

Thursday, 6 March 2008

GOVERNMENT URGES UPPER HOUSE TO BACK RAPE REFORMS

Attorney-General Michael Atkinson and Minister for the Status of Women Jennifer Rankine today called on the Legislative Council to agree to sweeping reforms to rape and sexual assault laws in time for International Womens' Day on Saturday.

The laws, which more clearly define offences, give better protection for victims giving evidence and give a clear direction to the courts about what can be admitted as evidence, have already been passed by the House of Assembly.

Mr Atkinson says it would be fitting if South Australia is able to say on Saturday that we are again in the vanguard of reforms to these laws.

“South Australia has a long history of leading the country in social and legal reforms. Other jurisdictions are watching to see how these changes overturn what up until now have been unacceptably low conviction rates for rape and sexual assault in our courts,” Mr Atkinson says.

“With fewer than 20% of reported rapes resulting in convictions, we know change is badly needed.”

The two bills now before the Legislative Council, the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill 2007* and the *Evidence (Miscellaneous) Amendment Bill 2007*, include measures that:

- Require a person's agreement to sexual activity to be free and voluntary;
- State that consent to sexual activity should not be assumed merely because the alleged victim did not say or do anything to indicate she did not consent, did not protest or physically resist, was not physically injured by the activity, and had had consensual sex with the accused or anyone else before;
- Relate to offences of unlawful sexual intercourse; offences of persistent sexual abuse; incest laws; and offences with animals; and
- Make it an offence to force another person, against his or her will, to have sex with a person or animal.

“With these new laws will come a range of tough new penalties,” Mr Atkinson says.

Minister for the Status of Women Jennifer Rankine says the new laws will go towards ensuring that the criminal justice system is more sensitive to the needs of victims of rape and sexual assault.

“Judges, for example, will be prevented from giving what could be deemed as inappropriate warnings about the value of evidence regarding an alleged rape or sexual assault victim, just because of the time it took to make the complaint.”

“For many victims it takes time and enormous courage to bring a case to court. That should not be undermined by directions given by a judge to a jury about any delay,” Ms Rankine says.

“There will also be a requirement for the courts to give priority to allegations of sexual offences against children over all other cases unless there are exceptional circumstances.

“These are very vulnerable young victims. They should not suffer any further by having their ordeal prolonged by the criminal-justice system.

“We also want people who handle child sex offence allegations within the criminal justice system to be educated appropriately about the development, cognition and behaviour of children generally, but specifically those who’ve been sexually abused, to enable them to have a better understanding of what the victim may be going through.

“We will also require courts to make special arrangements for victims of rape and sexual assaults giving evidence, prevent the accused from personally cross-examining the alleged victim, and protect victims from improper, harassing or humiliating questioning.

“These are landmark reforms that broaden the law to cover a range of behaviours that now constitute an act of sexual assault.

“I hope they’ll assist the victims of these callous crimes and will also offer support and protect people giving evidence before a court, which can be a harrowing experience,” Ms Rankine says.