

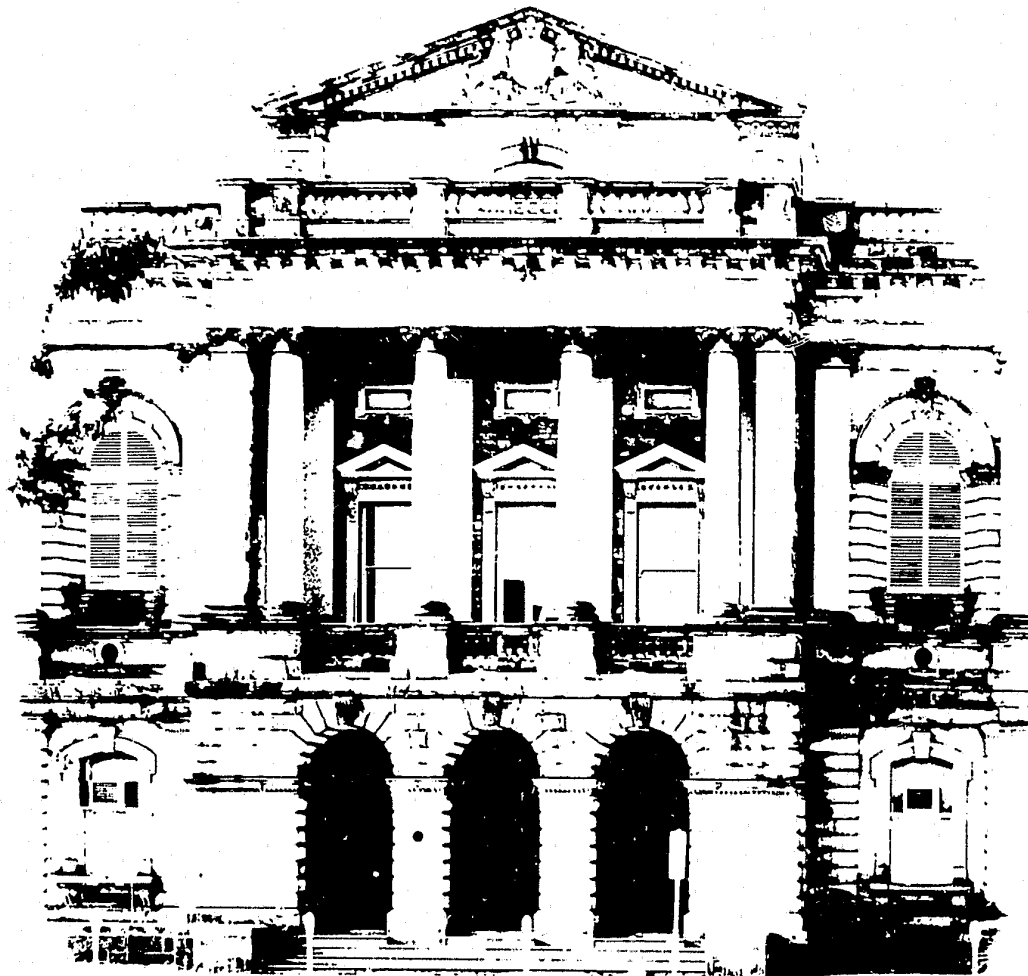
1

Research  
Report

91217

Department  
of the  
Attorney  
General

# Sexual Assault in South Australia



OFFICE OF CRIME STATISTICS

Research Report  
No. 1  
July 1983

## Sexual Assault in South Australia

U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

South Australian Office of Crime  
Statistics/Attorney-General's Dept.

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Attorney-General's Department  
Office of Crime Statistics

Adam Sutton—Director  
Nick Koschnitsky—Statistician  
Barry Joyce—Clerical Officer  
Lesley Giles—Clerical Officer

## CONTENTS

	<u>Page</u>
SUMMARY	i
PREFACE	iii
INTRODUCTION	
Law and Administration Concerning Sexual Assault in South Australia	
The Law	3
Administrative Procedures	
. Mixed Police Patrols	7
. Specialised Rape Enquiry Unit	7
. Adelaide Rape Crisis Centre	7
. Crisis Care Unit in the Department for Community Welfare	7
. Child Protection Team and the Drop-In Centre at the Adelaide Children's Hospital	7
. Sexual Assault Referral Centre at the Queen Elizabeth Hospital	8
. Child Protection Panels	8
ALLEGED SEX OFFENDERS APPREHENDED IN SOUTH AUSTRALIA DURING 1980 and 1981	
Overview - Identifying the Problem	10
Group Offenders	19
Lone Offenders	26
Assaults on Children	
. By Child Offenders	34
. By Offenders Closely Associated With Victim	35
. By Offenders Who Were Strangers or Mere Acquaintances	39
Sexual Harassers	45

	<u>Page</u>
DISCUSSION	48
Treatment of Offenders	49
Sexual Assault Within the Family	49
Effectiveness of Legal Amendments	51
Further Changes to Law?	54
Compensation for Victims	58
APPENDICES	
REFERENCES	73

## SUMMARY

1. In recent decades, most Western countries have seen considerable controversy about the nature, causes and extent of sexual assault, and the capacity of criminal justice and other agencies to ensure both that those responsible are punished and that additional trauma for the victim is kept to a minimum. This report is a contribution to the debate from a South Australian perspective. Using statistics from Police Department records, it examines the backgrounds and characteristics of 450 alleged offenders apprehended during 1980 and 1981, and measures success-rates in prosecutions. Trial outcomes and procedures also are discussed, and amounts awarded to victims under criminal injuries compensation schemes reviewed.

2. From an initial overview of the alleged offenders, it became clear that the term "sexual assault" encompassed a much wider range of individuals and incidents than media discussions may suggest. Although the overwhelming majority were male, and mainly from disadvantaged backgrounds (40% unemployed or pensioners), ages ranged from nine to seventy-seven. Just under half of those arrested faced charges of indecent assault, forty percent rape, and the remainder were accused of offences ranging from attempted murder to acts of indecency. Similar diversity was found among the victims, with one in seven being a male, and almost half being under fifteen. Finally, the figures helped dispel the stereotype that sexual assaults are perpetrated only by strangers. Although forty percent of alleged assailants had been unknown to the victim and twenty-seven percent were acquaintances, three out of ten were relatives, close friends or neighbours.

3. In view of this range of offenders and victims disclosed, data were further divided into four categories: group offenders (17%); lone offenders (31%); offenders against children (45%) and individuals accused of sexual harassment (7%). Strong contrasts emerged - not merely in the nature and circumstances of each type of offence, but in the likelihood that those arrested would be found, or plead, guilty.

4. Group offenders - persons accused of taking part in serious pair or group attacks on adult victims - were involved in the most violent and brutal incidents. Generally, the data provided strong support for researchers who have argued that the primary motivation for this type of offence is not sexual gratification but to degrade the victim. Although few alleged group offenders made admissions to police, more than six out of ten eventually were found guilty. The penalty most often imposed was a gaol sentence - terms ranging from two months to ten years.

5. Lone offenders - persons accused of unaccompanied assaults on adults - were less often found guilty, and one of the most important factors in determining whether a prosecution would succeed was the initial association between alleged attacker and victim. Of the offenders alleged to have forced their way into the victim's company - for example by breaking into a house, or attacking someone in the street - seven out of ten were convicted. This was more than twice the rate of pleas, or findings, of guilty in cases where the victim initially had consented to be with the offender.

6. The largest category of offenders comprised those accused of sexual assaults on children. Two hundred and four individuals were arrested, in relation to incidents involving two hundred and twenty children. Just under ten percent of these suspects themselves were under fifteen. The remainder were adults - either relatives, neighbours or close friends (44%) or strangers/mere acquaintances (39%). Overseas research has suggested that adults responsible for sexual offences against children in family or other close relationships are individuals with low self-esteem and a limited capacity for normal social interaction, while strangers who molest children may be involved in "career paths" of escalating violence. Current data were only partly consistent with these views. The socially disadvantaged were overrepresented among those arrested for incest and similar offences, but there was no evidence that the majority of the "stranger" group posed a threat of physical injury, or that they had been involved in offences of increasing gravity. Regardless of degrees of force used, however, it does seem that sexual and other abuse of children can pose a threat of long-term psychological trauma. In view of the high percentages of alleged child-molesters making outright admissions or pleading guilty, it is essential that South Australia's correctional systems develop more adequate programs for their treatment.

7. The final category - sexual harassers - involved thirty-two individuals arrested for incidents such as an assault by an employer on an employee, customers molesting staff in a large retail store, and attacks by youths on women in public streets, shopping-centres and car-parks. Half these offenders had prior convictions, but only one had been guilty of a sex offence. In terms of final outcomes, it was significant that juveniles were far more likely to plead, or be found, guilty. Every person aged less than 18 who was arrested for sexual harassment received some formal penalty from a court or aid-panel, but only three out of sixteen adults were convicted.

8. The low rate of convictions for adults on 'minor' charges, and the relatively infrequent findings of guilty for lone attacks where consent could be raised as an issue, suggested that there may be room for legislative change - for example introduction of a series of offences, with penalties graded according to the degree of violence and the nature of the sexual act. Other potential areas for reform include cross-examination rules, and the requirement on judges to issue special warnings on corroboration. The report also reviews compensation for victims, and suggests that the existing system may have deficiencies. Finally, the research has helped highlight the critical role played by such agencies as the Sexual Assault Referral Centre, the Rape Enquiry Unit, Rape Crisis Centres and Child Protection Panels in detecting sexual assault and helping reduce short-and long-term trauma to victims. As awareness and visibility of these offences grows, it is essential that such organisations continue to be allocated the resources they need.

## PREFACE

This report, on sexual assault offenders in South Australia, is the third in a series of special projects undertaken by the Office of Crime Statistics. Like its predecessors, on robbery and homicide and serious assault, the study is intended to enhance public awareness about the nature and circumstances of serious crime, and of ways the Criminal Justice System deals with persons apprehended. Possible improvements to legal and other administrative procedures have been canvassed, but it should be emphasised that views expressed do not necessarily reflect policies of the South Australian Government or the Attorney-General's Department. Our main purpose is to provide a research basis for informed discussion and policy-formulation.

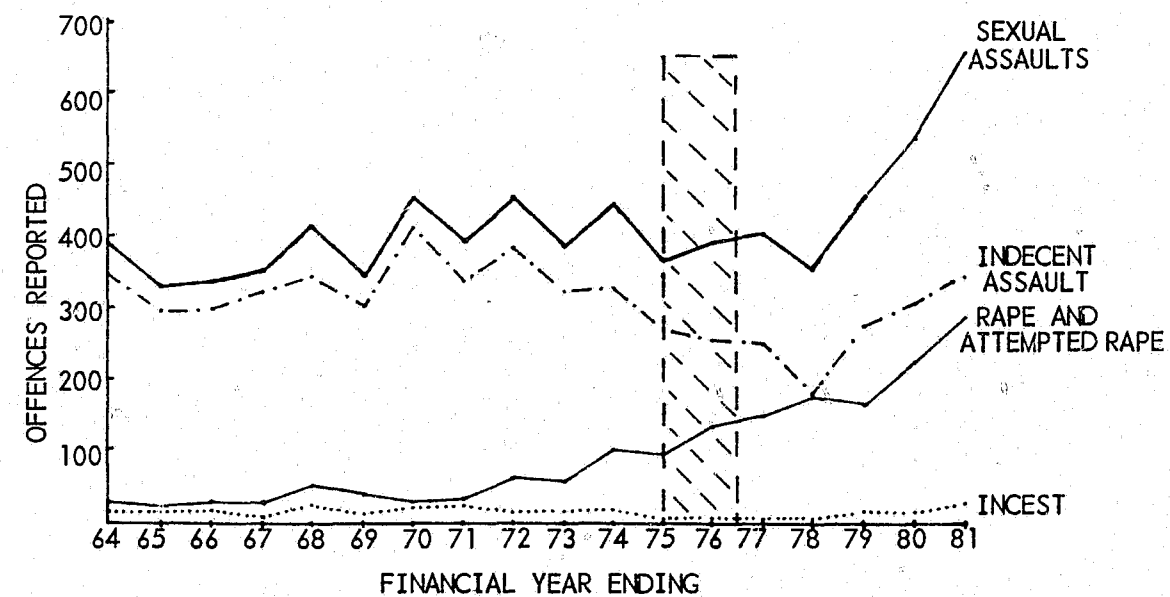
In compiling the statistics, the Office received generous assistance from the South Australian Police Department. Particular thanks are due to Fred Richardson, Michael Keen and Carole Winter of Special Projects, and to Clara Szlabo who coded much of the data with help at various times from Maria Anaya, Jenny Budd and Lily Swann. We must also acknowledge informal advice and comment received from a number of other organisations concerned with the problem of sexual assault - in particular the Sexual Assault Referral Centre, the Adelaide Rape Crisis Centre, the Office of the Women's Advisor to the Premier, Child Protection Panels, the Child Protection Team at the Adelaide Childrens' Hospital and the Departments for Community, Welfare and Correctional Services. Without the background information which they and legal officers from the Attorney-General's Department provided, it would have been most difficult to interpret the information obtained.

As usual, the final task of analysing the data and preparing the report was a team effort by the Office, with all four members of staff making significant contributions.

## INTRODUCTION

Of all the issues in contemporary society, the incidence and effects of sexual assault must rank among those causing most concern. Undoubtedly, one of the major reasons is that most Western countries are experiencing rapid increases in cases reported to police. South Australia is no exception: rapes and indecent assaults becoming known to authorities seem to have increased significantly in the past few years. Even more importantly, and no doubt accounting for at least some of the change in statistics, however, victims and other members of society seem no longer prepared to remain silent. Not only are women and children more likely to report incidents, even when these have involved supposed friends or close relatives, but there has been increasing demand for changes in relevant law and administrative procedure.

FIGURE 1 Sexual Assault Offences Reported or Becoming Known to Police,  
Financial Years Ending 1964 to 1981



Note: Dotted band represents changes to laws regarding sexual offences in 1975 and 1976. (For details of offences included within 'rape' and 'indecent assault' in each year, refer to Appendix A, Table 3). In 1977, the Community Welfare Act was amended, to require relevant professionals to notify Child Protection Panels of possible child abuse. This may also have affected figures for subsequent years.

In South Australia, the most positive response to these pressures occurred during the decade of the 1970's. There was extensive reform to the legislation, and both the Police Department and some hospitals introduced major changes aimed at improving procedures for sexual assault victims. However, although this state was among the first in Australia to introduce such measures, which at the time caused widespread discussion and debate, there have been relatively few attempts to monitor their actual effects through empirical research. This report attempts to remedy the deficiency. Using data on all persons apprehended for alleged sexual assaults during the calendar years 1980 and 1981\*, it addresses such questions as:

- . who are the offenders, and are existing provisions for their punishment and/or treatment adequate?;
- . how many cases actually are prosecuted, and why do some charges drop out before or during the court stage?, and
- . can more be done to assist sexual assault victims?

It must be emphasised, however, that the study does not purport to provide a comprehensive picture of sexual assault in this state. Our major source of information has been Police Department records and innumerable studies have shown that only a small percentage - perhaps fewer than thirty percent - of sexual assaults ever come to the attention of law-enforcement agencies\*\*. From those cases, we have further selected the sub-sample of incidents which resulted in the apprehension of a suspect. The study, then, concentrates on one aspect of the problem of sexual assault - namely the community response to those cases which have been formally reported and resulted in an arrest or summons. Before examining the data, moreover, it is important briefly to document existing law and procedure, and to contrast South Australia's approach with other jurisdictions. Only then can the figures clarify whether the stated objectives of reformers have been achieved, and whether anomalies or apparent injustices still do exist.

\* See Appendix A for a list of offences included in the collection.

\*\* See, for example, Sparks *et al* (1977); Wilson (1978); Young (1983); Braithwaite and Biles (1980).

## Law and Administration Concerning Sexual Assault in South Australia

### A. The Law

South Australian legislation identifies four major types of sexual offences:

- . Rape - sexual intercourse with a person without consent;
- . Unlawful Sexual Intercourse - sexual intercourse with a mentally deficient person, or someone under the prescribed age of consent;
- . Indecent Assault - sexual molestation other than intercourse; and
- . Incest - sexual intercourse between people in proscribed relationships.

In addition, various Acts - for example the Police Offences Act, the Kidnapping Act - define associated offences such as performing an act of indecency and kidnapping with intent to have sexual intercourse. These categories exist in most countries which follow English legal tradition. During 1975 and 1976, however, South Australia introduced reforms which although not dismantling the common-law framework, modified it extensively.

