

Sexual Assault: The Law and Statistics



Sexual assault is a crime. It can happen to anyone and is never the fault of the victim.

The experience and impact of sexual assault is different for everyone but whatever the reaction, it is a normal response to an extreme emotional and physical violation.

The Law

Sexual assault is any unwanted sexual behaviour by one or a group of people, against another without their consent. Sexual assault is divided into two categories:

- **Sexual Assault:** touching or penetration of the vagina or anus with a penis, finger, tongue or any implement, or touching or penetration of the mouth by a penis or vagina.
- **Indecent Assault:** any other unwanted sexualised behaviour such as grabbing someone's breast or penis, exposing genitals, showing pornography to a person who is under 18 years.
- **Aggravated Sexual Assault:** indicates use of a weapon, force or threat. Sexual assault in company is known as gang rape.

Consent

In NSW consent must be given freely and voluntarily by a person who has the capacity to give that consent. This means that gaining consent by use of lies, trickery, manipulation or any other means other than by the person consenting of their own free will is not consent. A person is not considered to have the capacity to consent if they are unconscious, asleep, or have consumed drugs or alcohol to the extent that they are incapable of consenting. It is a crime to participate in any form of sexual activity with a person under 16 years old.

In Court the complainant and defendant may be cross examined. The defendant will be asked to show what steps were taken to ensure consent was given.

Incidences of Sexual Assault

- 1 in 5 women in Australia will experience sexual assault at some time in their life. ^(a)
- 70% of sexual assaults are committed by someone known to the victim. Most commonly the perpetrator is a family member, close family friend, or a person the victim goes to work or school with. Of the remaining 30% of sexual assaults most are committed by a person the victim meets in a social situation or goes out on a date with. ^(a)
- One percent of sexual assaults are committed by a stranger.
- For 1 in 10 adult women who are sexually assaulted the perpetrator will be their current or past intimate partner. This is the least likely form of sexual assault to be reported. ^(a)
- Young women experience sexual assault at higher rates than older women. ^(a)
- Less than 1 in 5 of those who experience sexual assault will report the crime to the Police. ^(a) In 2010 there were just over 9,500 reports of sexual and indecent assault made to NSW Police. ^(b)
- Sexual assault is never the fault of the victim. The victim's actions, clothing or lifestyle is never an acceptable excuse for the assault.

(a) Australian Bureau of Statistics. Personal Safety Survey. 2005

(b) NSW Bureau of Crime Statistics

