WOMEN'S REFUGE
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Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR receives over 50,000 crisis calls per year (nearly 140 per day), and provides support, advocacy, legal, and health services to over 26,000 clients annually, and. Forty-seven percent of these are women, and 53 percent are children.

2. We would like to thank the Select Committee for the opportunity to submit on this Bill. We strongly support the Government's focus on addressing family violence and sexual violence, and on their efforts to make the justice system responsive to victims of these forms of violence. Overall, we are supportive of the majority of provisions in this Bill; however, we have several points on which we would like to seek clarity or amendment.

3. Please note we wish to appear before the Select Committee for this Bill.

General comments

4. Women's Refuge supports the intention of the Bill and applauds the provisions aimed to decrease the cumulative emotional load to complainants progressing through the criminal justice system. Certain provisions, such as the expansion of the use of alternative modes of giving evidence, will make a substantive difference to complainants' experiences of participating. However, we also suggest that these need to be accompanied by a wider breadth of reforms, such as the transformative work alluded to in the Cabinet paper from which this Bill was developed. Singularly, minor changes to evidence law rarely precipitate lasting change, as has been evident following the last two rounds of incremental reform of evidence law.

5. Many of our clients have been subjected to sexual violence, either in isolation or alongside other, equally distressing and traumatic forms of abuse, many of which are inextricable from one another. In particular, our clients are frequently survivors of child sexual abuse and/or sexual assault and rape by an intimate partner. For both of these forms of abuse, and especially for the latter, convictions are rare. The impacts of sexual violence from one partner to another are thought to exceed even those resulting from physical

abuse[1], and partner rape is significantly associated with subsequent intimate partner homicide or attempted homicide[2], underlining the paramountcy of an effective justice response when it is reported.

6. Of Women's Refuge clients who completed the intake assessment from 1 July 2019 to 23 January 2020, 31 percent were raped by their intimate partner. This number excludes all who were sexually assaulted in other ways. Our advocates estimate that some form of sexual violation by an intimate partner has occurred in the lives over 90 percent of the women they work with, as this form of violence is often one that is deeply degrading, difficult to describe, uncomfortable to disclose, and frequently involves the blurring of the boundaries of consent in ways that are not easily communicated. Accordingly, we acknowledge that the 31 percent of clients who define their experiences as rape and disclose that in their assessments is likely to represent only those sexual assaults that are easily definable as rape. However, given that Women's Refuge provides support to thousands of women per year, even this conservative figure represents a devastating number of victimised women. This then highlights the need to consider sexual violence complainants' participation in the justice system as often taking place against a backdrop of intimate partner violence, and consequently the need to ensure that these complainants are not unduly disadvantaged by the prevalence and perpetuation of misconceptions relating to partner violence.

7. Most sexual offences are never reported. Sexual offences that are reported often do not proceed to a trial, and the attrition rates for sexual violence in the criminal justice system are inextricably entwined with victims' actual or anticipated distress and discomfort arising from participation in the justice process as complainants. Many aspects of this process are incompatible with victims' recovery from the sexual violence they were subjected to, and their distress is frequently exacerbated by the revictimization they experience by preparing for trial; waiting for trial; being cross-examined in court; and being in close proximity to the accused, often months to years after their initial disclosure. Cumulatively, the prospect of this daunting experience acts as a deterrent to victims reporting sexual violence or proceeding through the criminal justice process as a complainant.

8. In our experience, victims' expectations of sexual violence trials are overwhelmingly negative, and the realities of a distressing trial experience are then shared amongst peer groups, further perpetuating a widespread hesitance to commit to a distressing or traumatising experience in the pursuit of justice. Accordingly, in 2018, the Law Commission's second review of the Evidence Act 2006 produced many recommendations aimed at reducing the emotional toll of participation on victims and amending justice responses to sexual crimes to better align with victims' needs. While not all distress associated with victims' participation in any justice process can necessarily be avoided, the amendments to policy and practices shaping victims' participation and the treatment of these victims in trial may ameliorate much

[1] Barker, L. C., Stewart, D. E., and Vigod, S. N. (2019). Intimate partner sexual violence: An often overlooked problem. *Journal of Women's Health, 28*(3). 363 – 374.

[2] McFarlane, J. and Malecha, A. (2005). *Sexual assault among intimates: Frequency, consequences and treatments.* (Report No. 211678). Retrieved from https://permanent.access.gpo.gov/gpo11250/211678.pdf.

of the potential for extreme distress or additional trauma. In turn, we believe that this will subsequently encourage victim reporting rates and victims' participation in the justice system.

