

Women's Safety and Justice Taskforce

Discussion Paper 2: Women and girls' experience of the criminal justice system - Proposed Focus Area

Department of Education response

Dear Justice McMurdo

Thank you to the Chair and members of the Women's Safety and Justice Taskforce for providing the Department of Education with the opportunity to consider *Discussion Paper 2: Women and girls' experience of the criminal justice system – Proposed Focus Area* and to respond to questions of relevance.

Part 1: Women and girls' experience of the criminal justice system – A focus on sexual offending against women

The Department of Education acknowledges and notes the data that confirms that women and girls are significantly overrepresented as victims of sexual offences. The department notes in your paper that in 2019-20 in Queensland:

- 85.4% of recorded victims of sexual assault comprised of women and girls
- 96.7% sexual assault offenders recorded by police were male
- 41.6% of all victims of sexual offences were female aged between 10 – 19 years.

The department also acknowledges that women, men and others from a range of diverse backgrounds may also experience multiple and overlapping forms of discrimination and disadvantage, which can result in a person being less likely to report victimisation, greater difficulty accessing support and reduced quality of support.

Taskforce Proposal: *That the Taskforce focus its examination on women and girls' experiences as victims of sexual offences in the criminal justice system.*

Discussion Question: Given rates of victimisation are highest for women and girls with respect to sexual offences, do you support the Taskforce focussing inquiries on sexual offending against women? If not, why not and what other types should the Taskforce focus on?

Department of Education response

The Department of Education supports the Taskforce's focus on sexual offences committed against women. The Department would advocate also for the incidence, barriers to reporting and impacts of sexual offences committed against girls aged between 10 and 19 to also be examined by the Taskforce, should time permit.

The department would also be interested in the Taskforce examining the differing experiences and additional impacts experienced by women and girls who are the victims of sexual violence who identify as Aboriginal and/or Torres Strait Islander, culturally and linguistically diverse, a person with a disability, a member of the LGBTIQ+ community and those living in rural and remote Queensland.

Theme 1: Community Understanding of sexual offending and barriers to reporting

The department acknowledges the role that education and schools play in helping to:

- shape the attitudes and behaviours of young people in relation to respect and gender equality
- positively influence family and school community attitudes in this respect.

Taskforce Proposal: *That the Taskforce consider the need for cultural and attitudinal change across all sectors of society to improve women and girls' experience of the criminal justice system, as victims of sexual offences.*

Department of Education response

The department supports the need to increase community understanding of sexual offending, barriers to reporting and actions to shape cultural change in all spheres of the Queensland community.

Key stakeholders that can exert positive influence include government, business, faith organisations, sporting organisations, the non-government/community sector, the media, workplaces, schools and educational institutions.

Broad primary prevention and educational campaigns to engage all Queenslanders and targeted campaigns to engage key cohorts within Queensland, including young people are also recommended.

Recent consultation undertaken by the Department of Education on opportunities to strengthen education on sexual consent and reporting of sexual assault support the need for broader community understanding of these concepts.

Taskforce Proposal: *That the Taskforce consider the existing mechanisms in Queensland to improve community understanding of these issues, including education and sexual consent in Queensland's schools and what can be done to change a culture amongst young people, where sexual violence against women and girls has become normalised.*

Department of Education response

The department supports the Taskforce's proposal that existing mechanisms in Queensland to improve community understanding of sexual violence be examined, including the important role that schools play, in consultation with parents, in shaping young people's views on healthy, safe relationships.

Parents play a significant role in shaping the attitudes and behaviours of young people in relation to relationships, including shaping young people's views on attitudes towards women and girls.

Queensland Health, community-based health services, youth and family services also contribute to positively shaping family and young people's attitudes regarding sexual health and relationships.

The views of specialist sexual assault services on mechanisms to improve community understanding on this issue would also be important to consider. In addition to supporting adult and young victims of sexual assault, a number of services provide proactive educational programs with young people.

Discussion Question: Given the relevance to offending behaviours as well as reporting, do you support the Taskforce examining community attitudes to sexually offending against women and girls?

Department of Education response

The Department of Education supports the Taskforce examining community attitudes to sexual violence against women and girls.

To prevent all forms of violence against women, including sexual violence, there's a need to challenge attitudes that support gender inequality, disrespect and tolerance of violence towards women and girls.