The major changes concerned definition of offences and trial and committal procedures. The following issues were included:

#### . Types of non-consenting intercourse defined as rape

For centuries, rape has been viewed as "a heterosexual activity involving penetration of the female vagina by the male penis" (Sallmann and Chappell, 1982:50). In 1975, however, South Australian legislators effectively "de-sexed" this definition by also categorising forced anal intercourse with a man or woman as rape. A further amendment in 1976 resulted in non-consenting oral intercourse also being included. Previously these acts had been classified as indecent assaults.

#### . Categories of people who could be charged with rape

Ever since the 18th Century, judges in common-law jurisdictions have assumed that marriage denotes consent to sexual intercourse, and that therefore no husband could be guilty (as a principal\*), of raping his wife. In 1976, however, the South Australian Criminal Law and Penal Methods Review Committee (Mitchell Committee), which had

\* Husbands could, however, be guilty as accessories if they assisted another person in the rape.



been requested by the Attorney-General to examine this and other questions, recommended that where husband and wife had been living apart, protection of law should be lifted. The government of the day went further, and proposed to remove spouse immunity regardless of living arrangements. After widespread controversy and debate\* Parliament assented to a compromise, whereby husbands could be convicted of rape or indecent assault only if the offence had been accompanied by:

- (a) assault occasioning actual bodily harm or threat of such assault;
- (b) an act calculated seriously and substantially to humiliate, or threat of such an act; or
- (c) threat of the commission of a criminal act against any person.

At the same time, Parliament implemented a recommendation that there no longer be presumption that a person under 14 was incapable of rape.

Requirements on the alleged victim to attend the preliminary (committal) hearing

Prior to 1976, victims of alleged sexual assault could be cross-examined both at the preliminary hearing - held in a Court of Summary Jurisdiction to determine whether there was sufficient evidence to commit the defendant for trial - and at the trial itself. The Mitchell Committee recommended that a victim who had furnished a written statement accompanied by verified affidavit should no longer be required to attend preliminary hearings unless requested to do so by the presiding justice. Legislators adopted this recommendation, with minor amendments.

Introduction of evidence concerning the victim's prior sexual experience or morality

Many bitter criticisms of the criminal justice approach to sexual assault cases have concerned admission of evidence on, and defence cross-examination about, the alleged victim's prior sexual experience. In response to these comments, and after recommendations by the Mitchell Committee, Government introduced the Evidence Act Amendment Act of 1976. Its major objective was to protect complainants in sexual assault cases "from cross-examination about prior sexual experience (where) the topic of

\* See Sallmann and Chappell (1982)- Chapter 2.

cross-examination bears no direct relevance to any allegation that is at issue in the proceedings. The purpose of the cross-examination is merely to blacken the character of the prosecutrix and thereby to seek to prejudice the jury against her."\* The key clause is Section 34i(2), which provides that evidence concerning the sexual experience or morality of the alleged victim cannot be adduced unless by leave of the trial judge who must consider such evidence "directly relevant" and "justified by all the circumstances".

Other aspects of law which have been subject to amendment include newspaper rights to publish names of alleged offenders and victims and, most recently, the types of allegations that a defendant can make in an unsworn statement. Table 1 summarises current law and penalties.

TABLE 1 Sexual Offences in South Australia : The Law and Penalties as at 1 May, 1983

Classification	Offence	Maximum Penalty	Criminal Law Consolidation Act, Section
Rape	Vaginal, oral or anal intercourse with another person without their consent	Life Imprisonment	Section 48
Attempted Rape	Attempt at the above	Twelve Years Imprisonment	Section 270(A)
Indecent Assault	Indecent assault of person under the age of 12 years	Ten Years Imprisonment	Section 56
	Indecent assault of person aged 12 or over	Eight Years Imprisonment	Section 56
Unlawful Sexual Intercourse	Vaginal, oral or anal intercourse with a person under the age of 12 years	Life Imprisonment	Section 49(i)
	Attempt at the above	Twelve Years Imprisonment	Section 270(A)

\* Hansard, House of Assembly, October 19, 1976 Page 1614. (2nd Reading Speech) - also quoted in Eyre, 1981

Classification	Offence	Maximum Penalty	Criminal Law Consolidation Act, Section
Unlawful Sexual Intercourse (continued)	Vaginal, oral or anal intercourse with a person of or above the age of 12 and under 17	Seven Years Imprisonment	Section 49(3)
	Vaginal, oral or anal intercourse with a person under the age of 18 by a guardian or teacher	Seven Years Imprisonment	Section 49(5)
	Vaginal, oral or anal intercourse with a person deemed to be so mentally deficient as not to understand the nature or consequences of the act	Seven Years Imprisonment	Section 49(6)
	Attempt at the above	Four Years and Eight Months Imprisonment	Section 270(A)
Gross Indecency	Commission, incitement, procuring or being party to an act of gross indecency in the presence of a person under 16	Three Years Imprisonment (First Offence) Five Years Imprisonment (Second or Subsequent)	Section 58
Incest	Vaginal, oral or anal intercourse between persons related either as parent and child or brother and sister	Seven Years Imprisonment	Section 72

## B. Administrative Procedures

As with the legislation, South Australia was one of the first states to review procedures for handling victims of rape and other sexual assault. Over the past decade, Departments for Police, Health and Community Welfare all have introduced significant initiatives. Major changes include establishment of:

- Mixed (ie. male and female) police patrols  
Introduced in 1973.

### • A specialised Rape Enquiry Unit

Started in 1975 with a complement of four, the unit now comprises six female officers attached to the Major Crime Squad who conduct initial interviews with sexual assault victims, inform them of procedures to be followed during the enquiry, and accompany them throughout the investigation and subsequent court proceedings\*.

### • The Adelaide Rape Crisis Centre

Founded in 1976, this womens' collective - some members themselves former victims - provides short and longer term counselling and support for adults and children subjected to rape or other sexual abuse. The Centre also carries out research and disseminates information, with particular emphasis on the prevention of offences, and conducts classes in self-defence.

### • The Crisis Care Unit in the Department for Community Welfare

This unit was established in 1976 to provide an after hours intervention service throughout the Adelaide Metropolitan Area, for domestic crises such as parent/child conflict, sexual abuse and assault. After initial action by Crisis Care, cases generally are referred to Department for Community Welfare workers for longer-term follow up.

### • The Child Protection Team and the Drop-In Centre at Adelaide Childrens' Hospital

Appointed by the hospital administration in 1976, the Child Protection Team's function is to prevent, assess and treat child abuse of all types. Coordinated by a social worker - who also is available to the general community as consultant and educator - it contains representatives of the medical, social work, occupational therapy, psychology and physiotherapy departments and has a dietician and a speech therapist available for consultation.

\* For further details, see Sallmann and Chappell, 1982:85.



The Child Protection Team works closely with the Department for Community Welfare and Child Protection Panels (see below). The Drop-In Centre was initiated in 1978 to complement the work of the team, which had become increasingly aware of the relationships between child abuse and the lack of extended family support. Operating on an open-door basis, the centre uses a combination of community resources, self-help and professional expertise to impart basic information to those who use its facilities, and to enhance their general feeling of security. Visitors to the centre may participate in a variety of educational, craft and relaxation programs and receive information which may promote awareness of potentially abusive situations. Under Section 94 of the Community Welfare Act, the Children's Hospital and other hospitals in South Australia have the power to keep an abused child for up to four days.

The Sexual Assault Referral Centre at the Queen Elizabeth Hospital

Established in 1977 this is a specialised unit, headed by a medical practitioner and comprised both of a full-time social worker and a nurse-coordinator, which can call upon a panel of specially trained doctors of both sexes, and a consultant psychiatrist to provide a 24-hour emergency service for male and female victims of sexual assault or abuse of all ages. Facilities provided by the Referral Centre include medical treatment, collection of forensic evidence and routine follow-up on possible medical and emotional problems.

The Child Protection Panels of the Department for Community Welfare

Commenced in 1977, this program aims to protect children from physical or sexual abuse. Legislation (Sections 86-94 of the Community Welfare Act) requires teachers, police, employees of child or community welfare agencies and other professionals to notify the Community Welfare Department of cases of child maltreatment. Each case is immediately investigated by a welfare worker and reported to a Child Protection Panel comprised of a senior Department for Community Welfare officer, professional and community representatives. Within 28 days the panels will review, and if appropriate endorse, a program for intervention by the welfare worker.

As the preceding brief history shows, the decade of the 70's saw a wide range of legislative, other government and community measures aimed at detecting and preventing sexual assault, punishing and treating those responsible, and

alleviating subsequent trauma for victims. Achievements indeed have been significant. Before becoming complacent, however, it is important to remember that it is now almost a decade since some initiatives were introduced, and that in some respects this state could no longer be described as the innovator. Both in Australia and overseas, for example, some legislators have rejected common-law - which still forms the basis of the South Australian approach - in favour of a separate Act which identifies a graded series of offences and penalties. Only this approach, it has been argued\* can effectively ensure that attention is properly focussed on the actions of the alleged offender, rather than on the victim, and avoid the difficulty of persons accused being unwilling to plead guilty, and juries being reluctant to convict, on rape charges because of the severity of the penalty. Another legal tradition which South Australia has retained, but which has incurred adverse comment, is the requirement that judges in sexual assault trials, or trials involving child complainants, give a special warning to the jury about the dangers of accepting uncorroborated evidence. Such provisions are based on an assumption that it is relatively easy to make unfounded accusations concerning sexual assault, and that children may be more liable to distort the truth. Little scientific evidence has been adduced for either view, and a number of commentators have argued that 'special cautions' may confuse or unfairly bias the jury against the prosecution. (For discussion see Young, 1983: 137-144; Miller, 1982). Finally, not even administrative measures are beyond criticism. Although the quality of services provided undoubtedly is high, there must be doubts about its quantity and geographical distribution. Facilities such as the Sexual Assault Referral Centre, the Rape Crisis Centre and the Rape Enquiry Unit all are centred in Adelaide\*\*, even though police statistics suggest that sexual offences occur throughout the state.

In reviewing data on sexual assault, then, it is important to avoid being self-congratulatory. Sexual assault is a massive social problem. There is still a great deal to be done.

\* See G.D. Woods, 1981.

\*\* Note, however, that in November 1982 a Rape Crisis Centre also commenced operations in the Northern Districts.

# ALLEGED SEX OFFENDERS APPREHENDED IN SOUTH AUSTRALIA, 1980 and 1981

## A. Overview - Identifying the Problem

During the calendar years 1980 and 1981, a total of 450 individuals were arrested in connection with alleged sexual assaults in South Australia. Of these, only eight were women, of whom three were accomplices to male offenders. Major charges levelled were indecent assault on a person aged 16 or less (158 cases, 35.1%); rape of a person aged 17 or over (110 cases, 26.4%); indecent assault of a person 17 or over (64 cases, 14.2%) and incest (17 cases, 3.8%) - for full details see Table 1, Appendix A.

Ages of the alleged offenders ranged from 9 to 77, with the average (mean) being 28 years.

TABLE 2 Age and Sex; Persons Apprehended for Alleged Sexual Assault 1980 and 1981

Age	Male	Female	TOTAL	
			Number	Percentage
Under 14	29	1	30	6.7
14-17	81	1	82	18.2
18-19	42	-	42	9.3
20-24	60	3	63	14.0
25-34	104	2	106	23.6
35-44	63	-	63	14.0
45-59	51	-	51	11.3
60 Plus	12	1	13	2.9
TOTAL	442	8	450	100.0

The employment status, occupations and racial backgrounds of those apprehended all tended to suggest that, like most other individuals charged with or convicted of criminal offences, sexual offenders were predominantly from socially disadvantaged backgrounds. More than forty percent were

unemployed or on pensions, and of those who did have jobs, the vast majority were in unskilled work.

As might be expected with a relatively young population, a significant proportion were students. Persons from aboriginal backgrounds (35 cases, 8%) were overrepresented in comparison with the general population, but under-represented when contrasted with numbers appearing in court for other offences.

TABLE 3 Employment Status and Occupations of Persons Apprehended for Sexual Assault, 1980 and 1981

Employment Status	Number	Percentage
Unemployed	154	34.2
Pensioner	29	6.4
Student	64	14.2
Professional	24	5.3
Skilled Trade	63	14.0
Labourer	109	24.2
Not Stated/Not Known	7	1.6
TOTAL	450	100.0

A significant proportion - about two-thirds - of those arrested already had some prior record, and almost one in four had been in prison. However, convictions for offences against the person, property or 'other' offences were far more common than for sexual offences.

TABLE 4 Prior Convictions and Imprisonment; Persons  
Apprehended for Alleged Sexual Assault, 1980 and 1981

Previous Convictions	Number	% of all Offenders
No Previous Convictions	159	35.3
Previous Sexual Offences	78	17.3
Previous Offences Against the Person	119	26.4
Previous Property Offences	215	47.8
Other Previous Convictions	222	49.3

TABLE 5 Previous Imprisonment; Persons Apprehended for  
Alleged Sexual Assault, 1980 and 1981

Previous Imprisonment	Number	% of all Offenders
Never Imprisoned	350	77.8
Imprisoned - Sexual Offences	24	5.3
- Offences Against the Person	30	6.7
- Property Offences	62	13.8
- Other Offences	47	10.4

For each of the 450 alleged offenders apprehended during the two years under study, details on victims also were collected. In total there were 457; the majority being the sole victim of a lone offender.

TABLE 6 Number and Type of Victims; Persons Apprehended  
for Alleged Sexual Assault, 1980 and 1981

Type of Victim & Offender	Number	% of all Victims
Sole Victim of a Group of Offenders	56	12.3
Sole Victim of a Lone Offender	307	67.2
One of Multiple Victims of a Lone Offender	94	20.6
TOTAL	457	100.0

Although media accounts may give the impression that victims of sexual assault almost invariably are young adult females, the current data indicate a wider range. Almost half of the victims actually were children (ie. aged fourteen or under) and of these twenty-three percent were males. As was the case with the alleged offenders, socio-economic backgrounds of victims suggested that some segments of society are far more "at risk" than others: one in ten was unemployed, and forty-eight percent were students. Occupational categories such as "professional" accounted for less than four percent.

TABLE 7 Age and Sex of Alleged Victims

Age of Victim	Male	Female	TOTAL	
			Number	Percentage
Under 6	10	18	28	6.1
6-11	29	77	106	23.2
12-14	8	64	72	15.8
15-16	14	51	65	14.2
17-20	-	63	63	13.8
21-25	-	43	43	9.4
26-30	-	27	27	5.9
31-40	-	15	15	3.3
41-49	1	4	5	1.1
50-59	-	4	4	0.9
60 Plus	-	1	1	0.2
Unknown	1	27	28	6.1
TOTAL	63	394	457	
Percentage	13.9	86.1		100.0

TABLE 8 Occupation of Alleged Victims

Occupation of Victim	Number	Percentage
Unemployed	55	12.0
Pensioner	14	3.1
Housewife	20	4.4
Pre-School	21	4.6
Primary School	125	27.4
Secondary School	94	20.6
Professional	16	3.5
Skilled Trade	25	5.5
Unskilled Trade	33	7.2
Other	3	0.7
Unknown	51	11.2
TOTAL	457	100.0

Also of importance is the relationship between alleged assailant and victim at the time of the offence. Although a substantial proportion of those apprehended were classified as strangers, a significant minority (thirty-one percent) of alleged assaults were by relatives, neighbours or friends. Most victim surveys have suggested that the closer the relationship between offender and victim, the less likely a case is to be reported. Thus, the current data provide substantial grounds for believing that many victims are sexually assaulted by those who are well-known to them, and whom they have every reason to trust.

TABLE 9 Relationship Between Alleged Offender and Victim

Relationship	Number*	Percentage
Stranger	216	41.9
Mere Acquaintance	139	27.0
Husband - Separated	2	0.4
Ex-Husband	4	0.8
De-Facto	2	0.4
Boyfriend	4	0.8
Ex-Boyfriend	6	1.2
Father	28	5.4
Stepfather	21	4.1
Other Relative	24	4.7
Family Friend	30	5.8
Friend	9	1.7
Teacher	1	0.2
Flat Mate	5	1.0
Close Neighbour	13	2.5
Work Associate	11	2.1
TOTAL	515	100.0

\* Total relationships not equal to total offenders or total victims because one entry is recorded for each relationship between an offender and a victim. Thus there would be six entries for a group attack by six offenders against one victim, but three entries if a lone offender had attacked three victims.