9. We recognise that there have already been significant advances in this area; for example, the judicial education packages on best practice with vulnerable witnesses, the pilot of the specialist sexual violence courts, and the introduction of training to Crown and Police prosecutors in advance of the new Solicitor-General's Guidelines for Prosecuting Sexual Violence, which came into effect in July 2019. We feel that the provisions in this Bill will complement the work that is already underway.

10. We would also like to comment on the overarching challenge of developing the criminal justice response to sexual violence as it relates to Māori. Wāhine Māori are disproportionately subjected to both family and sexual violence. However, like other social systems embedded in colonial practices[3], the imported (British) criminal justice system in its entirety is largely incompatible with te ao Māori (a Māori worldview). Applying a te ao Māori lens to sexual violence means understanding that sexual violence is viewed as a transgression against the mana and dignity of women, or as a violation of tapu[4], causing spiritual as well as emotional harm. Correspondingly, healing and redress following such a violation requires a response that is embedded in a kaupapa Māori perspective. This would ordinarily involve a connection with tikanga and whakapapa, and a practice of whakawhanaungatanga, or involving the whole whanau of the victim and of the perpetrator. This, however, is notably absent; conversely, victims are only offered a traditionally Pākehā solution. This punitive approach to justice is contrary to tikanga Māori models (where justice is premised on accountability to the Creator, to whakapapa, and to whanau, hapu, and iwi), and can exacerbate the isolation and spiritual trauma that Māori victims and their whānau experience. We therefore urge the Government to progress the development for well-resourced, kaupapa Māori restorative pathways to justice, while also attending to the visibility of Māori within the judiciary.

Admissibility of sexual experience and disposition evidence

11. Developing a justice response to women's accounts of sexual violation has been a centuries-long battle that remains far from concluded. In the 18th and 19th centuries, adjudicating rape complaints was predicating on assessments of women's morality – most notably their sexual histories. Chastity was considered synonymous with veracity; sexual experience was considered indicative of untruthfulness and general poor character[5]. The remnants of such moral judgements continue to be implicitly drawn upon in modern-day sexual violence trials, despite any association between sexual history and truthfulness at trial being thoroughly debunked[6]. However, it was not until the introduction of the

[3] Pihama, L. and McRoberts, H. (2009). *Te Puāwaitanga o te Kākano.* Retrieved from http://toah-nnest.org.nz/images/Releasing_Te_Puawaitanga_o_te_Kākano__FIXED.pdf

[4] As above at 3

[5] Sutton. (1999). *Sexual Assault in Canada: Sociological Explanations for Crime and Discourse.* Retrieved from http://web.viu.ca/crim/sutton.htm.

[6] Flowe, H. D., Ebbeson, E. B., & Putcha-Bhagavatula, A. (2007). Rape Shield Laws and Sexual Behaviour Evidence: Effects of Consent Level and Women's Sexual History on Rape Allegations. *Law and Human Behaviour, 31*(2), 159-175. doi: 1007/s0979-006-9050-z

Evidence Act 2006 that specific direction was given to judges about the admissibility of evidence pertaining to prior sexual experience, and even this was only added after the draft legislation was considered by the select committee. Despite the growing body of research suggesting that sexual history evidence holds minimal probative value but rather perpetuates harmful stereotypes and misconceptions, the debate has yet again been revived by debates on amending evidence law.

12. Section 44 of the Evidence Act 2006 aimed to give direction on establishing when evidence relating to sexual experience should be admitted. This was then strengthened by the Evidence Amendment Act 2016, which came into effect in 2017 and, among other changes, stipulated that questions should be submitted prior to a hearing so that decisions on admissibility could be made in advance. Despite the strengthening of this law, there is significant variance in how it is interpreted, and there are plentiful instances where sexual history evidence has been admitted without appearing to have met the 'substantial helpfulness' test[7].

13. Sexual history evidence admissibility (sometimes colloquially referred to as the 'rape shield law') has traditionally only covered complainants' sexual histories with parties other than the defendant. However, myths and misconceptions influencing decision-makers' perceptions of a complainant's reputation and the legitimacy of her complaint are particularly prevalent in cases where the complaint is about an intimate partner – presumably because stereotypes about sexual violence are so deeply embedded that many people find it difficult to conceptualise the absence of consent where there has been consent on past occasions. Even if a judge instructs the jury to consider evidence of this past sexual relationship only for the purpose of establishing context, jurors' responses to hearing this evidence remain demonstrably prejudiced, which ultimately disadvantages complainants[8]. Accordingly, the last two decades have seen persistent recommendations to expand the limitations on sexual history evidence admissibility to cover sexual experience with the defendant[9].

