crime that often occurs within the family and other private contexts. Sexual violence is primarily perpetrated by males who are known to the victim such as family members, partners, friends, colleagues, neighbours, and acquaintances. Evidence suggest that most victim/survivors of sexual violence do not report the crime to the police, and many do not access specialist support services available until weeks and/or years after the offences took place.

A disproportionately high incidence of sexual violence is perpetrated against young women. The Queensland Police Service and the Australian Bureau of Statistics have cited that between 66-71% of all recorded sexual assault crime statistics involve female victims under the age of 25 years. It is widely acknowledged that there are significant barriers for victim/survivors in disclosing and reporting experiences of sexual violence. A range of factors including age, cultural background, level of knowledge of services available, safety concerns, stigma, mistrust of the Police, and perceptions of the criminal justice system are observed as the primary deterrents for victims of sexual offences<sup>i</sup>.

It is of significant concern to Zig Zag that many reported crimes of sexual violence are not advancing through the criminal justice system and the attrition rate remains high for these types of offences. In the year 2012-13, the Office for the Director of Public Prosecutions (ODPP) observed a 23.2% decrease in adult sexual offences committed for trial, and a 44.3% reduction in child sexual offences being committed for trial in Queensland<sup>ii</sup>.

**Recommendation 1. Zig Zag recommends that the ODPP urgently review and examine the dramatic decrease in the number of adult and child sexual offences being committed to trial to determine the reasons for this high attrition rate.**

## **2. Experiences or observations of the Queensland criminal justice system, specifically the experiences from victims of sexual violence**

Zig Zag has provided substantial support, advocacy and assistance to young women victim/survivors of sexual violence who are involved in criminal justice proceedings as victims of crime. Some of the common concerns that we observe for victim/survivors of sexual violence include:

- Lack of communication with victims of crime throughout the criminal justice proceedings. Victim/survivors often report that they do not know what is happening with their complaint at each stage as it advances through Court, nor have they felt appropriately prepared by the ODPP in their role as a witness in the proceedings. Zig Zag has also observed that many victims of crime have not been appropriately advised of essential support services available including: specialist sexual assault support services, financial assistance / Victims Assist Queensland, Court support services, and the Victims Register.
- As a 'witness' in proceedings, victims of crime often report that they have limited control, choice, or active participation in criminal justice proceedings. This often negatively reiterates the dynamics of violence where victims have experienced a profound loss of control and power. Victims of crime do not currently have legal support and representation during criminal justice proceedings. In order to effectively minimise retraumatisation and improve justice responses to victims of crime a separate legal representative and advocate is recommended, and has been successfully introduced in Canada and Ireland<sup>iii</sup>. It is important that this role is independent of the ODPP.
- Court support is currently not available to all victim/survivors of sexual offences who are participating in criminal justice proceedings. Whilst there is limited funding for services to young women under the age of 18 years provided by Protect All Children Today (PACT), Zig Zag has identified significant barriers for young women aged 18 – 25 years in accessing appropriate Court Support from specialist sexual assault service providers as this is not currently funded.
- Limited knowledge, understanding and recognition of the impact of trauma as experienced by young women victim/survivors of sexual violence. Trauma informed practice is essential to ensure appropriate support is made available for victims of crime throughout criminal justice proceedings. There is substantial evidence relating to the experience of secondary victimisation and additional harm caused to victims of crime as a direct result of inappropriate service/system responses and practices. Such revictimisation is likely to exacerbate existing psychological distress and delay recovery from the initial trauma. It is important to note that not all victim/survivors have had a negative experience of the criminal justice system and there continues to be significant developments in different jurisdictions aimed at improving responses to victims of crime, recognising their justice needs, and ensuring best practice in identifying and responding to trauma. The use of specialised prosecution units and Courts to respond to sexual offences has been successfully introduced and operating in Victoria since 2007. An evaluation of this model has shown improved responses and outcomes for victim/survivors before and during court proceedings<sup>iv</sup>.