Final points to emerge from an overview of the sexual assault data concern admissions made on apprehension and subsequent conviction rates. Legal debate, which has concentrated on ways a victim's credibility can be attacked during

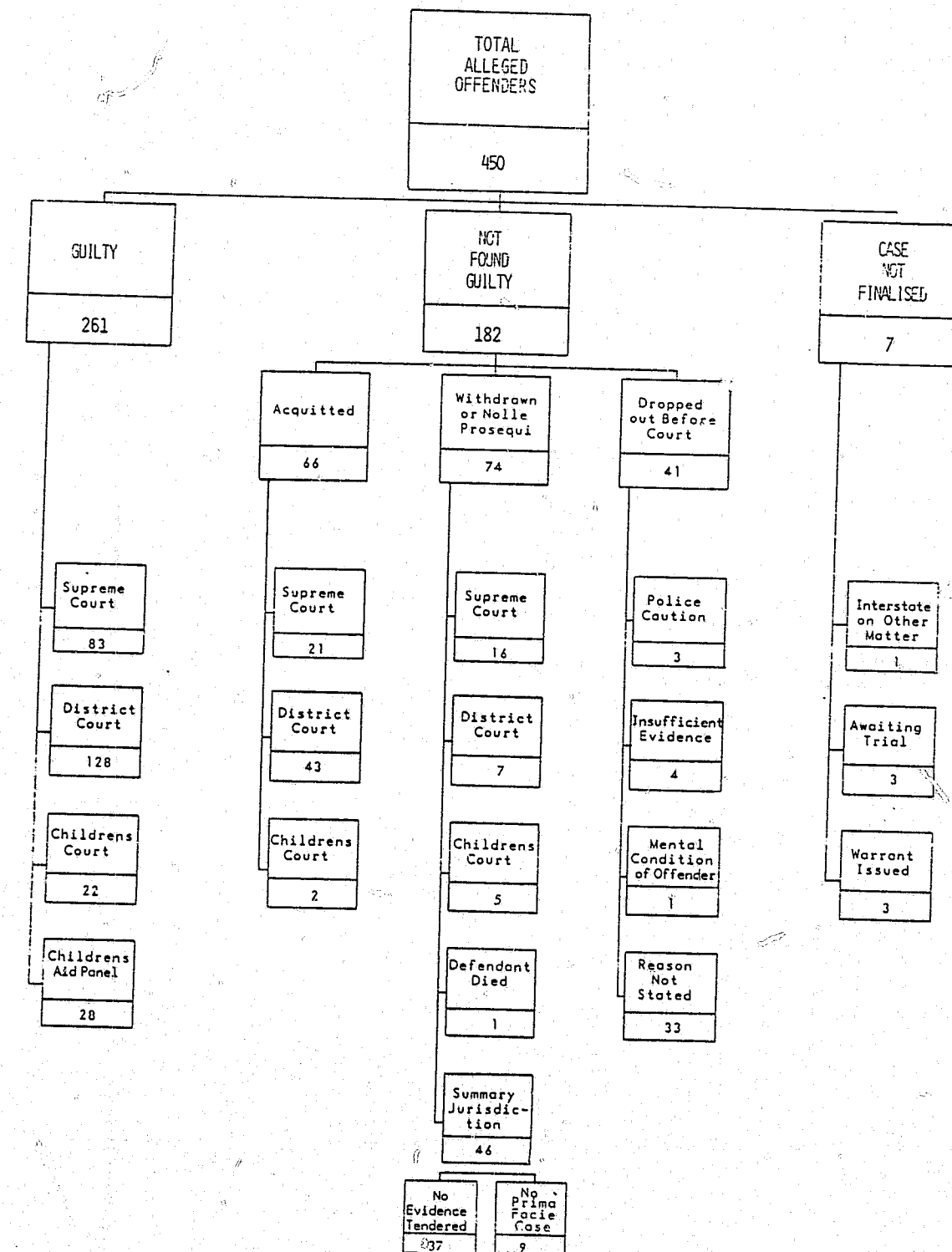
the criminal justice process, may seem to suggest that most people arrested for sexual offences contest the charges and that guilty pleas are infrequent. Police records, however, indicate that almost forty percent of alleged offenders made full admissions on arrest, and a further four percent made partial admissions. Less than one in five alleged that the victim had consented and of these seventy-seven cases, twenty-three involved children who, in any case, were below the legal age of consent.

TABLE 10 Admissions Made by Alleged Offenders on Arrest

Type of Admission	Number	Percentage
No Denial	174	38.7
Partial Admission	20	4.4
Consent Alleged	77	17.1
Alleged that Offence Never Occurred	116	25.8
Declined to Answer/Cannot Remember	37	8.2
Not Stated/Unknown	26	5.8
TOTAL	450	100.0

More than half (58%) the alleged offenders eventually were found guilty by a Higher Criminal Court, a Childrens Court or Childrens Aid Panel. A further 15% reached the stage of a final hearing, but were acquitted. One in four cases dropped out at earlier stages: 9.1% after apprehension but before any court hearings; 10.2% during committal proceedings; and 6.2% at the final court hearing stage.

FIGURE 2 Outcome of Charges; Persons Arrested for Alleged Sexual Assault 1980 and 1981



Of the offenders who were found guilty, four out of ten were committed to prison and a further one in five received a suspended term. Other penalties included fines, bonds, and counselling or warning by a childrens' aid panel.

FIGURE 3 Major Penalty for Persons Convicted of Sexual Assault Following Apprehension in 1980 and 1981

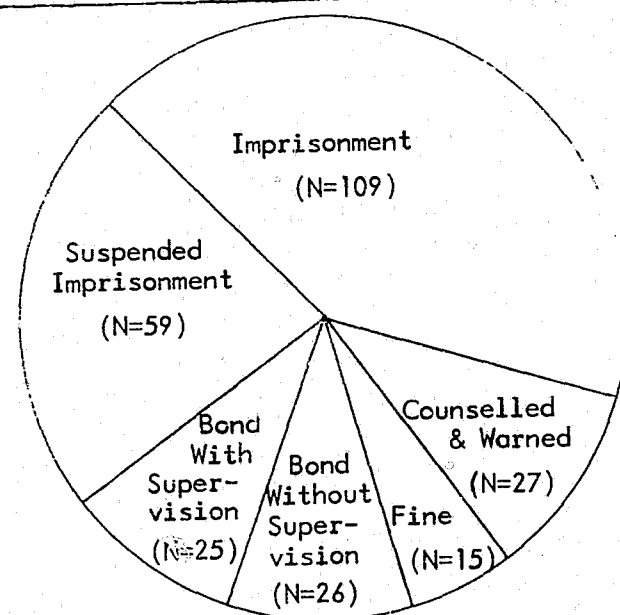
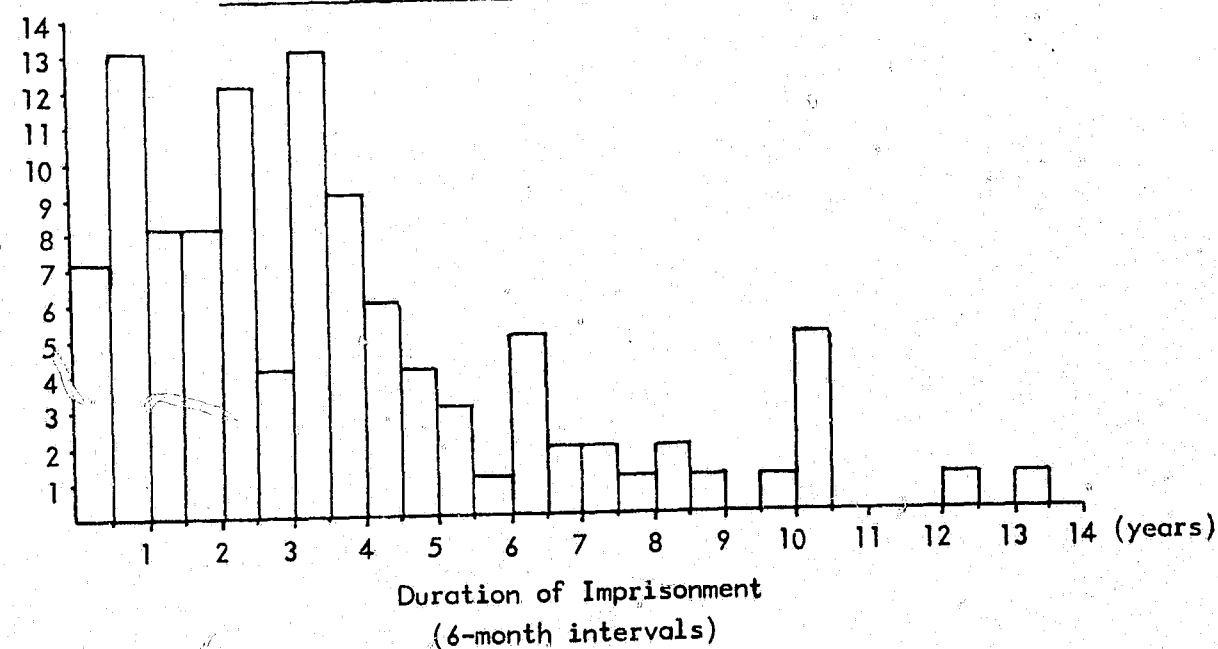


FIGURE 4 Duration of Imprisonment for Persons Convicted of Sexual Assault Following Apprehension in 1980 and 1981



In light of variations in the seriousness of charges levelled, this diversity of penalties is not unexpected. Nonetheless, it is a useful reminder that although discussion tends to concentrate on rape, the term "sexual assault" in fact encompasses a variety of incidents ranging from harassment to extremely brutal attacks. Before proceeding further, it was essential to divide alleged offenders into sub-groups, based on such criteria as the nature and circumstances of the incidents they had been involved in and the age of the victim. Once this had been achieved, the data provided far more useful perspectives both on offenders and broader legal and social issues.

Four categories were identified:

- group offenders : 76 cases - Individuals who allegedly had taken part in attacks with one or more co-offenders, where the victim was fifteen or older, and where at least one offender had attempted or intended intercourse or some serious sexual attack;
- lone offenders : 138 cases - These alleged offenders had been sole aggressors in alleged attacks on victims 15 or over, and had attempted or intended sexual intercourse or some other serious sexual attack;
- child assaulters or molesters : 204 cases - Anyone allegedly involved in an offence where the victim had been under 15 years of age, or who was the father, stepfather, or other older relative of a victim; and
- sexual harassers : 32 cases - Offenders who allegedly had touched or assaulted a victim in a sexual way, but who had not attempted or intended intercourse or other serious sexual attack.

#### Group Offenders

Whether measured in terms of the violence used, the extent of injuries, or the types of intercourse and other indignities to which victims were subjected, group offenders seemed clearly to have been involved in the most serious assaults. From Police Department records, it seemed that more than half of these attacks had involved a weapon, excessive violence or intentional physical injuries, and a much higher proportion of victims had been made to undergo multiple forms of intercourse.



Qualitative data from court-files also confirmed that these were often brutal incidents - strong support for researchers who have argued the most important motivation for the group offender is not sexual gratification but to humiliate and degrade the victim. It should be noted, however, that not all group offences were of the same extreme nature: generally, degrees of violence and brutality seemed to increase with the number of offenders. Some attacks involving only two co-offenders were characterised by minimal violence or indignities.

TABLE 11 Weapon and Violence Used by Alleged Group Offenders\*

Weapon and Violence Used	Group Offenders*		All Others	
	No.	%	No.	%
Weapon and Violence	19	24.7	20	4.7
Weapon - No Violence	2	2.6	11	2.6
Bound	4	5.2	21	5.0
Violence	18	23.4	55	13.0
Other	34	44.2	317	74.8
TOTAL	77	100.0	424	100.0

TABLE 12 Type of Intercourse by Alleged Group Offenders\*

Type of Intercourse	Group Offenders*		All Others	
	No.	%	No.	%
Vaginal Only	31	40.3	87	20.5
Oral Only	6	7.8	22	5.2
Anal Only	-	0.0	7	1.7
Multiple Intercourse	32	41.6	37	8.7
No Intercourse	8	10.4	271	63.9
TOTAL	77	100.0	424	100.0

\* Total in group offender column is one greater than persons apprehended because one individual allegedly was involved in two group attacks.

Further support for the view that group attacks are more likely to be violent emerges from data on prior criminal histories. Among those apprehended for sexual assaults, the alleged group offenders more often had previous convictions and had been imprisoned. Moreover, the record was far more likely to have included violent or property crimes than sexual offences.

TABLE 13 Prior Convictions of Alleged Group Offenders

Type of Previous Convictions	Prior Offences : Percentages of Totals	
	Group Offenders (N=76)	Others (N=360)
No Previous Convictions	26.3	35.6
Previous Sexual Offences	13.2	19.4
Previous Offences Against the Person	46.1	23.9
Previous Property Offences	64.5	45.8
Other Previous Offences	61.8	48.1

TABLE 14 Prior Imprisonment of Alleged Group Offenders

Type of Previous Imprisonment	Prior Imprisonment: Percentages of Totals	
	Group Offenders (N=76)	Others (N=360)
Never Imprisoned	65.8	79.2
Imprisonment		
- Sexual Offences	5.3	6.4
- Offences Against the Person	10.5	6.9
- Property Offences	23.7	12.5
- Other Offences	18.4	8.6

At an average age of twenty-one, offenders allegedly involved in group attacks generally were younger than other sex offenders (average age twenty-eight). A high proportion - almost sixty percent - were unemployed, and of those who had found work, eight out of ten were in the unskilled category: further support for researchers who argue that social factors - resentment at low status in society, a culture of violence, and a need to find scapegoats on which to vent frustrations - may be the most important factors behind many of these incidents. Police records also suggested that many victims were strangers or only casual acquaintances of the alleged offenders, and initial contact often occurred at discos, hotels or other public places, or when the victim accepted a lift. Not infrequently, attacks seem to have been carefully planned - for example one of the alleged offenders gained the confidence of the victim and took her to a location where the others were waiting.

TABLE 15 Relationship Between Victim and Offender;  
Alleged Group Offenders

Relationship	Number*	Percentage
Stranger	41	53.2
Mere Acquaintance	28	36.4
Boyfriend/Ex-Boyfriend	2	2.6
Relative	1	1.3
Family Friend	1	1.3
Flat Mate/Friend	2	2.6
Work Associate	2	2.6
TOTAL	77	100.0

\* See Note (page 20) for reason why total is one greater than total group offenders.

TABLE 16 Place of Initial Contact; Alleged Group Offenders

Place of Initial Contact	Number	Percentage
Victim's Place - Invited In	4	10.5
Mutual Home	1	2.6
Offender's Place	3	7.9
Outing by Victim & Offender	3	7.9
Shelter or Institution	2	5.3
Break Into Victim's Place	1	2.6
Hitchhiking	1	2.6
Accept Other Lift	9	23.7
Party, Disco, Hotel	10	26.3
Other Public Place	4	10.5
TOTAL	38	100.0

\* Table is based on group-attack incidents, not the number of alleged offenders or victims involved.

In light of these findings, it is not difficult to understand why crime prevention programs should put emphasis on ways women and young girls can reduce their vulnerability: not hitchhiking or accepting lifts, being wary of strangers, etc. There are at least two reasons, however, for being cautious about placing too great an emphasis on the role of the victim. First, official statistics almost certainly underrepresent the number of attacks involving friends, relatives or other apparently trustworthy individuals. Second, if researchers are correct in arguing that group offenders are acting out aggression and resentment on selected targets considered "less worthy" than themselves, campaigns which emphasise the "proper" ways women should behave may unintentionally help potential assailants to reinforce prejudices and even to rationalise antisocial behaviour.

Data on events subsequent to arrest indicated that compared to other categories, alleged group offenders were less likely to make full or partial admissions, and more likely to deny that the incident had occurred, allege that the victim had consented, or simply refuse to respond to questions.

Court files also gave the impression that these offenders less often expressed remorse, and maintained that victims had consented even when the nature of the case made this a most unreasonable belief. Despite this, alleged group offenders were more likely to be found guilty than "lone" offenders, and more than one in four alleged sex offenders who eventually were gaoled had been involved in pair or group attacks.