14. Undersecretary Logie's Cabinet paper on improving the justice response to victims of sexual violence discusses the current limitations of the Evidence Act 2006 in determining the relevance, and consequent admissibility, of sexual history and disposition evidence. At present, the probative value of information about a complainant's sexual experience with individuals other than the defendant must be deemed so relevant that to exclude it would be contrary to the interests of justice in order for it to be admitted, but there is not an equivalent threshold for determining relevance of information highlighting a complainant's prior sexual experience with the defendant. This is unlike other jurisdictions with similar legislative contexts, such as Canada, where the complainant's prior sexual experience with the defendant – just

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[7] McDonald, E., & Tinsley, Y. (2011). *From 'Real Rape' to Real Justice: Prosecuting Rape in New Zealand*. Wellington, New Zealand: Victoria University Press.

[8] McDonald, E., & Tinsley, Y. (2011). *From 'Real Rape' to Real Justice: Prosecuting Rape in New Zealand*. Wellington, New Zealand: Victoria University Press.

[9] Taskforce for Action on Sexual Violence. (2009). *Report of the Taskforce for Action on Sexual Violence.* Wellington: Ministry of Justice.

as with their prior experience with any other person -must be subject to a pre-trial, category-based test to have its probative value determined before it may be admitted. In her Cabinet paper, the Undersecretary proposes that the *fact* of the prior relationship between the complainant and defendant be subject to the usual admissibility rules, but that the *nature* of that relationship is subject to the heightened relevancy test; balancing the need to have contextual information admitted without admitting unnecessary, personal, and prejudicial information. We support this balancing of interests.

15. Women's Refuge strongly supports extending the restrictions on sexual history evidence to disallow sexual experience with a defendant, on the basis that consent cannot be interpreted from past sexual interactions and be presumed to apply in subsequent encounters.

Applying restrictions and victims' right to choice to civil cases

Sexual experience and reputation evidence

16. Cases of a sexual nature carry similar dynamics irrespective of their jurisdiction, and the rationale of protecting complainants and ensuring legitimate reasoning applies equally in civil cases. We therefore support the extension of the rape shield law to civil proceedings, on the basis that susceptibility to myths is likely to permeate both criminal and civil jurisdictions.

Giving evidence

17. In addition, we regard it as essential that the measures taken to reduce the potential for re-traumatisation afforded to complainants in criminal cases are similarly afforded to victims in civil cases, some of whom will be seeking civil remedies for historic abuse or forced to participate in Family Court proceedings, especially if the accused is an intimate partner or ex-partner. While s.103 allows witnesses in any proceeding to give evidence through alternative means, participants in civil proceedings are, in our experience, rarely advised of their rights to do so, and requests to do so are often not accommodated (particularly in rural regions).

Managing inappropriate questioning

18. Women's Refuge commends the strengthening of s.85 to clarify that judges 'must' disallow questions that are unfair, repetitive, misleading, or overly complicated. We hope that this will allay judges' concerns that intervening in appropriate lines of questioning may lay the foundations for a mistrial.

19. Similarly, we support the requirement for judges to consider a witness's vulnerability when they are considering whether a line of questioning is unacceptable. We also commend the way this provision is framed to capture all proceedings, so that it may extend to family violence matters.

20. Our remaining concern is about the effectiveness of legislation alone. Despite s.85 as it currently stands, analyses of sexual violence trials indicate that judges do not consistently intervene in the event of

inappropriate questioning[10]. Decision-making on what constitutes inappropriate questioning is inherently subjective; it cannot be relied upon to be consistent in the absence of robust routine training that is well-resourced, evidence-informed, and rigorously evaluated. We understand that a training initiative is currently underway, however we do not know what has been completed, what the training involves, who has or is being trained, and how the effectiveness of this will be measured. We suggest that further development of judicial training be designed in collaboration with the family violence and sexual violence specialist sectors, as previously recommended[11].

