



# Aboriginal & Torres Strait Islander Women's Legal Services NQ Inc.

## Sexual Violence — Know Your Rights

### Right to Security of Person

Every person's right to security of person is a Human Right. This right is also acknowledged in the Queensland *Human Rights Act 2019*.

Sexual violence violates your personal security and it is a crime.

### Sexual Violence

Sexual violence can include many behaviours such as stalking, unwanted touching, sexual assault and rape.

Sexual violence can happen to anyone. 1 in 4 women in Australia have experienced sexual violence. Sexual violence may happen in many different situations. For example, sexual violence can happen when you are on a date, or in a relationship, or if your drink has been spiked on a night out. It can also happen at school, university, church, in your home or at work.

You have a right to be safe from all forms of sexual violence.

This fact sheet is about where to get help.

### Where Can I go for Medical and Personal Support?

If you have experienced sexual violence:

**Safe place:** Go to a place where you feel safe. This can be a family member's home, a friend's house or a counsellor. Being able to talk to someone you trust may help you understand what has happened.

**The Emergency Department at the Townsville Hospital:** The hospital can provide medical treatment for injuries. It can treat rape victims and also do tests for drink spiking. If you have been raped, seek medical help as soon as possible. Do not wash or change your clothes before you go to the hospital. Tell the medical team about the sexual violence that you have experienced. If you think that your drink was spiked, go the hospital as soon as possible and tell staff that you need to be tested for drink spiking. The hospital can also refer you for counselling support.

**Counselling:** After experiencing sexual violence it is common to feel a range of emotions. You may feel traumatised, fearful, anxious, humiliated, angry or depressed. You may feel shame, grief or even feel guilty. Your self-worth may be affected, so that you feel really low and scared. Counselling can help you to work out your feelings and reclaim your sense of self and control over your life again.

We have listed some counselling services that can help on the next page.

- **1800RESPECT** (1800 737 732) has 24 hour counselling services
- **The Women's Centre** in Aitkenvale, Townsville, has specialist free counselling services and assistance for women who have experienced sexual violence
  - ◇ Phone: (07) 4775 7555
- **Townsville Aboriginal and Torres Strait Islander Health Service (TAIHS)** has free medical services, counselling, and other support services
  - ◇ Phone: (07) 4759 4000
- **Palm Island Community Company (PICC)** on Palm Island provides a range of services for women including the Women's Shelter
  - ◇ Palm Island Women's Service Phone: (07) 4791 4010

## Confidentiality

Your confidentiality will be maintained during the police investigation. If the offender is charged, the prosecutors and parties to the legal proceedings will know the details of your matter but some protections apply:

The information gathered by the police, including photographs, are protected from publication under the *Criminal Law (Sexual Offences) Act 1978*.

- The law prohibits the publication of any information that can identify you as the sexual violence victim/survivor.
- Your counselling notes can be protected

For further legal advice and assistance to protect your rights to confidentiality:

- The Counselling Note Protect service delivered by Legal Aid Qld and Women's Legal Service, Qld:
- Legal Aid Qld Phone: 1300 267 762
- Women's Legal Service Phone: 1800 957 957

## How Do I Make a Complaint to the Police?

If you are a victim/survivor of sexual violence, you can make a formal statement to police. The police must investigate complaints of sexual violence.

Having to report on an act of sexual violence may be traumatic and you may wish to take a support person with you. The police will ask what has happened and who was involved. The more evidence you are able to provide, the more this will help the police investigation.

## Alternative Reporting Options

You may decide that you do not want to make a formal report to the police, or that you do not want to go through the courts to have the offender charged. This is your decision to make. There are alternative reporting options available to survivors of sexual assault. This means that you can tell police what happened, but the police will not investigate the matter or charge the offender.

By telling police what happened and who did it (if you know), the police can use this information to identify offenders, identify patterns in offending and also use the information to assist in prosecuting other cases. You can also remain anonymous if you wish.

## Victims Assistance Queensland

If you have been the victim / survivor of sexual violence and you have made a report to the police, you may be eligible for financial assistance from Victim Assist Queensland.

Victim Assist Queensland helps victims of violent crimes recover from the act of violence. A person who is directly injured as a result of an act of violence is eligible to apply for financial assistance through Victims Assist Queensland.

### “Act of Violence”

An act of violence includes, but is not limited to:

- Physical assault (being hit, pushed, punched, or choked)
- A sexual offence
- Stalking, kidnapping and deprivation of liberty
- Domestic and family violence committed by an intimate parent, family member or informal carer.

**You must apply to Victim Assist Queensland within 3 years from the date of the offence.** If there is a reason why you did not apply within the 3 years, you will need to explain in the application form why you did not apply earlier.

If your application is approved, Victim Assist Queensland can cover some or all of the costs of recovering from sexual violence. Each case is different and what Victim Assist Queensland will cover depends on all the circumstances of the offence. Some of the costs that can be covered by Victim Assist Queensland include:

- Medical and counselling costs
- Travel costs to attend medical and counselling appointments
- Safety and security costs (for example making your house secure)
- The cost of clothing damaged during the crime
- Loss of earnings

## How to Apply for Victims Assist Queensland

Before you apply for Victim Assist Queensland, you must report the sexual violence incident to the police or to your doctor, psychologist, counsellor or family violence worker.

In order to apply for assistance, you must complete an application form including any supporting documents relating to your injuries (for example: doctor’s reports or medical certificates).

## Seeking Legal Advice

Many services in North Queensland can help you to make an application for Victim Assist or can refer you to a lawyer or a community legal centre. Community Legal Centres in North Queensland who can assist you include:

- **The Aboriginal and Torres Strait Islander Women’s Legal Services, NQ Inc.**
  - ◇ Free call: 1800 082 600
  - ◇ Phone: (07) 4721 6007
- **The Aboriginal and Torres Strait Islander Legal Service**
  - ◇ Phone: (07) 4722 5111

- **Queensland Indigenous Family Violence Legal Service (Townsville)**
  - ◇ Phone: (07) 4721 0600
- **North Queensland Women’s Legal Service (Townsville)**
  - ◇ Free call: 1800 244 504
  - ◇ Phone: (07) 4722 5400
- **Legal Aid Queensland**
  - ◇ Phone: 1300 65 11 88



**Aboriginal and Torres Strait Islander Women’s Legal Services NQ Inc.**

FREECALL 1800 082 600 or (07) 4721 6007

**DISCLAIMER WARNING:** Care has been taken in the preparation of the material in this document; however every person and every family is different. This fact sheet is provided for community educational purposes only. It is not legal advice and it is not a guide to your legal matter. If you have a legal issue, it is recommended that you make an appointment with a lawyer or legal service. Please also note that the law changes constantly and the information in this factsheet is only accurate to **April 2019**. ATSIWLSNQ does not warrant its accuracy beyond that time.