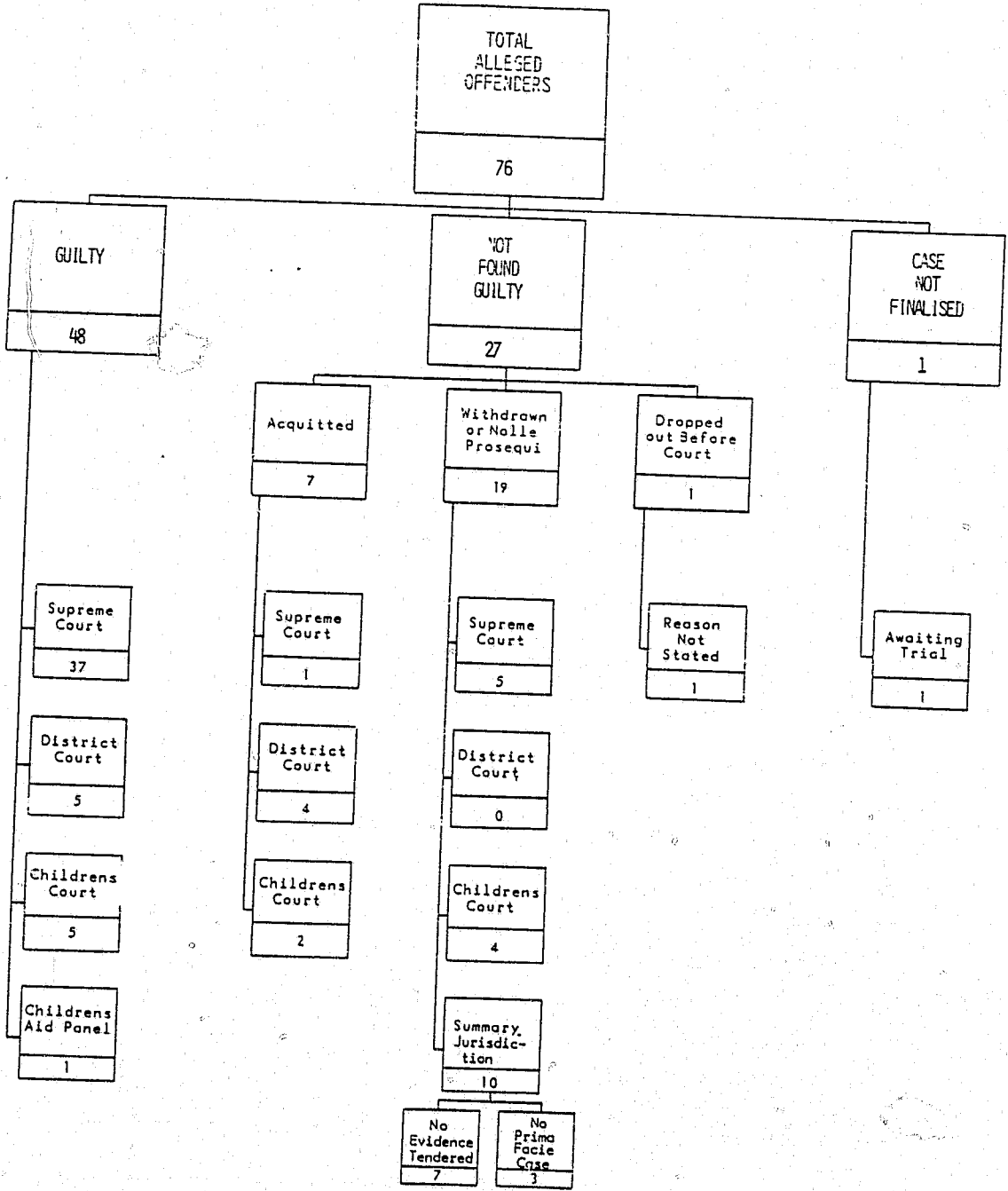
TABLE 17 Admissions Made to Police; Alleged Group Offenders

Admission on Arrest	Group Offenders		Other	
	No.	%	No.	%
No Denial	23	30.3	151	40.4
Partial Admission	1	1.3	19	5.1
Consent Alleged	12	15.8	65	17.4
Alleged that Offence Never Occurred	24	31.6	92	24.6
Decline to Answer/Cannot Remember	7	9.2	30	8.0
Not Stated/Unknown	9	11.8	17	4.5
TOTAL	76	100.0	374	100.0

TABLE 18 Penalties Imposed on Group Offenders Convicted

Penalties Imposed	Number	Percentage
Imprisonment - 10 years or more	2	4.2
- 5 to 10 years	5	10.4
- 2 to 5 years	20	41.7
- Less than 2 years	4	8.3
Imprisonment - Total	31	64.6
Suspended Imprisonment	7	14.6
Bond With Supervision	3	6.3
Bond Without Supervision	4	8.3
Fine	2	4.2
Counselled and Warned	1	2.1
TOTAL	48	100.0

FIGURE 5 Outcome of Charges, Alleged Group Offenders  
Apprehended in 1980 and 1981



### Lone Offenders

The stereotype of the lone offender is that these are predatory males who attack strangers. However, current data on those apprehended for unaccompanied sexual assaults on adults suggest that lone offenders are a far less homogeneous category than the popular image suggests. Persons arrested ranged in ages from under seventeen (ten percent) to over forty (fifteen percent). Although a minority - about four percent - were arrested for a series of attacks (one individual faced charges arising out of six separate incidents), most allegedly had been involved in only one assault. In about two thirds of cases, the main offence alleged was rape, the remaining offenders facing charges of indecent assault.

Characteristics of victims also showed considerable variety. Ages ranged from fifteen to eighty-eight and seven percent were males. In many cases, offender and victim first met at a party, disco or hotel (twenty percent) or some other public place (twelve percent), but for a significant proportion of victims and offenders, the initial contact had been at the home of the offender (eight percent) or the victim (thirty-five percent) - more than half of the latter being after a break-in. More than fifty percent of the 'lone' offenders were complete strangers to the alleged victims, and a further one in four was a "mere acquaintance". Again it should be emphasised that the number of offenders in other categories - friends, relatives, ex-husbands and so on - may well be understated.

TABLE 19 Relationship Between Alleged Offender and Victim; Lone Offenders\*

Victim-Offender Relationship	Number	Percentage
Stranger	77	51.3
Mere Acquaintance	37	24.7
Husband-Separated or Former	6	4.0
Defacto	1	0.7
Boyfriend/Ex Boyfriend	6	4.0
Father/Step-Father	3	2.0
Relative	3	2.0
Family Friend/Friend	5	3.3
Flat Mate/Close Neighbour	7	4.7
Work Associate	5	3.3
TOTAL	150	100.0

\* Table is based on victims, not offenders.

To further clarify the nature of incidents in which lone offenders allegedly had been involved, and to cast some light on relevant legal issues, this broad category was divided into two sub-groups: those whose first contact\* with the victim appeared to have been of a voluntary nature (eg. an outing together, victim accepted a lift) and those where the association was completely involuntary (eg. a break-in). As Tables 20 to 23 show, the "involuntary" group generally seemed to have been involved in more violent offences, and there was some tendency for them to have a more serious record of prior convictions.

TABLE 20 Violence and Weapons; Alleged Lone Offenders\*

Weapon/Violence	Involuntary	Voluntary	TOTAL
Weapon and Violence	13	3	16
Weapon - No Violence	5	1	6
Bound	4	7	11
Violence	11	11	22
Other	26	69	95
TOTAL	59	91	150

TABLE 21 Type of Intercourse; Alleged Lone Offenders\*\*

Type of Intercourse	Involuntary	Voluntary	TOTAL
Vaginal Only	24	40	64
Oral Only	5	6	11
Anal Only	1	1	2
Multiple Intercourse	7	10	17
No Intercourse	22	34	56
TOTAL	59	91	150

\*\* An entry appears for the type of weapon and intercourse between each alleged offender and the victim.

\* First contact does not refer to first 'life contact' but refers to the contact leading up to the sexual assault incident.

TABLE 22 Prior Convictions of Alleged Lone Offenders

Type of Previous Convictions	Percentages of Totals Involuntary (N=48)	Percentages of Totals Voluntary (N=90)
No Previous Convictions	16.7	22.2
Previous Sexual Offences	22.9	23.3
Previous Offences Against the Person	35.4	34.4
Previous Property Offences	68.8	53.3
Other Previous Offences	62.5	63.3

TABLE 23 Prior Imprisonment of Alleged Lone Offenders

Type of Previous Imprisonment	Prior Imprisonment Involuntary (N=48)	Percentages of Totals Voluntary (N=90)
Never Imprisoned	70.8	77.8
Imprisonment		
- Sexual Offences	8.3	3.3
- Offences Against the Person	6.3	7.8
- Property Offences	22.9	12.2
- Other Offences	16.7	8.9

Court papers also suggested that a significant proportion of the "sudden attack" group - younger, on average, than other lone offenders - were psychologically disturbed. Those whose initial contact with the victim had been voluntary seemed more likely to exhibit cultural problems: acceptance of violence as a normal mode of interaction, inability to perceive or accept lack of consent.

Compared with other types, the alleged lone offenders less often made admissions and were far more likely to contend that the victim had consented. This was particularly true for those whose initial contact had been on a voluntary basis.

TABLE 24 Admission Made to Police by Alleged Lone Offenders

Type of Admission on Arrest	Percentages of Totals		
	Lone Offenders		Other Offenders (N=296)
	Involuntary Association (N=48)	Voluntary Association (N=90)	
No Denial	41.7	17.8	44.6
Partial Admission	6.3	2.2	4.7
Consent Alleged	14.6	37.8	12.2
Alleged That Offence Never Occurred	27.1	25.6	25.3
Decline to Answer/ Cannot Remember	6.3	11.1	7.4
Not Stated/Unknown	4.1	5.6	5.7
TOTAL	100.0	100.0	100.0

Data on the final outcomes of cases, moreover, highlighted that despite legal reforms during the mid 1970's, consent still is a critical issue. About half the lone offenders were found guilty, but the likelihood of a conviction was far greater if the initial contact between alleged offender and victim had not been on a voluntary basis, and there was evidence of violence, weapons or injuries.

TABLE 25 Outcome of Charges : Alleged Lone Offenders Apprehended in 1980 and 1981\*

Outcome	Type of Association	
	Involuntary (N=48)	Voluntary (N=90)
Guilty	66.7	31.1
Acquitted	14.6	30.0
Withdrawn or Nolle Prosequi	14.6	21.1
Dropped out Before Court	2.1	14.4
Case Not Finalised	2.1	3.3

\* See Tables A6 and A7 (Appendix A) for complete breakdown of outcomes for 'lone offender' charges.

TABLE 26 Penalties Imposed for Those Convicted; Lone Offenders  
Involuntary and Voluntary Association With Victim

Penalties Imposed	Type of Association	
	Involuntary	Voluntary
Imprisonment - 10 years or more	4	-
- 5 to 10 years	6	-
- 2 to 5 years	7	5
- less than 2 years	6	3
Imprisonment - Total	23	8
Suspended Imprisonment	5	9
Bond With Supervision	1	3
Bond Without Supervision	1	3
Fine	1	4
Counselled and Warned	1	1
TOTAL	32	28

For all lone offenders, moreover, chances of admissions and of a subsequent conviction were improved, if the major charge was indecent assault rather than rape (see Tables A2 & A3 Appendix A).

In light of the controversy which surrounded the removal of spouse-immunity, the research gave special attention to the outcomes of arrests where partners or ex-partners were accused. In all, two husbands - both living apart from their wives at the time of the alleged incident - were apprehended. One was accused of breaking into his wife's home, and both were alleged to have used violence. Neither was found guilty, although one case went to trial. The four former husbands and two former defacto's apprehended during 1980 and 1981 also had their cases dismissed or were acquitted. In fact, the entire history of the "rape in marriage" legislation, since its introduction in 1976, shows that only one husband has ever been found guilty of raping his wife.

#### Assaults on Children

In reviewing the data on alleged offenders against children, one of the most striking points is the sheer number: 204 cases or more than four out of ten potential sex offenders apprehended. These individuals had allegedly assaulted a total of two hundred and twenty children, whose ages ranged from two to sixteen and of whom one in five was a male.

There are good reasons, however, for believing that even these statistics may significantly under-represent the real extent of this problem. Children are particularly powerless members of society. When assaulted by older relatives or family friends, they can easily be intimidated into remaining silent. Even when the offender was unknown to the victim, children may be reluctant to report the incident because of fears of chastisement for "talking to strangers", or parents may be unwilling to press charges for fear of further trauma. Data on cases reported to Department for Community Welfare Child Protection Panels also would seem to suggest that not every notification of possible child sexual abuse results in an arrest\*.

Although it is often assumed that sexual molestation of children is by adult strangers, the current data indicate a far wider range of offenders and circumstances. Just over half (54.7%) of the victims of alleged child abuse offenders had been assaulted by strangers or mere acquaintances, but the remaining assailants were relatives, neighbours, friends or other close associates. Moreover, the ages of those apprehended ranged from very young - eleven percent under fourteen - to the late seventies.

In light of these figures, it was clear that further distinctions needed to be made. Three major sub-groups were identified: offenders who were themselves children (that is under 15); adult offenders who were relatives or otherwise closely associated with at least one of the victims; and adult offenders who were strangers or mere acquaintances.

\* See Department for Community Welfare Working Party on Child Sexual Abuse (1983). Department for Community Welfare, Annual Report for Year Ended 30 June, 1982.



TABLE 27 Alleged Child Abuse Offenders Apprehended During 1980 and 1981; Type of Offence and Number of Victims

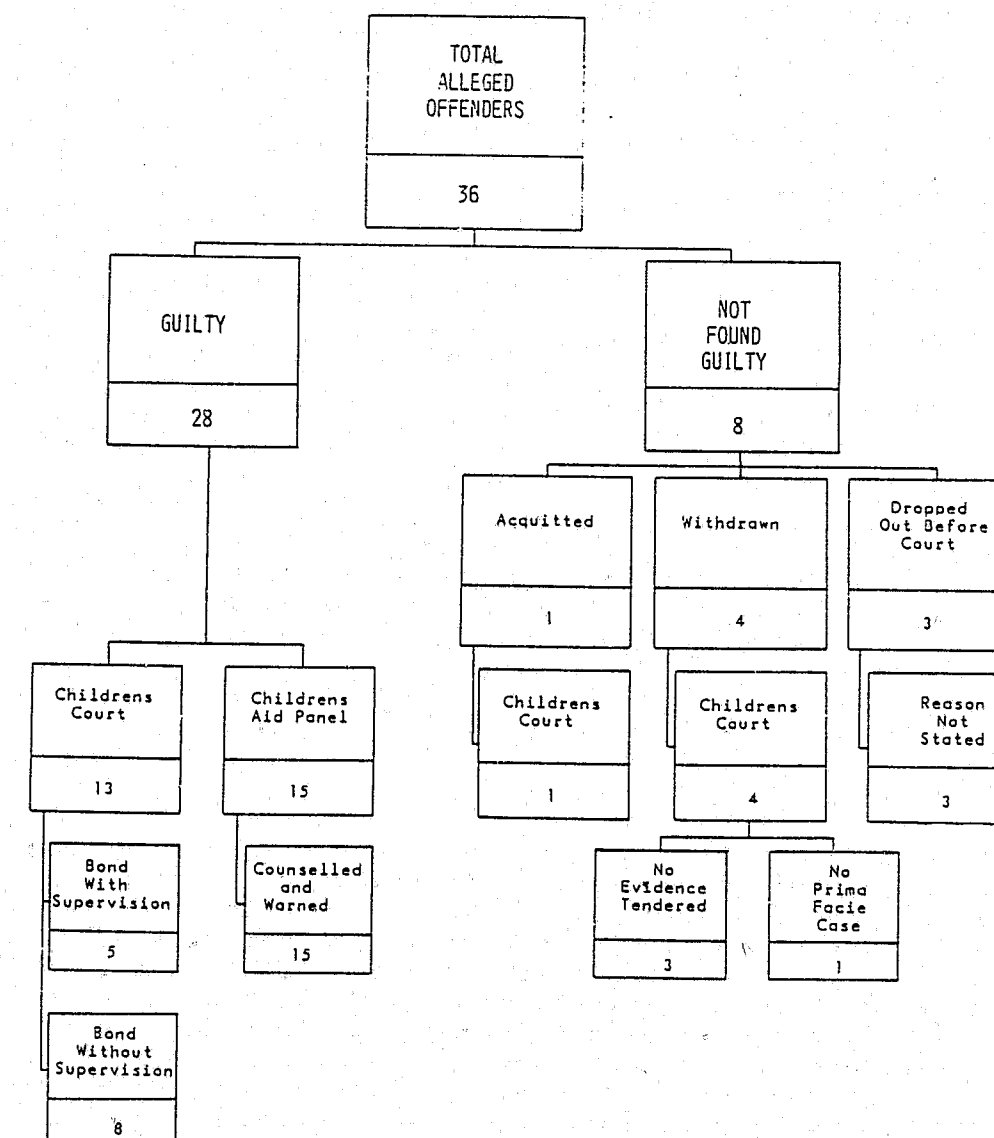
Type of Offender	Offenders		Number of Victims
	No.	%	
Child Offender	36	17.6	23
Adult Relation or Other Close Relationship	89	43.6	105
Adult Stranger/Mere Acquaintance	79	38.7	95
TOTAL	204	100.0	223

#### Offenders Who Were Themselves Children

The average age of these alleged offenders was twelve and a half years and victims generally were about three years younger (9.8 years). Two of the victims were males and about nine out of ten had been strangers to the alleged offender. In all, these children allegedly had been involved in twenty-three separate incidents: ten group assaults mainly in schools, playgrounds and other public places; four indecent assaults on infants aged six or less; and nine lone attacks where the victim was at most four years younger than the offender.