21. At a minimum, this judicial training must encompass the nature and impacts of trauma, the social context of sexual violence, the evolution of rape myths and their influence within the justice system, and plain language questioning. Finally, we note that other countries have mandatory training of several days that they must complete before hearing sexual violence cases. We submit that this should be similarly implemented as an expectation for judges in Aotearoa New Zealand, especially since the efficacy of specialist training has been clearly demonstrated through the recent evaluation of the Sexual Violence Court Pilot (in which many stakeholders acknowledged the value of specialist training of all justice actors).

Mode of giving evidence

22. At present, complainants in sexual cases usually give evidence in the courtroom where the trial is taking place. They may apply to give evidence in alternative ways in accordance with s.105 of the Evidence Act 2006, such as behind a screen so they are unable to see the defendant, through CCTV, or through video record made prior to the hearing. Although the right to give evidence in alternative ways has been in place for some time, we note that this still has some regional variation that requires addressing. However, we also acknowledge that in other regions this Bill will simply formalise procedures that are already embedded, particularly in regard to evidence-in-chief.

23. The option of giving evidence via video record made prior to a hearing, while a considerably less distressing prospect than in-trial evidence for victims, is typically only employed for evidence-in-chief, not for other evidence such as cross-examination, despite this being equally possible under s.105 (and despite the possibility of doing so being affirmed by the Court of Appeal in 2011[12], where the Court found that although it can pose some tensions with the right of defendant not to 'show their hand', pre-recording cross-examinations does not inherently conflict with defendants' rights under the Bill of Rights Act).

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[10] Forthcoming – Elisabeth McDonald, with research and writing contributions from Paulette Benton-Greig, Rachel Souness and Sandra Dickson, *Rape myths as barriers to fair trial process: Comparing adult rape trials with those in the Aotearoa Sexual Violence Court Pilot* (Canterbury University Press, 2020).

[11] Law Commission. (2015). T*he justice response to victims of sexual violence: Criminal trials and alternative processes*.

[12] 269 ***M v R*** [2011] NZCA 303.

24. However, it is the anticipation of and subjection to this cross-examination, which is almost always conducted during the hearing, that constitutes the greatest source of distress of complainants. The time period between the time of the recording of the detailed statement or evidence-in-chief and the cross-examination is typically greater than a year, and in some cases is more than two years. In 2015, the average length of time between the filing of charges and the end of the hearing of those charges is 443 days – over a year[13]. The delay has a range of inimical impacts, including to their emotional wellbeing, to the restoration of their social wellbeing, and to the evidence they are being asked to provide. For many complainants, their lives and their recovery from the sexual crime is regarded as being 'put on hold' during this time, because although the process of reporting to the police has been completed, the intimidating prospect of being cross-examined – particularly after such a lapse in time and the difficulty in recall that can accompany this – precludes victims from moving on.

25. The adverse impacts of time delays are particularly pronounced for young victims. A delay of one to two years could be as much as 10 percent of a young person's life; an inordinately long time to be anticipating an experience that is thought to be almost as traumatising as an initial victimisation. Finally, as the Law Commission pointed out in their 2015 report into the judicial response to sexual violence[14], a key differentiating feature of many sexual violence trials is the reliance on the evidence of a single witness, as there is typically no witnesses other than the primary victim. Accordingly, establishing the facts of the crime is often predicated on the complainant's ability to accurately and consistently recount their experience, which is a task made more difficult by delays of long periods[15]. Pre-recording of cross-examination evidence was first raised by the Law Commission in 1996[16]. In 2011, it found to be effective in cases with child complainants and child witnesses[17], and a subsequent evaluation reported it as a positive contribution to the justice system. In addition, the Law Commission's 2015 report highlighted the collated submissions of 20 District Judges, that suggested a greater role for pre-recorded evidence. Similarly, the New Zealand Law Society has suggested that pre-recording cross-examination should be the usual, but not mandatory, method for children. We propose that, at a minimum, this may be appropriate for other vulnerable complainants, including those who have been abused by a partner or other family member. However, we would like the pre-recording of cross-examination evidence to be presumptively allowed for all sexual violence (and family violence) cases.

Addressing myths and misconceptions

26. Counterintuitive evidence affords the prosecution the opportunity to put expert evidence to juries to explain behaviour that they might otherwise find difficult to understand. In sexual violence matters, this

[13] Ministry of Justice figures, 2015 (involving any sexual violence trial but excludes cases on hold due to outstanding warrants)

[14] Law Commission (2015). The Justice Response to Victims of Sexual Violence. Retrieved from https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC-R136-The-Justice-Response-to-Victims-of-Sexual-Violence.pdf

[15] Law Commission *Alternative Pre-Trial and Trial Processes: Summary of Submissions to Consultation* (NZLC, 2012)

[16] Law Commission *The Evidence of Children and Other Vulnerable Witnesses: A Discussion Paper* (NZLC PP26, 1996).

