

**SEXUAL ASSAULT SERVICE INC OPENING OF NEW PREMISES
REMARKS BY
HER EXCELLENCY PROFESSOR THE HONOURABLE KATE WARNER AC
GOVERNOR OF TASMANIA, MONDAY 22 OCTOBER 2018**

Good morning. As patron of SASS I am delighted to have been invited to open your new premises here in Tower Road.

I begin by paying my respects to the traditional and original owners of this land— the Mouheneener people. I acknowledge the contemporary Tasmanian Aboriginal community, who have survived invasion and dispossession, and continue to maintain their identity, culture and Indigenous rights.

It is not just because as Governor and your patron that I am pleased to be here to celebrate your new premises, it is because sexual assault law reform has been an issue that has been a concern of mine for almost 40 years.

In 1980, the Tasmanian Law Reform Commission, together with the Australian Institute of Criminology and the University of Tasmania, organized a 'National Rape Conference'. This conference was attended by judges, lawyers, police officers and feminist legal scholars. As a young casual lecturer in Criminology and Criminal Law, the papers at this conference were a revelation.

After the publication of the conference papers, the Commission engaged me to prepare a discussion paper with options for reform, not just of the substantive and evidentiary laws of rape and sexual assault but also of services for victims of sexual assault. It was an opportunity I embraced and I also worked on the final report for the Commission.

The TLRC's Final Report with Recommendations was published in December 1982. Meantime, I had done my first media interviews and television appearances on rape law reform. Two memories from those interviews stand out, one relating to my children's questions about rape and the other to my response to a question from the interviewer about the person I would choose as my companion on a desert island. At this

time, Justice Michael Kirby (later a judge of the High Court) was the inaugural Chair of the Australian Law Reform Commission (1975-1984).

Back to our final report. At this stage there was not even a hospital based dedicated sexual assault centre at the Royal Hobart Hospital, let alone an autonomous rape crisis centre. The Commission recommended both.

However, it was not until 1986 that, as a result of lobbying from SASS's founders, Terese Henning, Michelle Mosely, Christine Tilley and Jenny Wilson that funding was obtained for a sexual assault support service.

And it was not until 1987 that the first wave of sexual assault law reforms was passed: abolition of marital immunity, sexual offences were made gender neutral, changes to definition of consent, modernising the archaic language and reform of evidentiary laws.

My next direct involvement with sexual assault services was to accept, in about 1989, Vicki Pearce's request to chair a committee to negotiate clear protocols between the Hospital, Police and SASS.

Homosexual law reform took another decade after the 1987 reforms.

The next wave of sexual assault law reform occurred in 2004, when the Code was again amended to introduce an affirmative model of consent, so that absence of consent could be proved in cases where there was no positive indication of consent. Again these were reforms that I was involved in drafting and advocating.

And there have been more changes recommended by the Tasmanian Law Reform Institute since then: warnings in relation to delayed complaint (2006); tendency and coincidence evidence (2012); sexual offences against young persons (2012) and protecting anonymity of complainants in sexual offence cases (2013).

However, despite almost four decades of reform activity we still have the situation in which sexual assault remains a significant social problem including no signs of a decreasing incidence of sexual assault, improving but still low reporting rates and high attrition rates from reporting to conviction. In the latest ABS Crime Victimization Report, victimisation

rates for sexual assault have remained steady and less than 40% of incidents of sexual assault were reported to the police.¹

Reporting may be increasing but it continues to come at a huge cost to the victim. This was again brought home to me last week as I was reading the sentencing remarks for one of our cases in the National Jury Sentencing Study – the two defendants were convicted of ten counts of raping the 14-year-old complainant at the fourth trial. In the first trial there was a hung jury; at the second and third trials the juries were discharged (mistrials for some reason) and the defendants were finally convicted at the fourth trial – almost six years after the complaint.

With no apparent decrease in the rate of sexual assault (1 in 5 women have experienced this), a greater willingness to report, if not to the police, then at least to seek support for recent and historic cases of abuse, and still high attrition rates, the need for sexual assault services, has, if anything, increased.

In the last year, 2017-2018, SASS supported 938 clients (699 adults and 239 children); responded to 120 call-outs and attended 61 Forensic Medical Examinations. And SASS is not just about counselling and support. It also runs primary prevention training programs, contributed to State and National Policy consultations and made submissions to draft legislation and social policy.

The work of SASS is vital and it is so good to see that it is engaging in primary prevention work too. Years of law reform have not apparently had much effect in changing the social norms that underlie sexual violence and so it's good to see that we are looking beyond the criminal justice system to do this.

So it is with great pleasure that I come here to support the work of SASS and declare SASS's new premises open.

Thank you.

¹ Australian Bureau of Statistics, *Crime Victimisation Australia 2016-2017*, Cat No 4530.0, released 16 February 2018.