Generally, even the group assaults were far less violent than those by adults: most could be described as severe sexual harassment. However, four of the alleged group offenders, and one of the alleged lone attackers, were stated to have had intercourse with the victim. All but three alleged child offenders were charged with indecent assault, and two thirds admitted the offence. The vast majority were found guilty by a court or aid panel (see Figure 6). In at least one case, the Police Department decided not to prosecute on the grounds that the offender was mentally retarded and parental supervision would prevent further incidents.

FIGURE 6 Outcome of Charges and Penalty Imposed; Alleged Child Offenders and Child Victim



#### Offenders Closely Associated With Victim

As Table 28 shows, the main categories of relationship in this sub-group were family friend, father, step-father and 'other relative'. Eighty-nine individuals were alleged to have assaulted one hundred and five children - twenty males and eighty-five females - whose ages ranged from three to sixteen.

TABLE 28 Relationship Between Victim and Alleged Offender;  
Adults Related to, or Close Acquaintances of, Child Victim\*

Victim-Offender Relationship	Number	Percentage
Father	26	24.5
Step-Father	20	18.9
Relative	15	14.2
Family Friend/Friend	34	32.1
Teacher	1	0.9
Flat Mate/Close Neighbour	9	8.5
Work Associate	1	0.9
TOTAL	106	100.0

\* Number in table not equal to total offenders or total victims because table is based on each relationship between an offender and a victim.

Three quarters of the assaults did not seem to have involved weapons or excessive violence, but forty percent of those apprehended were alleged to have had intercourse with the victim, and one in six appeared to be chronic offenders with prior convictions of a similar nature. Although a relatively high percentage were either unemployed (21%) or in unskilled work (38%), one must be cautious about concluding that offenders against children who are related or close family friends are concentrated among the economically disadvantaged. It may simply be that these families are more liable to intervention by outside agencies. Whatever the cause, about seventy percent of adults apprehended for this type of sexual assault were found guilty, and almost fifty percent allegedly made admissions to police.

TABLE 29 Admissions Made to Police by Alleged Adult Offenders Closely Associated With Child Victims

Admissions on Arrest	Number	Percentage
No Denial	42	47.2
Partial Admission	3	3.4
Consent Alleged	8	9.0
Alleged that Offence Never Occurred	22	24.7
Decline to Answer/ Cannot Remember	8	9.0
Not Stated/Unknown	6	6.7
TOTAL	89	100.0

In many respects, sexual assaults on children within the family or in other close relationships still are "unknown ground" for researchers. Nonetheless, a number of studies have contributed a broad profile of these offenders. Generally, they are individuals with low self-esteem and a limited capacity for interacting with adults. Not only do they feel more secure with modes of sexual behaviour learned early in life, they derive a sense of power and control from their relationships with children. Severe penalties - for example long gaol terms - may only add to their problems by further lowering morale and reducing opportunities to establish more normal sexual relationships. According to De Francis (1971), being forced to testify may also be detrimental to the victim, by magnifying and prolonging the trauma of the assault itself.

\* For example Summitt and Kryso (1978), and Groth et al, (1982).

FIGURE 7 Outcome of Charges; Alleged Adult (15 years and over)  
Offenders Closely Associated With Child Victim

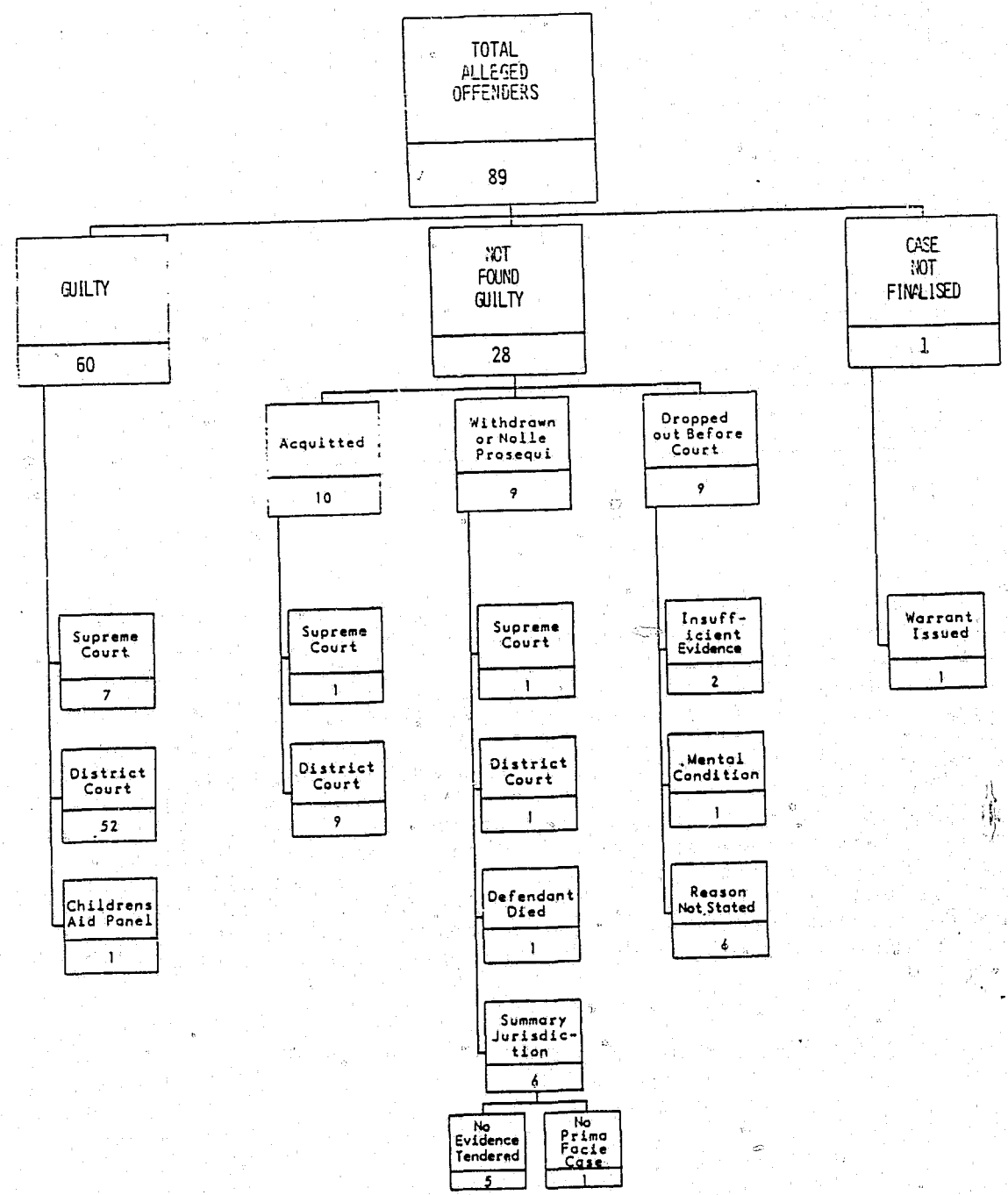


TABLE 30 Penalties Imposed for Those Convicted;  
Adult Offenders Closely Associated With Child

Penalties Imposed	Number	Percentage
Imprisonment - 5 to 10 years	6	10.0
- 2 to 5 years	5	8.3
- less than 2 years	13	21.7
Imprisonment - Total	24	40.0
Suspended Imprisonment	27	45.0
Bond With Supervision	1	1.7
Bond Without Supervision	5	8.3
Fine	2	3.3
Counselled and Warned	1	1.7
TOTAL	60	100.0

Nonetheless, it is clear that some intervention is required - if only to break the pattern of the relationship. Child sexual abuse can have adverse psychological repercussions not only for the immediate victim but for subsequent generations: several researchers have claimed that unusually high proportions of adults admitting to this type of offence themselves had been assaulted as children. In the light of these findings, the South Australian approach - which puts emphasis on close liaison between such agencies as the Police Department, the Sexual Assault Referral Centre, Adelaide Children's Hospital Child Protection Team, and Department for Community Welfare Child Protection Panels - clearly is appropriate. However, it should be emphasised that the number of cases coming to the attention of these organisations undoubtedly represents only the tip of the iceberg. As awareness and concern about the problem grows, they will be subject to ever-increasing demand. It is to be hoped that they will continue to be allocated the resources they need to confront the challenge.

Offenders Who Were Strangers or Mere Acquaintances  
From the literature on adults who sexually assault children who were comparative strangers, it is apparent that the majority of psychologists and psychiatrists do not consider that they pose a threat of severe physical injury to victims. Over recent years, however, this assumption has incurred some criticism.

A number of researchers - for example Marshall (1982(a), 1982(b)); Groth, Longo and McFadin (1982) - have argued that interviews with offenders themselves, cross-checked against police records, reveal entirely different behaviour. Not only are there confessions to far more intensive patterns of assault than the "official" statistics seem to reveal, but there are suggestions that successive attacks involve escalating degrees of violence.

In light of this debate, the South Australian Police Department's data on the 79 adults apprehended for this type of sexual assault during 1980 and 1981 were reviewed with particular interest. According to the records, these individuals allegedly had assaulted 95 children whose ages ranged from two to fourteen years (average 9.7), of whom one in four was a male. Of course, the information collected could not give the complete "career path" of the offenders, but tables 31 to 34 - on ages of offenders, types of intercourse and prior offence histories - do reveal some patterns.

TABLE 31 Type of Intercourse and Age of Adult Offender Where Alleged Offender is a Stranger to, or Mere Acquaintance of, a Child Victim

Type of Intercourse	15-19	20-24	25-34	35-44	45-59	60+	TOTAL
Vaginal Only	6	2	2	1	-	-	11
Oral Only	3	-	3	-	-	-	6
Anal Only	-	-	1	-	1	-	2
Multiple Intercourse	1	2	1	2	-	-	6
No Intercourse	13	11	13	11	16	6	70
TOTAL	23	15	20	14	17	6	95

TABLE 32 Weapon and Violence Used by Age of Offender, Where Alleged Offender was a Stranger to Child Victim\*

Weapon/Violence	15-19	20-24	25-34	35-44	45-59	60+	TOTAL
Weapon and Violence	-	3	-	1	-	-	4
Weapon - No Violence	-	-	-	-	-	-	0
Bound	1	1	-	-	-	-	2
Violence	3	1	3	1	1	3	12
Other	19	10	17	12	16	3	77
TOTAL	23	15	20	14	17	6	95

\* Tables 31 and 32 are based on number of victims, not number of offenders.

TABLE 33 Previous Convictions by Age of Offender, Where Alleged Offender was a Stranger to Child Victim\*\*

Previous Convictions	15-19 (N=18)	20-24 (N=14)	25-34 (N=17)	35-44 (N=14)	45-59 (N=12)	60+ (N=4)	TOTAL (N=79)
No Previous Convictions	11	2	5	3	8	3	32
Previous Sexual Offences	2	5	5	4	3	-	19
Previous Offences Against the Person	2	4	5	6	1	-	18
Previous Property Offences	6	8	11	4	2	-	31
Other Previous Offences	5	10	9	8	2	1	35

\*\* Column totals in tables 33 and 34 do not equal number in each age-group because some offenders had prior records/imprisonment for more than one type of offence (eg. conviction/imprisonment for a sex and a property offence).

TABLE 34 Previous Imprisonment by Age of Offender, Where Alleged Offender was a Stranger to Child Victim

Previous Imprisonment	15-19 (N=18)	20-24 (N=14)	25-34 (N=17)	35-44 (N=14)	45-59 (N=12)	60+ (N=4)	TOTAL (N=19)
Never Imprisoned	17	11	16	14	10	4	72
Imprisonment							
- Sexual Offences	-	3	1	-	2	-	6
- Offences Against the Person	-	3	1	2	1	-	7
- Property Offences	1	2	1	2	1	-	6
- Other Offences	-	3	1	1	1	-	6

Generally, the statistics suggest that although some of these offenders - about twenty-six percent - may have posed a physical threat to victims, the majority of sexual assaults by adult strangers on children did not involve violence, injuries or attempts at intercourse. A significant number even of the "non-violent" offenders had a prior history of sex offences, but there was no indication that seriousness of attacks increased with the age of the alleged offender. About half the strangers arrested for sexual assaults on children made admissions, a similar percentage was found guilty and one in four were imprisoned.

TABLE 35 Admissions Made to Police by Alleged Adult Offenders Who Were Strangers to Child Victim

Admissions on Arrest	Number	Percentage
No Denial	38	48.1
Partial Admission	3	3.8
Consent Alleged	11	13.9
Alleged that Offence Never Occurred	18	22.8
Declined to Answer/ Cannot Remember	8	10.1
Not Stated/Unknown	1	1.3
TOTAL	79	100.0

FIGURE 8 Outcome of Charges; Alleged Adult Offenders who Were Strangers to Child Victim

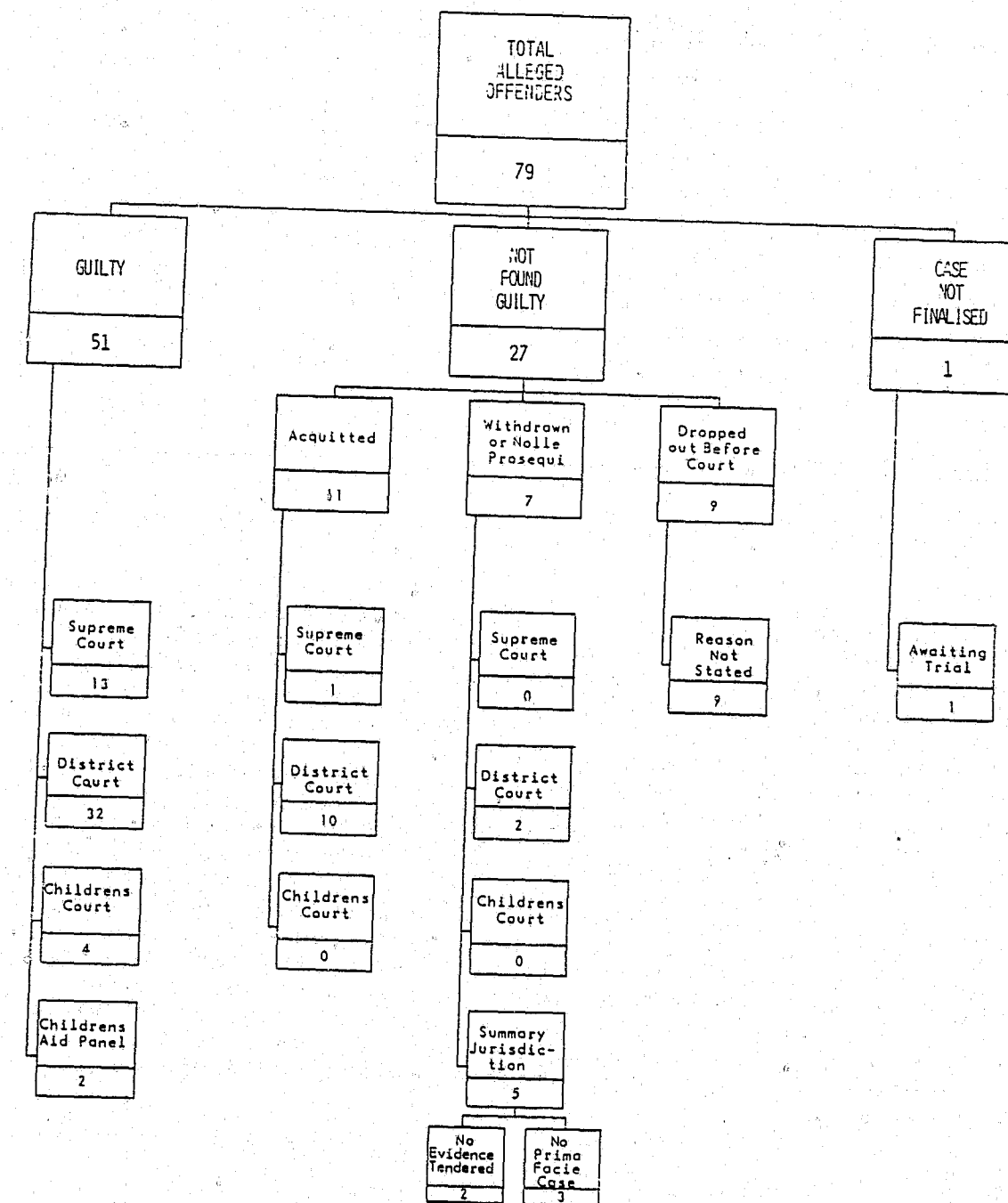


TABLE 36 Penalties Imposed for Those Convicted; Adult Offenders who Were Strangers to Child Victim

Penalties Imposed	Number	Percentage
Imprisonment - 10 years or more	1	2.0
- 5 to 10 years	1	2.0
- 2 to 5 years	11	21.6
- less than 2 years	10	19.6
Imprisonment - Total	23	45.1
Suspended Imprisonment	11	21.6
Bond With Supervision	6	11.8
Bond Without Supervision	4	7.8
Fine	5	9.8
Counselled and Warned	2	3.9
TOTAL	51	100.0

When confronted with a topic as emotive as sexual assaults on children, a natural reaction is to call for harsher penalties. However, from preceding discussion of offenders who themselves were children, and of assaults involving close relatives or friends, it is clear that an entirely punitive approach by no means provides the solution to all problems. Similar conclusions can be drawn about alleged child-molesters who had been comparative strangers to the victims. Of these, a significant percentage (55%) made admissions, and about a third received gaol sentences. Rather than simply insisting that they are detained for longer periods, the important priority is to ensure that while incarcerated or undergoing some other form of sentence, the minority who may pose a significant physical threat to victims and the larger group of non-violent but chronic offenders, receive some form of treatment. At present, there are very few programs for treating sex offenders who have come into contact with South Australia's correctional system. More programs must be developed and evaluated.