Identifying the most prevalent attitudes on this issue in Queensland, through tools such as the Queensland Social Survey and through consultation and/or focus groups would provide valuable information that could be used when developing primary prevention campaigns and initiatives.

Taskforce Proposal: *That the Taskforce examine and seek community input about what prevents women and girls from reporting sexual offences to police and what can be changed to improve rates of reporting.*

The department notes that:

- only 30% of people who experienced sexual assault in Australia in 2019-20, reported the most recent incident to police
- there are a range of reasons that victims don't report or delay reporting or disclosing sexual offences – fear of the perpetrator, fear of not being believed, shock, guilt, the rape myth acceptance - where victims do not recognise they have been assaulted or blame themselves
- culturally and linguistically diverse women, Aboriginal and Torres Strait Islander women, and women and girls with disability are faced with additional barriers to reporting.

Department of Education response

The department is supportive of the Taskforce examining barriers to disclosing and reporting sexual assault, including the barriers that prevent young people from reporting or disclosing sexual assault.

The department notes that the Taskforce would be interested in considering how mainstream services and staff, such as health practitioners, teachers, lawyers and colleagues could play a role in supporting victims of sexual assault.

In line with reporting obligations in legislation and departmental procedures, state school employees must immediately report suspected sexual abuse or likely sexual abuse of a student or child to the Queensland Police Service and in some circumstances to the Department of Children, Youth Justice and Multicultural Affairs (Child Safety).

The Department of Education's Student Protection procedure also requires that all employees and visitors to a state school or state delivered kindergarten must report suspicions of harm or risk of harm to a student or child, including allegations of sexual abuse or likely sexual abuse.

The department is currently consulting with stakeholders on actions to encourage greater help-seeking and reporting of sexual assault in young people, within a school context.

The department is interested in examining any information and actions that would improve the reporting of sexual offences in young people.

Discussion Question: Given under-reporting of sexual offences, do you support the Taskforce examining the barriers to reporting sexual offending against women and girls?

Department of Education response

The department supports any activities that would reduce barriers to reporting sexual assault, increase understanding of the reporting process and support victims of assault through this process, particularly as they impact on young people.

The department would also be interested in best-practice, trauma-informed approaches to responding to young people who disclose sexual assault.

Theme 2: Police response, investigation and charging of sexual offences

In Queensland an estimated 75% of sexual assaults are never reported to police.

In 2019-20, only 52.7% of sexual assault reported resulted in police action, such as arrest, caution or notice to appear.

The paper notes that community-based sexual violence support services:

- provide victims with immediate support following a sexual assault
- support victims to make an informed decision about reporting a matter to police, and
- may be able to provide court support, through the criminal justice process.

The Taskforce notes that consideration may be given to how effectively specialist sexual assault services integrate with mainstream services, such as health, schools, universities and workplaces.

The Taskforce note there may be capacity to examine specialist sexual assault services for identified, vulnerable cohorts.

Taskforce Proposal: That the Taskforce consider the role of the sexual violence support service system, the level of coordination and collaboration that occurs across the specialist service system and criminal justice system and if there are any opportunities for improvement.

Discussion Question: Given the role that specialist and mainstream services play, or could potentially play, in supporting victims and survivors of sexual violence offences, do you support the Taskforce examining the role and potential role of sexual violence and mainstream services?

Department of Education response

The Department of Education supports the Taskforce examining opportunities for specialist sexual violence services to be more closely linked with schools.

Department of Education staff, while trained to recognise indicators of harm, including all forms of sexual harm are not experts in sexual violence, counselling victims of sexual assault or providing advice on the criminal justice system as it relates to sexual offences.

The department acknowledges the value that specialist sexual assault services play, in providing expert, frontline advice and support on this issue.

Schools are well-placed to establish and maintain productive working relationships locally with sexual assault services and with organisations that proactively support young people and families to develop respectful relationships.

The department's whole-school approach to respectful relationships education encourages schools to partner with parents, community organisations and specialist domestic violence and sexual violence services.

In addition to complying with mandatory reporting requirements when sexual abuse or harm is suspected or disclosed, schools provide internal wrap-around support to students impacted by sexual violence, abuse and all forms of harm.

Referral information to specialist sexual violence services is provided to students and families who have experienced sexual assault.