# ALRC Inquiry Into Justice Responses To Sexual Violence

The Commonwealth Government recently asked the Australian Law Reform Commission (ALRC) to inquire into justice responses to sexual violence in Australia. This followed a National Roundtable on Justice Responses to Sexual Violence held in August 2023. The ALRC has been asked to provide its final report to the Attorney-General by 22 January 2025.

The justice system needs to be unequivocal and consistent in how it deals with alcohol use to help prevent sexual assault and ensure that justice is served for survivors. Reforming justice responses to sexual violence, (including an accurate treatment of the role of alcohol in sexual violence), will directly support victim survivors. This is both through them experiencing a less-traumatic process, and through increasing the likelihood of a just outcome. Reforms should consider including calling expert evidence, jury directions, restricting questions, training justice professionals and specialist courts.

FARE lodged a submission to this inquiry, supporting the submission by Dr Julia Quilter (University of Wollongong) and Professor Luke McNamara (UNSW), primarily in regards to issues of consent and alcohol.

### FARE recommends:

**Recommendation 1.** Ensure that judicial processes have access to, and call on medical/scientific experts to address the lack of credible evidence, including evidence about the effects of alcohol.

**Recommendation 2.** Ensure that any use of jury directions are fully evaluated for effectiveness, and not used in place of specifically restricting or prohibiting the admissibility of questions that reinforce myths and misconceptions, including myths about the role of alcohol.

**Recommendation 3.** Ensure that the courts send a clear and consistent message about alcohol intoxication and consent. Ensure that in courtroom practice, a victim-survivor cannot be deemed to have consented if they are intoxicated.

**Recommendation 4.** Provide clear education and strong guidance for trial Judges and lawyers as to what constitutes improper questions, to reduce the variability of rulings regarding disallowance. Include in this guidance the pre-trial adjudication on the relevance and admissibility of proposed lines of questioning, to ensure only appropriate questions will be asked.

**Recommendation 5.** Educate justice professionals about evidence-informed association of alcohol and sexual violence, and the myths and misconceptions of sexual violence, including medical/scientific evidence around alcohol intoxication and consent. Establish Specialist Courts, to reduce trial delay and move towards a trauma-informed justice model.

[read the submission](https://fare.org.au/wp-content/uploads/FARE-Submission-ALRC-Inquiry-into-Justice-Responses-to-Sexual-Violence.pdf)