#### Sexual Harassers

Determining whether an alleged offender should be assigned to this category involved not merely an assessment of the nature of the alleged assault, but the intention. It seemed clear, however, that at least thirty-two arrests related to incidents which could not be classed as more serious than physical harassment. This group included a wide range of age-groups, and two of the alleged offenders were women.

TABLE 37 Age and Sex of Alleged Sexual Harassment Offenders

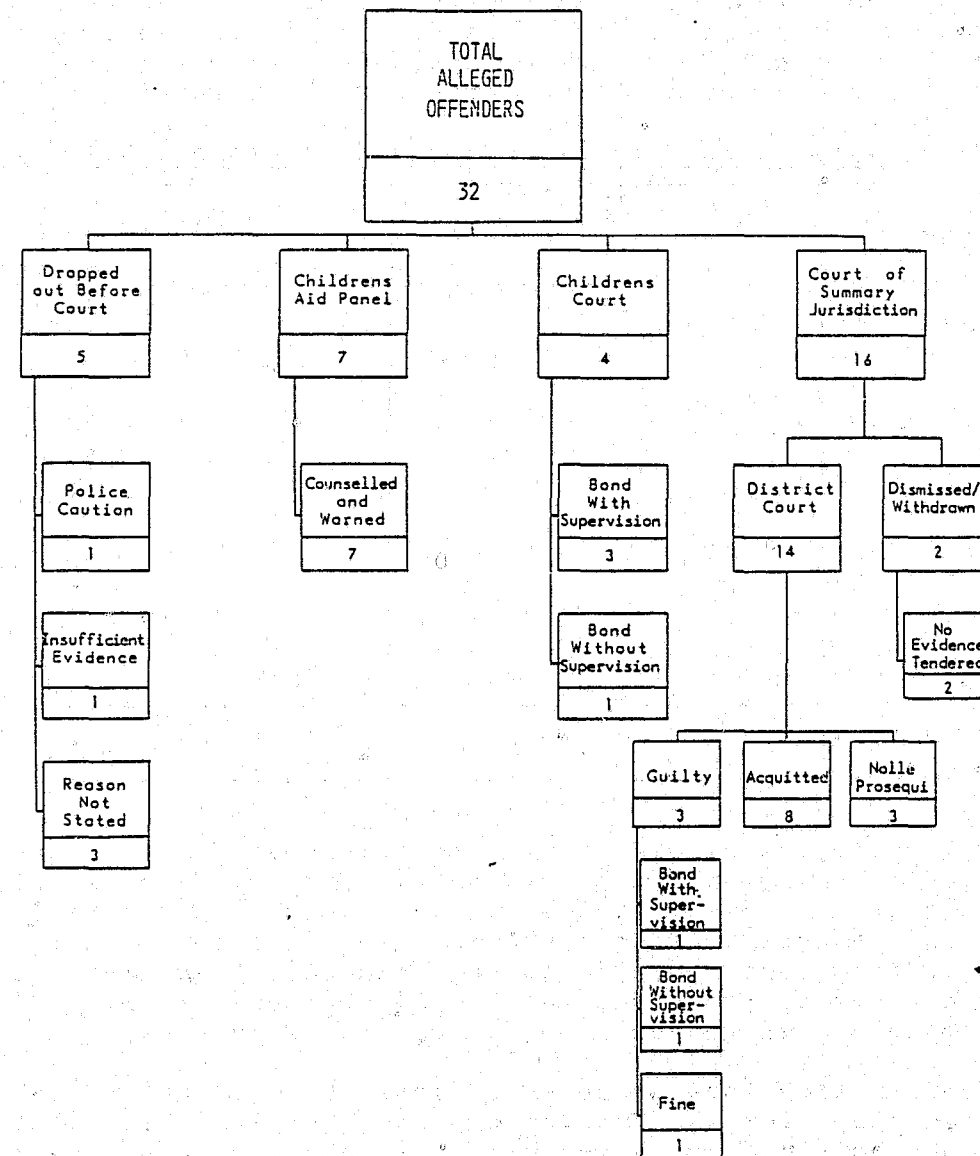
Age	Male	Female	TOTAL	
			Number	Percentage
Under 14	3	-	3	9.4
14-15	9	-	9	28.1
16-17	2	-	2	6.3
18-19	3	-	3	9.4
20-24	-	-	0	0.0
25-34	5	1	6	18.8
35-44	6	-	6	18.8
45-59	1	-	1	3.1
60 Plus	1	1	2	6.3
TOTAL	30	2	32	100.0

Circumstances leading to these apprehensions included a small businessman who allegedly assaulted a female employee, two customers in retail stores who were accused of molesting staff, and several incidents where youths - acting either singly or in groups - had harassed women in public streets, shopping-centres, car-parks, etc. All but one of the victims were female - ages ranged from fifteen to fifty-nine.

Confirmation that these were "less serious" offenders than others emerged from the data on previous convictions. Although just under half had prior records, only one had been found guilty of a sex offence and only four had been in prison. The main point of interest, however, related to final outcomes: juveniles accused of sexual harassment seemed to have a much greater chance of being found guilty than adults. Of the sixteen persons under 18 arrested for this type of offence, twelve eventually appeared before a court or panel and received a formal penalty. By contrast, although fourteen of the sixteen adults went before a higher court, only three were found guilty.



FIGURE 9 Outcome of Charges; Alleged Sexual Harassment Offenders



Such figures may provide some support for critics who argue that traditional common-law categories should be replaced by a wider range of offences and penalties. Adults accused of sexual harassment of a physical nature face a maximum penalty of eight years gaol, and it is not unreasonable to suppose that this deterred many from entering pleas of guilty.

## DISCUSSION

From statistical profiles of those arrested, it is clear that although it is often assumed that the term "sex offender" denotes a limited range of deviant activity, in fact it encompasses a wide range of incidents involving many different types of individuals. However, some general discussion points do emerge.

### Treatment of Offenders

One of the most important concerns the need to develop programs for treating those offenders suffering from some psychiatric disturbance. Undoubtedly, these constitute only a minority - perhaps ten percent - of people arrested, and even among these, a significant proportion did not appear to have posed a threat of serious physical injury to victims. Quite appropriately, however, there is a strong community view that once convicted, offenders who are disturbed should receive appropriate treatment. Section 77a of the Criminal Law Consolidation Act empowers judges to order chronic sex offenders to be detained indefinitely until cured. Unfortunately, reality does not seem to correspond to these legislative ideals. To deal with an average daily population of eight hundred prisoners, the South Australian Department of Correctional Services employs only five full-time psychologists. In this context, it comes as no surprise that there are no programs for treating sex offenders. The situation should be reviewed.

The need for treatment facilities must not, however, obscure the fact that most sexual assaults occur not because individuals are mentally disturbed, but as a reflection of broader social values and inequalities. This characterisation seems particularly true for group and lone offences where the primary motivation appeared to be to act out aggression and to humiliate the victim. Overseas researchers (Marshall *et al*, 1983) have claimed some success for programs aimed at teaching such individuals more acceptable modes of social interaction. Ultimately, however, this is an issue which must be resolved by the whole of society. Despite radical changes in Australian society during the 20th Century, there are still some groups who cannot accept the community standard that sexual relationships should be based on freedom of choice, not imposition. One also should not ignore the practical implications for crime prevention programs. While it is essential that members of the public be supplied with factual information on the circumstances of sexual assault which may help them reduce their vulnerability, we must steer clear of even seeming to make moral judgements about what types of behaviour by women or other potential victims may, or may not, be appropriate.

### Sexual Assault Within the Family

Another difficult issue highlighted by the current research is that of sexual assaults within the family. Undoubtedly, statistics on persons arrested grossly underrepresent the real extent of this problem. From data which are available, however, it is clear that prosecution can at best provide only a partial solution. Research has shown there are immense difficulties and psychological dangers in forcing victims to testify against fathers, step-fathers, or other close relatives. Ultimately, the Child Protection Panels, with their emphasis on social worker rather than law-enforcement intervention, may provide the best possibility of an immediate resolution of problems. In the longer-term, however, these cases re-emphasise the importance of continued support for such community facilities as Womens Refuges and Rape Crisis Centres, which provide at least some victims with an avenue of escape.

### Effectiveness of Legal Amendments

One of the main objects of this research, however has been the law itself: in particular whether current legislation always is effective in ensuring that while due process is observed, those responsible for sexual assault are found guilty and punished. Unfortunately, at the outset of the study it became apparent that one type of information of critical relevance was not available. Of the 450 alleged sexual assault offenders apprehended during 1980 and 1981, one in six did not subsequently appear in a criminal court, or appeared only at a committal hearing where no evidence was tendered. In only eight of these cases was it possible to ascertain why the case was not pursued. Knowing what led to the other cases being dropped - for example whether it was because allegations had proven unfounded, the victim would no longer assist police, or the victim seemed unlikely to make a "credible" witness - could have been of immense benefit in alerting researchers to possible anomalies in legislation or procedure. It is imperative that a system to monitor these "pre-court" decisions be developed.

In the absence of such data, however, attention has turned to the cases which do result in hearings. Here, court files provide information relevant to a number of important questions - for example whether amendments to law are achieving their stated objectives. One of the most significant legal reforms has been Section 106 of the Justices Act, which provides that victims of alleged sexual assault should not be required to appear in person at committal hearings unless the justice is satisfied that there are special reasons. According to Sallmann and Chappell (1982), Section 106 incurred considerable criticism when initially implemented, on the grounds that it could be unfair both to defence and prosecution.

In practice, it seems to be working smoothly: the Crown Prosecutor's Office estimates that at least ninety percent of committals now are heard on declaration.

Changes to laws regarding evidence and cross-examination on a victim's alleged morality or prior sexual experience do not appear to have been so effective. In 1981, the Women's Advisor's Office in the Department of the Premier and Cabinet carried out a comprehensive survey of seventy-seven files relating to rape prosecutions in 1979 and 1980. According to this study, applications to introduce such evidence still were being made in about seventy percent of trials, and almost nine out of ten defence applications\* had succeeded. Although reasons for granting leave were not always documented, it seemed that very often the judge considered the information relevant to the issue of consent. Thus, although it may be providing some barrier to the use of tactics designed merely to "blacken the victim's character", Section 34(i)2 of the Evidence Act has not fully realised the legislators' intentions.

A more recent amendment which the Women's Advisor's Office could not consider concerned the unsworn statement. In April 1983, following persistent criticism of the system which allowed defendants to make assertions which are not under oath and cannot be tested by cross-examination, the government enacted legislation to:

- (a) prevent unsworn statements containing evidence which would not normally be admissible; and
- (b) allow the prosecution to tender information rebutting unsworn assertions concerning the character or prior record of the defendant or other witnesses, and to refute any other statement which, if made on oath, would have been liable to rebuttal.

To assess the possible impact of these changes, researchers examined every sexual assault trial in the South Australian Supreme and District Criminal Courts during the financial year 1 July 1981 to 30 June, 1982. Seventeen defendants made unsworn statements, and it seemed that the vast majority contained assertions that would now be inadmissible or liable to rebuttal. Certainly, it is hard to imagine that the two cases resulting in acquittals would not have been affected - although even this statement must to some extent be hypothetical since it is impossible to know precisely how the prosecution would have reacted. Perhaps more importantly, these data help put the issue of unsworn statements into some perspective. As Table 38 shows, even in rape trials the majority of defendants do not employ this type of defence, and of those who do, a very low percentage are acquitted.

\* 30 out of 34 cases - for further details see Eyre (1981).

TABLE 38 Type of Defence Evidence and Outcome, Persons Tried for Sexual Assault in South Australian Supreme and District Courts 1 July 1981 to 30 June 1982 \*

Outcome	Rape/Attempted Rape		Other Sexual Offences <sup>+</sup>		TOTAL	
	Unsworn Statement	Sworn Evidence	Unsworn Statement	Sworn Evidence	Unsworn Statement	Sworn Evidence
Guilty	11	11	3	7	14	18
Guilty to Lesser	1	1	-	3	1	4
Not Guilty	2	6	-	18	2	24
TOTAL	14	18	3	28	17	46

\* Table excludes accused who pleaded guilty, or where a nolle prosequi was entered. Two cases where the judge directed the jury to acquit have been included in sworn evidence.

+ Other sexual assault includes indecent assault, incest, and act of indecency.

#### Further Changes to Law?

In conducting research on sexual assault, however, it is important not merely to monitor the impact of changes which already have been made, but to address the broader issue of whether the entire philosophy of the law is appropriate. As mentioned earlier (page 9), three fundamental criticisms have been made of the traditional common-law approach to which South Australia still adheres:

- . that by defining major sexual offences in terms of consent, too much emphasis is put on the actions of the victim, rather than the offender;
- . that prescribing relatively severe penalties for every form of sexual assault, rather than having a graded series of offences and penalties, may actually reduce numbers of guilty pleas and jury findings of guilty; and
- . that undue emphasis on corroborative evidence throws the balance of proof too much in favour of the defendant - particularly if the alleged victim was a child.

A crude measure of justification for the first criticism is to determine whether defendants had been acquitted - or "nolle prosequi" entered - because although violence and injuries had occurred, there were doubts about consent. Table 39 contains the relevant figures.

TABLE 39 Sexual Assault Trials and Nolle Prosequis in South Australian Supreme and District Criminal Courts Between 1 July 1981 and 30 June 1982 : Outcome and Nature of Injuries to Alleged Victim\*

Outcome of Case	Alleged Offence and Type of Injury**						TOTAL
	Rape			Other Sexual Assault			
	Serious	Minor	None	Serious	Minor	None	
Guilty	12	5	5	2	-	8	32
Guilty of Lesser Offence	1	1	-	-	2	1	5
Not Guilty	-	6	2	-	-	18	26
Nolle Prosequi	1 <sup>+</sup>	3	6	-	-	6	16
TOTAL	14	15	13	2	2	33	79

<sup>+</sup> Prosecution withdrawn because victim unwilling to testify.

\* Table excludes defendants who pleaded guilty.

\*\* Level of injuries is based on statement by medical officer who examined victim. "Serious" injury includes concussions, fractures, lacerations, bleeding nose, bites, extensive bruising, black eye and vaginal injury to young child. "Minor" injury signifies isolated bruise.

There was a handful of cases where medical evidence suggested that the victim had suffered some injury, but the defendant was not convicted. This may provide some grounds for believing that the emphasis on consent may be pushing the balance too far in favour of the defendant. It must be acknowledged, however, that this was a small percentage of cases, and that the visible injuries were of such a nature that the defence could present a plausible alternative explanation for their origin. Most cases resulting in nolle prosequis or acquittals had no evidence of injuries. As Young (1983) has pointed out, in such instances it is difficult to see how consent could fail to be a central issue.

With regard to the second issue - the need for a wider range of sexual assault offences and penalties - data already considered, on the profiles of alleged sexual harassment and lone offenders, seem highly relevant. Juveniles arrested for

sexual harassment were far more likely to have made admissions and to have been found guilty than adults, and among lone offenders those charged with indecent assault were more often convicted than those where rape was alleged. In both cases, it is reasonable to assume that the severity of penalties facing the alleged offender should have had some effect on the likelihood of admissions and the outcome. More research would be needed before a restructuring of offence-categories could be justified. Nonetheless, these statistics do suggest that it is a possibility worth considering.

The third question - concerning corroboration - was extremely difficult to research. As mentioned earlier, information on reasons for dropping cases before prosecution were not available, and this is the stage where the problem of lack of independent evidence is most likely to become apparent. Table 40 however, on the outcomes of indecent assault trials and the ages of victims, does suggest that cases involving children may be less likely to result in convictions because of lack of corroboration. Perhaps this is another aspect of law requiring attention.