[17] *The experience in Auckland, 2010-2011*

counterintuitive evidence is often aimed at correcting problematic assumptions or misconceptions about 'normal' victim behaviour (for example, the belief that in legitimate cases, victims would immediately report assault to the police). The legitimacy of this evidence for the purpose of correcting misconceptions was recently reiterated by the Supreme Court[18].

27. We acknowledge the importance of s.126A regarding addressing relevant misconceptions. Rape myths, or the set of socially-sanctioned misconceptions about the dynamics of rape and the behaviour of sexual violence survivors, unequivocally influence the decision-making processes of jurors; in fact, adherence to rape myths is one of the strongest predictors of victim blame[19]. Some of the most deeply entrenched rape myths stem from men's fear of being accused of rape; namely, that women are prone to fabrication, that it does not constitute rape if it was by a partner, that extreme intoxication does not preclude consent, that women with extensive sexual histories provoke rape and do not deserve justice, and that women fantasise about and even desire rape. These are even more difficult to dismantle in situations where the complainant and defendant have been intimate partners.

28. It is imperative that these are adequately addressed through the provision of counterintuitive evidence so that they do not preclude the opportunity for justice. However, we argue that many of the possible misconceptions are not proactively addressed in the courtroom. We therefore propose that the list outlined be expanded to also encompass the following topics and misconceptions: frequency of false reporting, social excuses for sexual offending, delayed reporting (i.e. delays between date of offence and initial police complaint); reporting as a mechanism for revenge; the likelihood of additional concrete evidence existing; the role of alcohol consumption, sexual behaviour, or dress style; and possible manifestations of a trauma response.

Additional steps required for an effective justice response

Time limits for trial

29. Earlier in this submission, we outlined some of the implications of prolonged waiting periods between the time of an initial report and a trial date. Extending the ability to give evidence through alternative means to include pre-recorded cross-examination is one option for addressing this; another, possibly complementary approach is to impose time-limits on the setting on trial dates (for example, requiring the trial date to be within six months of the initial statement). This would have multiple benefits; principally, it would benefit complainants, but could also preserve the quality of evidence and minimise ongoing disruption to complainants' lives. The Law Commission has previously raised the possibility of incorporating such a requirement into the Victims' Rights Act 2002.

30. While such provisions do not currently exist in Aotearoa New Zealand's criminal court, they do for certain family court procedures (such as for applications to vary the conditions of a protection order) and other jurisdictions such as Victoria, Australia, have implemented time limits for case disposal for

[18] 198 *DH v R* [2015] NZSC 35, [2015] 1 NZLR 625.

[19] Jordan, J. (2001). *Women, Rape and the Law*. Victoria University of Wellington: Wellington

sexual matters[20]. However, a key finding of Victoria's implementation of time limits is the need for adequate resourcing to accompany the imposition of time limits, as without investment in court management the limits are difficult to consistently meet.

31. Findings from the sexual violence pilot evaluation, published in 2019, showed that the average case disposal time decreased by an average of 134 days, suggesting that a time limit for case disposal is both realistic and achievable if sexual violence cases are appropriately prioritised and resourced[21]. Correspondingly, the expansion of such a pilot to be standard management of all sexual violence cases could be a viable alternative to attending solely to time limits through amendment of the Victims' Rights Act.

Confidential records

32. Finally, we submit that the Bill be amended to include a restriction to the access by the defence to records held by support agencies that the complainant has accessed in pursuit of recovery and wellbeing. Sometimes referred to as a 'sexual assault communications privilege', the prospect of the disclosure of these notes or the release of components of them to the defence can deter help-seeking and significantly impede recovery and/or the willingness of the complainant to participate in the justice process.

33. Currently, the complainant does not have to be advised that this is occurring, and this represents a threat to the complainant's wellbeing and, in some cases, a threat to the complainant's physical safety. The directions currently informing the disclosure of these notes are discretionary, with admissibility as a presumed starting point, and the disclosure of these records has typically been used for the sole purpose of attacking the complainant's reliability, reputation, or credibility[22]. Consequently, we regard the development of strict guidelines around the right to these records as one of the most essential amendments to ensure a just and fair experience for all victims.