- Zig Zag remains concerned that the Courts frequently consider the nature of the sexual offences to be a strong indicator of the level of harm caused to the victim/survivor. This approach may unintentionally serve to trivialise or minimise the offence seriousness and/or harm caused to the victim/survivor. It is our professional opinion based on extensive experience in the provision of therapeutic trauma counselling with victims of child sexual abuse that the harm to the victim caused by such offences cannot be measured by the nature or range of the offending behaviour/s alone. For example, an instance of indecent treatment of a child where there was no physical contact *does not* indicate a low level of offence seriousness or minimal impact on the victim.
- Extensive time taken for matters to proceed through the criminal justice system, there is often lengthy delays and adjournments of court proceedings. At times this can be observed as deliberate defense tactics aimed at delaying trial proceedings. In some jurisdictions there has been success in implementing time restrictions and other processes in order to expedite court proceedings to address some of the needs of victims whilst balancing the due process rights of the accused<sup>v</sup>.
- A lack of transparency of decision making within the ODPP in relation to matters that do not proceed to trial. This has been previously identified and subject to review in Queensland<sup>vi</sup>. Victim/survivors often report a lack of understanding about why their complaint has not progressed. This lack of transparency in decision making unfortunately reinforces a common belief held by young women victim/survivors of sexual violence that “no-one believes them” [in relation to the offences] and /or “it is not worth reporting as nothing happens to the offender anyway” [no justice or perpetrator accountability and continuing sense of perpetrator impunity].

**Recommendation 2. Development of an information package that can be routinely provided to all victims of crime that includes information about essential support services available such as specialist sexual assault services, financial assistance / Victims Assist Queensland, Court support services, and the Victims Register.**

**Recommendation 3. Development of appropriate and safe mechanisms to facilitate greater participation and inclusion of the victim/survivor within criminal justice proceedings; with consideration for a separate legal representative and advocate to be made available to victims of crime in Queensland. It is essential that this role is independent of the ODPP.**

**Recommendation 4. Additional funding is made available to specialist sexual assault service providers to provide appropriate Court Support to victim/survivors of sexual offences that are involved in criminal justice proceedings.**

**Recommendation 5. Development of a Sexual Assault Education Framework in Queensland to ensure appropriate education is consistently provided to judges, magistrates and tribunal members on issues relating to sexual offences. Currently funded Sexual Assault Support and Prevention Services should inform the development of judicial education in Queensland as key experts in this specialist area.**

**Recommendation 6. Consideration for the development and trial of specialised prosecution units and Courts to respond to sexual offences in Queensland as successfully implemented in Victoria.**

**Recommendation 7. The Court formally recognises the gendered nature of sexual offences and adopts a gendered analysis as a best practice approach.**

**Recommendation 8. A trauma informed practice must also be formally adopted by all participants in the criminal justice system. Increased attention and consideration of the effects of trauma, harm and potential harm to the victim should be appropriately assessed by specialist sexual assault support services and communicated to the Court with recognition that individual victim responses and their justice needs may vary. Additionally, the nature of the sexual offences should not be used in isolation to determine the level of harm caused to the victim/survivors or potential harm to victims during proceedings.**

**Recommendation 9. Introduction of time restrictions and other processes in order to expedite court proceedings to address some of the needs of victims whilst balancing the due process rights of the accused**

**Recommendation 10. Recommendations outlined by the CMC in the 'Seeking Justice' Report are reviewed and fully implemented to ensure improved transparency and accountability of decision making within the ODPP in relation to all matters that do not proceed to trial.**

### **3. Interactions with the Queensland Police Service on reporting sexual offences**

Queensland has well developed interagency guidelines for responding to people who have experienced sexual assault<sup>vii</sup>. The Queensland Police Service (QPS) is also guided by an Operational Procedures Manual (OPM) which specifically outlines the manner in which sexual offences should be investigated. Zig Zag would like to address some of the continuing concerns observed at the initial stage of reporting sexual offences as experienced by victims of crime. As heretofore mentioned most victim/survivors of sexual violence do not report the crime/s to the police. For many who do choose to report the sexual offences we have observed systemic issues within the QPS that actively discourage victim/survivors from continuing with a formal complaint.

There are a number of professionals working within the Queensland Sexual Assault Network that have worked in the area for thirty or more years. Workers at Zig Zag have worked in the sector for close to twenty years. During this time, we have witnessed some important improvements in the response of QPS in dealing with sexual assault/abuse. It should be noted however that Zig Zag has noticed, very recently i.e. in the last 12 months, a significant increase in reports from young women who have had inappropriate responses from QPS when they have sought to make a complaint regarding their experiences of sexual assault/abuse. It is clear to us that these responses by officers of the QPS have not met the standards set out in the OPM or the fundamental principles of the *Criminal Offences Victim Act 1995*. Some of the common concerns that we observe for victim/survivors of sexual violence when approaching QPS in relation to sexual offences include:

- The OPM advises Police officers to treat every complaint as genuine and to ensure the provision of adequate information to the complainant about procedures in how to make a formal complaint. Victim/survivors of sexual violence frequently report that they have been actively discouraged by Police officers from proceeding with a formal complaint. Negative attitudinal responses by Police officers that minimise the crime and/or hold the victim at

fault or in some way contributing to the offence being committed against them have been frequently observed in cases of recent and historic sexual offences. Common misconceptions held by Police officers in relation to sexual offences include, instances where the victim was out at night, had been drinking alcohol prior to the offence, and/or where the offender was known to the victim, when there was no physical injuries sustained during the sexual assault, or no evidence of use of a weapon.

- Inadequacy of investigations at the initial stage have been observed where victims/survivors have not been advised by Police officers of the option to undertake a forensic examination, not has other forensic evidence been collected at the scene of the crime. Insufficient gathering of supporting evidence such as the refusal to contact potential witnesses has also been observed. Zig Zag is aware of one recent incident whereby QPS Detectives informed a young woman (victim of a very recent assault), that they had spoken to potential witnesses when they clearly had not done so.
- Limited information and support provided to victims/survivors in relation to options for specialist sexual assault counselling and support. Specialist sexual assault counselling soon after a sexual assault is known to decrease the long term impacts and also the likelihood of young women re-entering health care services for mental health related issues. Zig Zag acknowledges some improvements in this area since the introduction of SupportLink in Queensland.
- A lack of transparency of decision making within the QPS in relation to sexual assault complaints that do not proceed through to the taking of a formal statement from the victim, or to the undertaking of any initial investigation into the complaint, or to eventual prosecution.

Zig Zag has, in the last 3 – 4 months alone, supported four young women who have recently encountered what we see to be serious breaches of practice when they have approached QPS officers to make a formal complaint regarding their experiences of sexual assault/abuse. Unfortunately, because of the tight time frames for this submission and our own current workload issues, Zig Zag has been unable to attain consent from these young women to share the details of their experiences in this submission. We hope however, to be able to support one of these young women with a particularly troubling experience, to access a private sitting with this current enquiry.

**Recommendation 11. Training and compliance of Police officers with interagency guidelines, protocols and operational procedures in responding to sexual offences require attention and monitoring.**

**Recommendation 12. Specialised training packages on investigating sexual offences have been developed and should be a requisite for all new Police officers, and compulsory for Officers employed in the Sexual Crimes Investigation Unit (SCIU), Child Protection Investigation Units (CPIU) and Criminal Investigations Bureaus (CIB). Engaging specialist sexual assault services to deliver aspects of this training package is highly recommended as it has been demonstrably successful in promoting positive attitudinal and behavioural change in responding to victim/survivors of sexual violence.**

**Recommendation 13. Improved transparency and accountability of decision making within the QPS in relation to all matters that do not proceed to prosecution. An independent review of decisions should be considered.**

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<sup>i</sup> Lievore, D. (2003), *Non-Reporting and Hidden Recording of Sexual Assault: An International Literature Review*, Australian Institute of Criminology, Canberra, p8.

<sup>ii</sup> See Stewart, B. (2013) *Review of the Resourcing of the Office of the Director of Public Prosecutions*, Stewart Consulting Services, pp 22 – 24.

<sup>iii</sup> Daly, K. (2011), 'Conventional and Innovative Justice Responses to Sexual Violence', *ACSSA Issues*, No. 12, Australian Institute of Family Studies, Melbourne, pp. 16-17.

<sup>iv</sup> Daly, K. (2011), 'Conventional and Innovative Justice Responses to Sexual Violence', *ACSSA Issues*, No. 12, Australian Institute of Family Studies, Melbourne, pp. 13-14.

<sup>v</sup> See Bluett-Boyd, N. & Fileborn, B. (2014), 'Victim/Survivor-Focused Justice Responses and Reforms to Criminal Court Practice: Implementation, Current Practice and Future Directions', *Research Report No. 27*, Australian Institute of Family Studies, Melbourne, pp. 47-48.

<sup>vi</sup> Crime and Misconduct Commission. (2003), *Seeking Justice: An Inquiry into How Sexual Offences are Being Handled by the Queensland Criminal Justice System*, author, Brisbane.

<sup>vii</sup> Queensland Government (2014), *Response to Sexual Assault: Interagency Guidelines for Responding to People who have Experienced Sexual Assault*, author, Brisbane.