TABLE 40 Indecent Assault and Unlawful Sexual Intercourse Trials and Nolle Prosequis in South Australian Supreme and District Criminal Courts Between 1 July 1981 and 30 June 1982: Outcome by Age of Alleged Victim

Outcome of Case	Age of Alleged Victim (years)				TOTAL*
	Under 10	10-12	13-14	15 and over	
Guilty	5 <sup>+</sup>	1	2	2	10
Guilty of Lesser Offence	-	1	-	2	3
Not Guilty	5	3	5	5	18
Nolle Prosequi	-	-	2	4	6
TOTAL	10	5	9	13	37

\* Table excludes defendants who pleaded guilty. Rape cases also excluded because only one alleged victim of rape was under 13.

<sup>+</sup> In two of the five indecent assault cases involving victims under 10, severe physical injuries corroborated the victim's account.

# Compensation for Victims

Throughout this study, an overriding objective has been to assess whether current law and administrative procedures achieve the best possible balance between ideals of justice and the need to minimise additional trauma for victims. From data collected, it seems that although South Australia has made significant progress, further refinement to law, and extensions of victim-support services and offender-treatment facilities, may well be possible. To round off the study, however, it is useful briefly to consider an issue which relates only to victims - namely levels of compensation for injuries received. Accordingly, statistics were collected on all twenty claims made by sexual assault victims in South Australian Courts between 1 January 1981 and 31 December 1982. Although issues of confidentiality made a precise matching difficult, it seemed that only seven of these cases related to the 455 victims of assaults by offenders included in the current study. Over half the claims resulted from incidents where a stranger had broken into the victim's home, and these "involuntary association" incidents seemed to result in the largest amounts of compensation awarded - particularly if the victim could cite evidence of subsequent breakdown in sexual or other social relationships, or mental suffering. Cases where initial contact between the offender and victim had been on a voluntary basis (eg. met at hotel, flat-mate, etc.) generally resulted in lower awards - even when the victim had suffered physical and mental trauma. The data also suggested that claims resulting in larger amounts of compensation generally took less time to be finalised (eg. time between offence and settlement averaged 15.6 months for awards between \$10,000 and \$11,000; 15.3 months for \$7,500 up to \$10,000; 17.0 months for \$5,000 up to \$7,500, and 20.2 months for \$1,000 to \$5,000).

TABLE 41 Criminal Injuries Compensation Awards to Victims of Sexual Assault, 1981 and 1982

Type of Assault	Number of Cases	Average Amount Awarded	Brief Summary of Injuries
<p><u>Category 1:</u> Weapon Used, Extensive physical and psychological trauma</p>	3	\$8972.00	<p>Stabbed in chest with knife. Medical attention required for extensive bruising. Severe depression and personality change, requiring psychiatric treatment.</p> <p>Threatened with knife and beaten. Medical attention required for extensive bruising. Suffered change in personality, now distrusts men, has problems sleeping and has total loss of interest in sex.</p>

Type of Assault	Number of Cases	Average Amount Awarded	Brief Summary of Injuries
<p><u>Category 1 cont.</u></p> <p><u>Category 2:</u> Weapon used, no physical injuries but psychological trauma</p> <p><u>Category 3:</u> No weapon used, both physical and psychological trauma</p>	<p>2</p> <p>5</p>	<p>\$7215.00</p> <p>\$7198.00</p>	<p>Threatened with firearm. Severely beaten and had extensive scratches and abrasions. Acute fear of reprisals, is constantly depressed, distrusts men and cannot relate to sex. Currently undergoing psychiatric treatment.</p> <p>Change in personality - once outgoing, now totally withdrawn and untrusting. Fear of reprisals. Marriage breakdown following rape.</p> <p>Threatened with knife. Severe anxiety and depression. Change in personality. Victim's family also suffered emotionally. Victim now avoids relationships with men and has no interest in sex.</p> <p>Bruises and scratching requiring medical treatment. Contracted venereal disease. Suffers from nerves. No longer able to respond sexually.</p> <p>Victim required stitches and aggravated an earlier medical problem. Constant fear of further attacks, unable to cope with being left alone.</p> <p>Bruising to most of body. Slight facial scars and requires medication for sleep and nerves. No longer enjoys sex. Unable to cope with relationships with opposite sex.</p> <p>Medical treatment for extensive bruising. Marital relationship affected. Loss of interest in sex. Constant fear of being alone. Personality change. Feeling of being dirty. Fear of reprisal.</p> <p>General bruising, cuts and abrasions.</p>

Type of Assault	Number of Cases	Average Amount Awarded	Brief Summary of Injuries
<u>Category 4:</u> No weapon used, psychological trauma only	9	\$5380.00	<ul style="list-style-type: none"> <li>. Nervous complaint and trouble sleeping.</li> <li>. Personality change - now withdrawn. Loss of concentration, insomnia, vomiting. Loss of interest in sex. Breakup in relationship.</li> <li>. Depression. Strained relationship in marriage. Considerable gain in weight. Sex life and relationship with child has suffered.</li> <li>. Psychiatric treatment for nervous complaint, sleepless nights, fear of reprisals and of being alone.</li> <li>. Loss of concentration and sleepless nights.</li> <li>. Suffered trauma at time of attack, but no mental or psychiatric problems.</li> <li>. Unable to cope with relationships with opposite sex. "Self imposed social outcast". Emotionally unstable. Sleepless nights. Recurrence of epileptic attacks resulting in the use of drugs.</li> <li>. Undergoing psychiatric treatment for fear of reprisals. Taking drugs in order to help sleeping problems.</li> <li>. Undergoing psychiatric treatment. Personality change. Disturbed sleep. Loss of friends. Fear of male strangers. Feelings of disgust and revulsion.</li> </ul>

Note: Excludes one case in which offence occurred before 1 July 1978 when maximum Criminal Injuries Compensation was increased from \$2,000 to \$10,000.

From Table 4 it is clear that relatively few victims of sexual assault even apply for criminal injuries compensation - although one cannot be certain whether this is because they are not aware of this avenue, or because they are unwilling to become involved in further criminal justice procedures. The relatively small amounts received may be another factor: awards in 1981 and 1982 seemed considerably lower than, say, compensation allocated to victims of vehicle or industrial accidents. Perhaps this was because victims of sexual assault were relatively unlikely to suffer physical injury (twenty-seven percent of victims in this study) - some researchers have argued a financial response is inappropriate for psychological trauma\*. Certainly, the courts and the South Australian Government could hardly be accused of taking a miserly approach: amounts paid out have been increasing steadily\*\*, and the \$746,870.00 granted under the compensation scheme during the first nine months of 1982/83 was 63% higher than the preceding financial year. Nonetheless, there does seem to be a case for comprehensively reviewing systems for assisting crime victims. Currently, an action through the criminal courts offers the only real chance of recompense, since even if offenders can be located they generally lack financial resources to pay civil damages. A successful criminal injuries claim, however, generally involves the government's paying the amount awarded, then trying - unsuccessfully in almost 90% of cases - to recover from offender. In many respects the system can be seen as a carry-over from the trial itself, where the needs of the victim often become incidental to a contest between the state and the offender. The paradox is heightened by the fact that in an injuries claim the government, which in the eyes of the victim may have seemed an ally in prosecuting the offender, now can appear to be 'in opposition', as a respondent. As Kelly (1982) has shown, being treated in this way - as a mere adjunct to an "adversary" process - can be most distressing for sexual assault victims.

\* For discussion of this issue see Grabosky (1983).

\*\* In 1981, the total amount awarded under the Criminal Injuries Compensation Scheme was \$525,446.74. By 1982, the amount had risen to \$642,836.33. Note also that on 1 July 1978, the South Australian Government increased the maximum which could be awarded from \$2,000 to \$10,000.



APPENDICES

APPENDIX A

**TABLE A1 Most Serious Offence Charged : Persons Apprehended  
for Alleged Sexual Assault in 1980 and 1981**

Most Serious Offence	Number	Percentage
Attempted Murder	1	0.2
Rape - Female under 12 years	12	2.7
- Female 12-16 years	46	10.2
- Female 17 years and over	110	24.4
- Male under 12 years	6	1.3
- Male 12-16 years	6	1.3
Attempted Rape		
- Female 12-16 years	2	0.4
- Female 17 years and over	5	1.1
Assault With Intent to Rape - Female	2	0.4
Unlawful Sexual Intercourse		
- Female under 17 years	4	0.9
- Female - mental defective	2	0.4
- Male under 12 years	1	0.2
- Male 12-16 years	1	0.2
Incest		
- Female under 12 years	4	0.9
- Female 12-16 years	11	2.4
- Female 17 years and over	1	0.2
- Male 12-16 years	1	0.2
Indecent Assault		
- Female under 12 years	63	14.0
- Female 12-16 years	67	14.9
- Female 17 years and over	62	13.8
- Male under 12 years	15	3.3
- Male 12-16 years	13	2.9
- Male 17 years and over	2	0.4
Gross Indecency		
- Female under 16 years	6	1.3
- Male under 16 years	7	1.6
<b>TOTAL</b>	<b>450</b>	<b>100.0</b>

TABLE A2 Final Court Outcome and Offence Charged for Lone Offenders\*

FINAL COURT OUTCOME	Attempted Murder	Rape of Female	Rape of Male	Attempted Rape	Assault With Intent to Rape	Incest	Unlawful Sexual Inter-course	Indecent Assault	Gross Indecency	TOTAL
Guilty	1	28	3	5	-	1	1	20	1	60
Acquitted	-	23	-	1	1	-	1	8	-	34
Nolle Prosequi	-	10	-	-	-	-	-	1	-	11
No Evidence Tendered	-	8	-	-	1	-	-	4	-	13
No Prima Facie Case	-	1	-	-	-	-	-	1	-	2
TOTAL	1	70	3	6	2	1	2	34	1	120

\* Eighteen cases which dropped out before court or were not yet finalised, omitted from table.

**TABLE A3    Type of Admission on Arrest and Offence Charged for Lone Offenders**

FINAL COURT OUTCOME	Attempted Murder	Rape of Female	Rape of Male	Attempted Rape	Assault With Intent to Rape	Incest	Unlawful Sexual Inter- course	Indecent Assault	Gross Indecency	TOTAL
No Denial	-	18	1	3	-	-	-	14	-	36
Partial Admission	1	1	-	-	-	-	-	3	-	5
Consent Alleged	-	29	-	1	-	-	-	11	-	41
Alleged that Offence Never Occurred	-	17	1	-	1	1	-	15	1	36
Decline to Answer/Cannot Remember	-	6	1	2	-	-	1	3	-	13
Not Stated/ Unknown	-	4	-	-	1	-	1	1	-	8
TOTAL	1	75	3	6	2	1	2	47	1	138

**TABLE A4 Sexual Assaults Reported or Becoming Known to South Australian Police,  
and Alleged Offenders Apprehended, 1 July 1979 - 30 June 1981**

Offences Reported or Becoming Known During Financial Year	RAPE AND ATTEMPTED RAPE						TOTAL RAPE AND ATTEMPTED RAPE	INCEST TOTAL	INDECENT ASSAULT		TOTAL INDECENT ASSAULT	TOTAL
	Female Victim			Male Victim					Female Victim	Male Victim		
	Rape	Attempted Rape	TOTAL	Rape	Attempted Rape	TOTAL						
1980 - 1981												
Offences Reported	224	32	256	29	0	29	285	24	292	51	343	652
Alleged Offenders:												
Adult Male	79	9	88	11	-	11	99	9	63	10	73	181
Adult Female	1	-	1	-	-	-	1	1	4	-	4	6
Juvenile Male	19	1	20	4	-	4	24	-	37	2	39	63
Juvenile Female	1	-	1	-	-	-	1	-	-	-	-	1
Total Alleged Offenders	100	10	110	15	-	15	125	10	104	12	116	251
1979 - 1980												
Offences Reported	171	31	202	18	2	20	222	12	238	65	303	537
Alleged Offenders:												
Adult Male	45	7	52	4	2	6	58	5	50	16	66	129
Adult Female	2	-	2	-	-	-	2	-	-	-	-	2
Juvenile Male	16	2	18	7	-	7	25	2	14	2	16	43
Juvenile Female	1	-	1	-	-	-	1	-	1	-	1	2
Total Alleged Offenders	64	9	73	11	2	13	86	7	65	18	83	176

TABLE A5 Sexual Assaults Reported or Becoming Known to South Australian Police, 1 July 1963 - 30 June 1981

Offences Reported or Becoming Known During Financial Year	RAPE AND ATTEMPTED RAPE						TOTAL RAPE AND ATTEMPTED RAPE	INCEST TOTAL	INDECENT ASSAULT				TOTAL INDECENT ASSAULT	TOTAL
	Female Victim			Male Victim					Female Victim		Male Victim			
	Rape	Attempted Rape	TOTAL	Rape	Attempted Rape	TOTAL			Indecent Assault	Indecent Inter- ference	Indecent Assault	Unnatural Offences		
1980-81	224	32	256	29	0	29	285	24	292	REP	51	REP	343	652
1979-80	171	31	202	18	2	20	222	12	238	REP	65	REP	303	537
1978-79	112	33	145	19	1	20	165	14	209	REP	59	5	273	452
1977-78	NC	NC	172	NA	NA	NA	172	5	137	0	40	0	177	354
1976-77	NC	NC	149	NA	NA	NA	149	2	176	47	NA	27	250	401
1975-76	NC	NC	131	NA	NA	NA	131	6	128	83	NA	42	253	390
1974-75	NC	NC	91	NA	NA	NA	91	5	125	81	NA	64	270	366
1973-74	NC	NC	100	NA	NA	NA	100	17	151	106	NA	71	328	445
1972-73	NC	NC	52	NA	NA	NA	52	14	154	107	NA	61	322	388
1971-72	NC	NC	60	NA	NA	NA	60	13	167	145	NA	71	383	456
1970-71	NC	NC	31	NA	NA	NA	31	23	160	116	NA	63	339	393
1969-70	NC	NC	24	NA	NA	NA	24	20	198	145	NA	68	411	455
1968-69	NC	NC	36	NA	NA	NA	36	10	160	89	NA	52	301	347
1967-68	NC	NC	49	NA	NA	NA	49	22	148	126	NA	69	343	414
1966-67	NC	NC	21	NA	NA	NA	24	6	156	104	NA	60	320	350
1965-66	NC	NC	25	NA	NA	NA	25	13	164	105	NA	28	297	335
1964-65	NC	NC	20	NA	NA	NA	20	13	157	91	NA	49	297	330
1963-64	NC	NC	24	NA	NA	NA	24	17	147	109	NA	93	349	390

NA = Not Applicable - offence did not exist at the time  
 NC = Not Collected - offence grouped in broader category  
 REP = Offence Repealed

Note - Before 1978-79, Rape and Attempted Rape was only given for female victims. Male victims were included in Unnatural Offences.  
 - Indecent Interference was a lesser offence to 'Indecent Assault' but was incorporated into Indecent Assault in 1976.  
 - Unnatural Offences included indecent assault of males, indecent interference with males and buggery.