Extending provisions to also apply to family violence matters

34. We submit that many of the difficulties and dynamics typical of sexual violence matters are equivalently manifest in family violence matters, and that there is a corresponding need to institute equivalent rights and protections for complainants in family violence cases. In the Law Commission's report *The Second Review of the Evidence Act 2006*, the problematic time restriction regarding the recording of a complainant's evidence-in-chief was acknowledged. In particular, it was noted that the ongoing, continuous, and socially complex dynamics of family violence prevent temporal certainty of any individual episode within a pattern of violence, and that this time limit be removed. In this report, the

[20] Known as the "Sexual Assault Reform Strategy", its overall aim was to improve the effectiveness of the system's response to sexual offending and to victims of sexual violence. Department of Justice *Sexual Assault Reform Strategy – Final Evaluation Report* (Department of Justice, Melbourne, 2011) at 7.

[21] Ministry of Justice. (2019). Evaluation of the Sexual Violence Court Pilot. Retrieved from https://www.districtcourts.govt.nz/assets/Uploads/2019_Publications/Sexual-Violence-Court-Pilot-Evaluation-Report-FINAL-24.7.19.pdf?fbclid=IwAR2J2uG33iPBce_I8YcakYXLQfT7xk58Y_U9quy3w_iMU_Q1dN46xFWAxP8

[22] E.g. *R v Medcalf* [2013] NZCA 333; *Bushby v R* [2016] NZCA 527; *R v Kumar* [2013] NZCA 440; *SR v Police* [2014] NZYC 484; *R v Jones* [2015] NZHC 1883; *Anderson v Hawke* [2016] NZHC 2280

Law Commission recommends that these complainants also be afforded the opportunity to have their cross-examination pre-recorded. We cannot see any reason why family violence offences would be treated differently to sexual violence offences.

35. Further, we argue that the extension of counteractive evidence provisions designed to further the interests of justice in sexual violence cases need to apply equally to family violence cases. Many of the myths and misconceptions that cloud decision-making are consistent with those identifiable in sexual violence matters. Others are specific to the social norms used to interpret the context of violence (also identified by the Law Commission's report above). For instance, misconceptions about the ease and practicality of leaving a relationship, the likelihood of safety post-separation, and the supposed mutuality of violence are all powerful and insidious sets of beliefs that influence jurors' perceptions of events.

Key Recommendations

36. This Bill, and the evidence law amendments and justice initiatives to improve the response to sexual violence that have preceded it, aim to alleviate the distress and re-traumatisation associated with reporting sexual violence and promote the opportunities for people impacted by sexual violence to access justice. Accordingly, we make the following recommendations:

- That Government progress the development of well-resourced, collaborative, kaupapa Māori restorative pathways to justice, in recognition of the fact that equitable justice outcomes for Māori cannot be achieved solely within a Tauiwi model;
- That the restrictions to the admissibility of sexual history evidence be expanded to disallow sexual experience with the defendant;
- That restrictions on the admissibility of sexual history evidence are equivalently applied in the civil jurisdiction;
- That judges are compelled to consider a witness's vulnerability when they are deciding whether to intervene in questioning that could be considered inappropriate;
- That s.85 be strengthened to clarify that judges 'must' disallow that questions are unfair, repetitive, misleading, or overly complicated;
- That this provision retain the wording that allows it to be extended to family violence as well as sexual violence matters;
- That further development of judicial training be designed in collaboration with the family violence and sexual violence specialist sectors;
- That judges undergo mandatory extensive training before being permitted to preside over sexual violence matters;
- That the provisions stipulating the right to give evidence in alternative ways be strengthened, to address the current regional variation in offering complainants options;

- That the right to give evidence in alternative ways explicitly encompass the pre-recording of cross-examination evidence;
- That the issuing of counterintuitive evidence is standardised through judicial direction on common myths and misconceptions and appropriate directions regarding these;
- That additional measures are instituted to ensure cases are progressed in a timely manner, such as by extension of the specialist sexual violence courts, additional resourcing for and prioritisation of sexual violence matters, or through the introduction of case disposal time-limits embedded within the Victims' Rights Act;
- That strict guidelines are developed to restrict requests for victims' therapeutic notes; and
- That equivalent rights and protections designed to alleviate the distress of participation in sexual violence trials also be afforded to complainants and other vulnerable witnesses in family violence trials.