



# MEDIA RELEASE

Hon. John Hatzistergos MLC  
Attorney General  
Minister for Citizenship  
Minister for Regulatory Reform

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## **NEW LAWS AND \$4.4 MILLION TO PROTECT SEX ASSAULT VICTIMS**

Sexual assault victims will be better protected from having their confidential counselling records used against them in court under changes to laws, NSW Attorney General John Hatzistergos announced today.

The new laws are part of a suite of initiatives to support victims of sexual assault that includes a \$4.4 million fund to provide free legal representation for victims in applications by defence to subpoena their records.

“We must have laws in place that encourage victims of sexual assault to come forward,” Mr Hatzistergos said.

“That is why the Government will strengthen legal protections for victims of sexual assault and provide free legal representation for victims in these subpoena applications.

“We should be encouraging sexual assault victims to seek counselling after the offence has occurred. But if a victim of sexual assault fears that their personal counselling records, could be used against them in court, they may be reluctant to speak out or discouraged from seeking counselling.”

“These new laws will help shield victims from this sort of intimidation.”

Under the changes, sexual assault victims themselves will be given the automatic right to argue that their counselling records are ‘Privileged’ and therefore cannot be accessed by the defence.

Until now, it has usually been the record holder, such as a hospital, employer, school or government agency, who has had to stand up in court and oppose releasing the information.

Minister for Women, Jodi McKay, welcomed the new laws and the specialist free legal advice for victims of sexual assault.

“Victims of sexual assault need to be supported through the sometimes stressful court process and the free legal advice and new laws will provide that support,” Ms McKay said.

“They will also form a key part of the NSW Government’s Sexual Violence Prevention plan, which is currently being developed.”

Mr Hatzistergos said: “Specialist sexual assault counselling services and psychologists commonly assert Privilege over victims’ records, but other service providers are often unable or unaware of the need to do so.

“This reform ensures victims have a say in whether their confidential counselling records will be released.”

“It is vital that victims are not reluctant to come forward for fear their counselling records could be scrutinised in a court.”

The amendments to laws relating to Sexual Assault Communications Privilege, to be introduced into Parliament, will also extend the protection of Privilege to victims of sexual assault that occurred outside NSW.

NSW Rape Crisis Centre chief executive Karen Willis welcomed the moves to protect sexual assault victims when their counselling and medical records are subpoenaed.

“Too many times sexual assault victims suffer further humiliation when private information is used in trials,” Ms Willis said

“Some even withdraw their complaints under threat of public humiliation.”

“These victims need strong protections in the face of such of tactics and these improvements go a long way to provide that.”

Women’s Legal Services NSW (WLS) ran a 12 months pilot project that finished early this year to assist victims of sexual assault keep their counselling records confidential in sexual assault trials in the Downing Centre courts.

“Our pilot demonstrated how crucial legal representation is for sexual assault victims seeking to maintain the confidentiality of their counselling records, and highlighted the pressing need to strengthen legal and procedural protections for victims in NSW,” WLS Principal Solicitor, Janet Loughman said.

“The proposed changes to legislation and the commitment to fund an independent specialist unit to provide representation is an excellent step to better support victims of sexual assault during the criminal trial process.

Mr Hatzistergos today also announced \$4.4 million in funding over four years to establish an independent specialist unit to provide free legal representation to sexual assault victims asserting Privilege.

“The unit will provide specialist duty solicitors to represent sexual assault victims in Privilege matters,” he said.

“The unit will also be responsible for raising awareness of the changes to the law surrounding Privilege, particularly among the legal profession, government departments and organisations likely to receive subpoenas for the counselling records of sexual assault victims.”

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