**TABLE A6 Outcome of Charges by Initial Association; Alleged Lone Offenders - Involuntary Association with Victim**

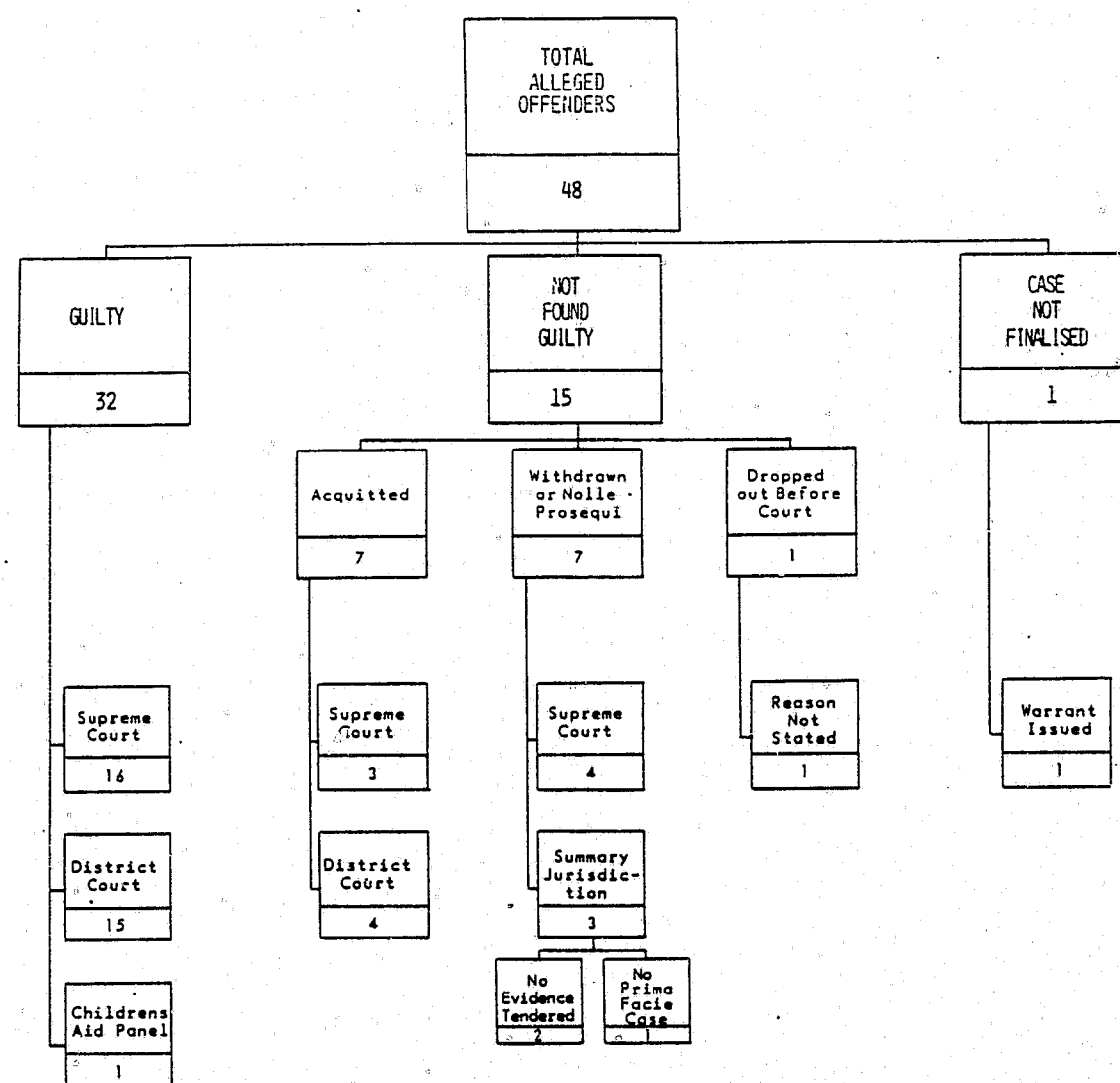


TABLE A7 Outcome of Charges by Initial Association; Alleged Lone Offenders - Voluntary Association with Victim

TOTAL ALLEGED OFFENDERS		
90		
GUILTY	NOT FOUND GUILTY	CASE NOT FINALISED
28	59	3
	Acquitted	Withdrawn or Nolle Prosequi
	27	19
		Dropped out Before Court
		13
Supreme Court	Supreme Court	Insuffic- ient Evidence
10	15	1
District Court	District Court	Reason Not Stated
15	12	12
Childrens Court		
2		
Childrens Aid Panel	Summary Jurisdic- tion	Committed For Trial
1	12	1
	No Evidence Tendered	Interstate on Other Matter
	11	1
	No Prima Facie Case	Warrant Issued
		1

APPENDIX B

Sexual Assault Offender Questionnaire

1. Questionnaire No. . . . .

2. A/P Numbers . . . . .

3. C/R Numbers . . . . .

Microfilm No.

A - THE A/P REPORT  
OFFENDER DETAILS

5. Most serious offence charged (see offence list)

(a) Written description . . . . .  
(e.g. rape, indecent assault on female, etc.)

(b) Act and Section Number . . . . .

6. Total offences charged (enter number :  
note total offence not equal to total charges) . . . . .

7. Sex of Alleged Offender . . . . . (Enter code 1=Male; 2=Female) . . . . .

8. Date of Birth (enter 999999 if not stated)  
of Alleged Offender . . . . .

9. Racial Appearance of  
Alleged Offender

1 = White  
2 = Aboriginal  
3 = Other  
4 = Not known/not stated . . . . .

10. Usual Occupation

1=Qualified Profession 4=Student  
2=Skilled Trade 5=Pensioner  
3=Unskilled Work/  
Labourer 6=No occupation  
9=Unknown/not stated . . . . .

11. Employment Status (1=Employed; 2=Unemployed; 3=Not applicable) . . . . .

12. Marital Status (enter code) of Alleged Offender

1=Single 4=Divorced  
2=Married 5=Widowed  
3=Permanently  
Separated 6=Defacto  
9=Not Stated . . . . .

13. Whether most serious alleged offence was denied or  
contested . . . . .

1=No denial  
2=Consent alleged  
3=Alleged that offence never occurred  
4=Other (specify) . . . . .

14. Number of Alleged Victims (enter number) . . . . .

Questionnaire No. ....

B - THE C/R

VICTIM DETAILS

15. Marital Status of Victim at Time of Offence (enter code - if no details specified deduce from name)
- |                                   |                      |
|-----------------------------------|----------------------|
| 1=Mr. or Mrs. (no more specified) | 6=Divorced           |
| 2=M/S or Miss (no more specified) | 7=Widowed            |
| 3=Single - never married          | 8=De facto           |
| 4=Married                         | 9=Unknown/not stated |
| 5=Permanently Separated           |                      |

16. Age of Victim (enter years - put '99' if not available) ....

17. Occupation of Victim (at time of offence)

- |                   |                          |
|-------------------|--------------------------|
| 01=Unemployed     | 10=Shop Assistant        |
| 02=Pensioner      | 11=Professional          |
| 03=Housewife      | 12=Entertainer           |
| 04=Factory Worker | 13=Nurse                 |
| 05=Domestic       | 14=Student/Primary       |
| 06=Clerical       | 15=Student/Secondary     |
| 07=Secretary      | 16=Student/Tertiary      |
| 08=Receptionist   | 17=Other (specify) ..... |
| 09=Teacher        | 99=Not Known             |

Details of Alleged Offence

19. Time of First Offence (hour and minute - use 24 hour system) ....

Hour Minute

20. Initial contact between victim and offender in relation to incident

- |                                     |   |
|-------------------------------------|---|
| 01=Victim's place (break)           | 08=Outside disco/hotel                  |
| 02=Hitch-hiking                     | 09=Other public place                   |
| 03=Accepted lift - from disco       | 10=Victim's place (offender invited in) |
| 04=Accepted lift - other            | 11=Offender's place                     |
| 05=Private gathering/friend's place | 12=Outing by offender and victim        |
| 06=Inside a disco                   | 77=Not relevant                         |
| 07=Inside a hotel                   | 88=Other (specify) .....                |
|                                     | 99=Not stated                           |

21. Was initial contact between offender and victim in relation to incident voluntary or forced .....

- |   |
|---|
| 1=Forced (e.g. break-in, abduction, etc.) |
| 2=Voluntary (e.g. accepted lift, etc.)    |
| 9=Not stated                              |

22. Where alleged offence occurred (enter code) .....

- |  |  |
|--|--|
| 01=Place of friend of victim           | 08=Victim's car                        |
| 02=Place of friend of alleged offender | 09=Offender's car                      |
| 03=Victim's place after break-in       | 10=Other private place (specify) ..... |
| 04=Victim's place after invited in     | 11=Other public place (specify) .....  |
| 05=Alleged offender's place            | 99=Not stated                          |
| 06=House of victim & offender          |  |
| 07=Public road, footpath, etc.         |  |

Questionnaire No. ....

B - THE C/R

ALLEGED OFFENCE DETAILS

23. Relationship of offender to Victim (enter code)

- |                   |                                       |
|-------------------|---------------------------------------|
| 01=Stranger       | 08=Ex-boyfriend                       |
| 02=Husband        | 09=Close neighbour                    |
| 03=De facto       | 10=Work Associate                     |
| 04=Ex-husband     | 11=Flat mate                          |
| 05=Other Relative | 12=Other relationship (specify) ..... |
| 06=Family Friend  | 13=Mere acquaintance                  |
| 07=Boyfriend      | 99=Not Stated                         |

24. Use of alcohol by alleged offender at time of offence (enter code) ....

- |            |                    |
|------------|--------------------|
| 1=None     | 3=Drunk            |
| 2=Moderate | 9=Not known/stated |

25. Use of drugs by alleged offender at time of offence (1=yes; 2=No; 9=Not stated) ....

26. Number of co-offenders as stated by victim (i.e. co-offenders, principals or accessories other than accused) - enter number .....

27. Most serious use of violence by offender/s (enter code)

- |                         |                         |
|-------------------------|-------------------------|
| 1=Verbal only (Threats) | 5=Total use of force    |
| 2=Roughness             | 6=Victim drugged        |
| 3=Non-brutal beating    | 7=Victim bound          |
| 4=Brutal beating        | 8=Other (specify) ..... |
|                         | 9=Not known             |

28. Other serious use of violence by offender (enter code as in 27, leave blank if no other attack) ....

29. Types of Sex Act (enter code)

- |   |
|---|
| (a) Vaginal (1=yes; 2=no) .....             |
| (b) Oral (1=yes; 2=no) .....                |
| (c) Anal (1=yes; 2=no) .....                |
| (d) None - attempt only (1=yes; 2=no) ..... |
| (e) Other Acts of Indecency (specify) ..... |

30. Injuries to victim (enter code)

- |                              |                   |
|------------------------------|-------------------|
| 1=Minor (no medical)         | 3=Hospitalisation |
| 2=Medical treatment required | 4=None            |

31. Location of injuries/wounds

- |                                   |
|-----------------------------------|
| (a) Chest (1=yes, 2=no) .....     |
| (b) Abdomen (1=yes, 2=no) .....   |
| (c) Head (1=yes, 2=no) .....      |
| (d) Back (1=yes, 2=no) .....      |
| (e) Neck (1=yes, 2=no) .....      |
| (f) Shoulders (1=yes, 2=no) ..... |
| (g) Vaginal (1=yes, 2=no) .....   |
| (h) Anus (1=yes, 2=no) .....      |
| (i) Legs (1=yes, 2=no) .....      |
| (j) Arms (1=yes, 2=no) .....      |
| (k) Other (specify) .....         |

32. Use of weapons by alleged offender/s

- |   |
|---|
| (a) None (1=yes, 2=no) .....                              |
| (b) Firearm (1=yes, 2=no) .....                           |
| (c) Knife (1=yes, 2=no) .....                             |
| (d) Other blunt object (1=yes, 2=no) .....                |
| (e) Slapping, punching, kicking, etc. (1=yes, 2=no) ..... |
| (f) Other (specify) .....                                 |

Questionnaire No. ....

C - AP REPORT/CRIMINAL RECORD CARDS  
DETAILS OF FINAL COURT APPEARANCE

33. (a) Date of final appearance, this charge .....  
(b) Court (1=Magistrates; 2=District; 3=Supreme; 4=Juvenile) .....  
(c) Main Offence Charged (enter code) .....  
(d) Total Charges Laid (enter number) .....  
(f) Outcome (enter code) .....  
1=Guilty 5=No prima facie case found  
2=Not Guilty 6=Other (specify) .....  
3=Guilty Lesser  
4=Case Withdrawn (victim won't cooperate)  
IF NOT GUILTY ON MAIN CHARGE  
(g) Major offence found guilty .....  
(h) Penalty for main offence (enter code) .....  
1=Prison 4=Bond without supervision  
2=Suspended sentence 5=Fine  
3=Bond or Supervision 6=Other (specify) .....  
(i) Duration of Penalty for main offence .....  
(j) Total Sentence. ....

D - CRIMINAL RECORD CARDS

34. Previous Offences

	Number (if over 90 put 90; if not known put 99)	Imprisoned (1=yes, 2=no)
Sex Offences		
Offences against Person		
Property Offences		
Drug Offences		
Other Offences		

(Remove before sending to Crime Statistics)

OFFENDER'S NAME

(Surname)

(Given Names)

Court Sample Questionnaire

Name .....  
1 (a) Court File Number .....  
(b) Crown Prosecutors File Number .....  
2 Type of Case (Enter Code: 1=Trial 2=Nolle Prosequi) .....  
3 (a) Main Offence Charged .....  
(b) Total Offences Charged  
(1) Act Section Part Counts Verdict Counts Convicted  
(2) .....  
(3) .....  
(4) .....  
(5) .....  
4 Age of Alleged Offender (enter years) .....  
5 Age of Alleged Victim (enter years) .....  
6 Relationship between Alleged Offender and Victim .....  
01 Stranger 09 Stepfather  
02 Mere Acquaintance 10 Other Relative (specify) .....  
03 Husband 11 Friend/Family Friend  
04 Ex-husband 12 Neighbour  
05 De-facto 13 Flatmate  
06 Boyfriend 14 Work Associate  
07 Ex-boyfriend 15 Other (specify) .....  
08 Father

7 Consent and Violence

(a) Whether corroborated evidence of violence ( 1=Yes 2=No ) ..... ☐

(if yes, specify) .....

.....

.....

(b) Whether corroborated evidence of injuries (1=Yes - medical report ..... ☐

2=Yes - no medical report

3=No)

(if yes, specify) .....

.....

(c) Key elements of defence

(1) Consent by victim (1=Yes 2=No) ..... ☐

(2) Denial of incident or involvement (1=Yes 2=No) ..... ☐

(3) Other (specify) .....

.....

8 Unsworn Statement

(a) Whether made (1=Yes 2=No) ..... ☐

(b) Issues covered

(1) Defendant's Prior Sexual Experience with Victim (1=Yes 2=No) ... ☐

(2) Victim's Other Sexual Experience/Reputation (1=Yes 2=No) ..... ☐

(3) Other Aspects of Character of Alleged Victim (1=Yes 2=No) ..... ☐

(specify) .....

.....

(4) Defendant's lack of prior convictions/prior relevant ..... ☐  
convictions (Note if yes, also complete question 9)

(5) Other Aspects of Defendant's Character ..... ☐

(specify) .....

.....

(6) Character of Witness Other Than Alleged Victim or Police ..... ☐

(specify) .....

.....

(7) Allegations about Police ..... ☐

(specify) .....

.....

(8) Other rebuttal of prosecution cases ..... (leave blank) ☐

(specify) .....

.....

9 If Defendant's Unsworn Statement Contained Assertions of Good Character/Record

Details of Defendant's prior record (specify) .....

.....

.....

.....

#### REFERENCES

- BRAITHWAITE, J. and BILES, D. (1980) - "Overview of Findings from the First Australian National Crime Victims Survey." Australian and New Zealand Journal of Criminology Volume 13, Number 1, pp. 41-51.
- DE FRANCIS, V. (1971) - "Protecting the Child Victims of Sex Crimes Committed by Adults." Federal Probation September, 1971.
- EYRE, W. (1981) - Evidence in Sexual Assault Trials South Australian Premier's Department. Women's Advisor's Office.
- GRABOSKY, P.N. (1983) - "Violence in the Community : An Overview of Violence in Australia Past and Present" Presented to the Annual National Workshop of the Australian National Association for Mental Health, Adelaide, South Australia, 25 February.
- GROTH, A.N., LONGO, R.E., and McFADIN, J.E. (1982) "Undetected Recidivism Among Child Molesters" Crime and Delinquency Volume 28, Number 3, pp. 450 - 458.
- KELLY, D.P. (1983) - "Victims' Reactions to the Criminal Justice Response". Paper delivered at the 1982 Annual Meeting of the Law and Society Association Toronto, Canada.
- MARSHALL, W.J. (1982a) - "The Classification of Sexual Aggressors." In S. Verdun-Jones and A. Keltner (Ed.). Sexual Aggression and the Law Simon-Fraser University Press : Burnaby B.C.
- (1982b) - "Aggression in Child Molesters" Paper presented at the 8th International Congress on Law and Psychiatry, Quebec City, June.
- MARSHALL, W.L., EARLS, C.M., SEGAL, M.A., and DARKE, J. (1983) - "A Behavioral Program for the Assessment and Treatment of Sexual Aggressors." In K. Craig and R. McMahon (Ed.) Advances in Clinical Behavior Therapy New York : Bruner/Mazel (forthcoming)



- MILLER, L. (1982) - "Legal Representation for Child Victims"  
in Grabosky, P.N. (Ed.) National Symposium on  
Victimology Canberra, Australian Institute of  
Criminology
- SALLMANN, P.A. and CHAPPELL, D. (1982) - Rape Law Reform in  
South Australia Adelaide Law Review Association.  
Research Paper Number 3.
- SPARKES, R., GENN, H.G. and DODD, D.J. (1977) -  
Surveying Victims London, Wiley.
- WILSON, P.R. (1978) - The Other Side of Rape St. Lucia,  
University of Queensland Press.
- WOODS, G.D. (1981) - Sexual Assault Law Reform in New South Wales  
Sydney, Department of the Attorney-General and of  
Justice.
- YOUNG, W. (1983) - Rape Study Volume 1 : A Discussion of  
Law and Practice Department of Justice, Wellington,  
New Zealand.

**END**