

## Frequently Asked Media Questions & Answers

### Questions

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### **What exactly is sexual assault/rape?**

The legal definition is slightly different in each Australian State and Territory but generally it is any unwanted behaviour of a sexual nature by one or a group against another without their consent, consent being the key word. This includes penetration of the vagina, anus or mouth, which would generally be at the more serious level, and grabbing, touching, involvement in pornography etc.

Consent is the key and again the definition of consent is different in each state and territory but generally consent must be given freely and voluntarily by a person who has the capacity to consent. Capacity includes not being asleep, unconscious and in a number of places having consumed drugs or alcohol to the extent that the person is not capable of understanding what they are consenting to.

NOTE: sexual intimacy with a person under 16 is against the law regardless of whether or not consent is given.

In NSW, the defendant will be required to show the Court what steps they took to ensure consent was given.

Essentially anything other than “yahoo honey, you’re gorgeous, let’s go” may not be consent given freely and voluntarily.

### **How common is sexual assault in Australia? Who are the main victims?**

The Australian Bureau of Statistics (ABS) reports that approximately 1 in 5 women in Australia will experience Sexual Assault or Domestic Violence at some stage in their life. The ABS also indicates that approximately 17% of those who experience sexual assault will report the crime to Police.

The NSW Bureau of Crime Statistics records reveal 10,275 incidents of sexual and indecent assault were reported to NSW Police in 2012. If we consider the reporting rates above, we can estimate that there were over 60,000 incidents of sexual or indecent assault in NSW in 2012.

### **Is it true that most rapists are known to the victim? Why do you think this is the case?**

The 2012 ABS Personal Safety Survey reported that in 87% of sexual assaults the offender was known to the victim. In most cases the offender was a family member, a close family friend or someone the person went to work or school with. In other cases the offender was someone the person met in a social situation or went out on a date with.

Research with convicted sex offenders showed that they looked for three things above all others when identifying their victim

1. Their perceptions of the person vulnerability. This is often tied into social expectations of women and women's behaviour.

Example: One woman the Service assisted was young and outgoing. She would come to work on Monday and talk to her colleagues about her weekend exploits. The workplace sex offender assaulted her. When she tried to make a complaint he used the views of some in the workplace about this young woman to say "well everyone knows what she is like, she came onto me".

2. Access to the person.
3. Ability to manipulate the person into a location where they can commit their act without interruption or witnesses.

Planning and excusing the attack is much easier when the victim is known.

### **Is there any particular kind of person or sign that someone is a rapist? What causes someone to rape? Are you able to "spot" predators?**

Unfortunately rapists do not come with signs. In fact they are more likely to be the nice bloke, the one who is happy to help. This allows them to gain the access they need while also creating in the minds of others how nice he is and would therefore not be capable of such an act.

This is not to say that nice blokes are sex offenders, most blokes are nice and most blokes are not sex offenders. Sex offenders use everyday situations to gain access.

The concept that a person can pick a sex offender is one of the many ways we seek to blame victims for the violence they experience. We suggest that she should have known or seen it coming. In sexual assault we have many ways of making the victim responsible for what has happened when in all circumstances the offender is always, no excuses ever, responsible for the crime they have committed.

### **A commonly held view is that girls who act or dress promiscuously are "inviting" rape. How much truth is there in this?**

Research with convicted sex offenders showed that the above three, perception of vulnerability, access and ability to manipulate, were the overwhelming criteria for sex offenders when selecting their victim. The way the victim dressed or behaved had nothing to do with it except perhaps as an excuse the offender could use to justify their actions.

This is one of the many sexual assault myths. These myths do one of two things: they either seek to blame the victim for what happened, or give excuses to the offender.

### **What is “date rape”?**

Sexual assault by someone the person goes out on a date with. It can be the first date or subsequent dates.

### **What is “statutory rape”?**

This is not a term in most jurisdictions any more. Previously it referred to sexual intercourse with a minor.

### **What is consent and what do our readers need to know about it?**

It is every person right to give or not give consent. It is also their right to consent to some sexual activity and not to other activities, for example, fondling only or oral sex only. Consent can be withdrawn and that must be respected.

If you are planning to have sex with someone, it may be useful to use the ethical sex framework to help in decision making:

- 1 Caring for myself
  - What do I want?
  - Is this what I want to do?
  - Will I be safe?
  - Will the other person treat me with respect?
- 2 Be aware of my desires and wants and the possible impact on others
  - Is this what the other person wants?
  - How do I know that?
  - If we start along a certain path I need to be aware that they may want to stop or do something else
  - I need to be on the lookout for signs that might indicate this.
- 3 Negotiating and ‘asking’
  - Work out what you both want, verbally and non-verbally
  - Be aware of what is going on for you and the other person
  - If alcohol or drugs are getting in the way of awareness, then exchange phone numbers and arrange to meet up another time.
- 4 Reflection
  - Think about what happened
  - If it went well, how can you make sure it happens like that again?
  - If not, what needs to be changed?

*Sexual Ethic Framework – Dr Moira Carmody University of Western Sydney*

### **What advice would you give regarding the age of consent and the legality of sexual interaction if one or both people are below the age of consent?**

Sexual activity with or between people under the age of 16 years is illegal in all states and territories of Australia. When both are under 16, a report to the authorities may still be made and an investigation may follow. When one person is under 16 the other may be charged with sexual or indecent assault.

### **What should a girl do if she is feeling pressured to have sex?**

Anything to be safe: yell, scream, kick, punch, run, seek help from friends. Also talk to someone, friends, Mum, sister, a teacher or some other trusted adult about what happened.

Anyone is welcome to ring 1800RESPECT which is the national sexual assault, family and domestic violence 24/7 telephone and online counselling service. People can call to talk about things that have happened that they don't feel good about, regardless of whether or not they are naming it as sexual assault. They can also talk to counsellors about ethical sex and consent, or about how to assist their friends. The number for the 1800RESPECT service is 1800 737 732

### **What advice would you give to young people regarding interacting online with strangers?**

It may not be safe to meet up alone with a person you have met on the internet. It is also worth remembering that anything that is put on the internet is there forever and can be sent to anyone. So if someone asks for personal details or pictures, you have no way of guaranteeing that they will only use it in the way they have said. If unsure, you can call 1800RESPECT or talk to someone who knows about these things before engaging online.

### **Is it true not many sexual assaults are reported or prosecuted? Why is this the case?**

Yes it's true that not many sexual assaults are reported. The ABS reports that approximately 17% of those who experience sexual assault will report the crime to Police.

There are 3 broad reasons people give for not reporting:

1. Fear of the criminal justice system
2. Their relationship with the offender, e.g. Dad, older brother, intimate partner, boss, 'friend' from school
3. Social attitudes to those who have experienced sexual assault are wrapped up in belief in the myths – which blame the victim and excuse the offender

**What advice would you give to a girl who has been, or knows someone who has been sexually assaulted?**

What happened was not your fault, it is a crime and there are people who can help. You can call 1800RESPECT at any time, 24/7 for information, support, counselling or referral.

**What do you think of events like SlutWalk, which aim to dispel the above myth?**

Anything which allows us to talk about sexual assault is a good thing. In Australia the debate seems to have been dominated by the sex work industry, and while those who work as sex workers must have the same right to safety as everyone else, the original campaign began as an attempt to dispel sexual assault myths and was therefore broader than what we saw in Australia.

**References**

**Australian Bureau of Statistics**

4906.0 - Personal Safety, Australia, 2012

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**NSW Bureau of Crime Statistics and Research**

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