



Chapter Six

Safety and access to justice

Women continue to be more vulnerable to particular types of crime, namely sexual and domestic-related violence. In 2011, sexual assault victims were twice as likely as men to experience domestic violence-related assaults.

Safety and access to justice

The majority of violence against women and girls occurs in their homes.

Over the 10-year period between July 1999 and June 2009, men committed almost 88 percent of all domestic violence assaults, and 98 percent of all sexual assaults in NSW²⁴. While men can be victims of domestic and family violence and sexual assault, women²⁵ are overwhelmingly more likely to be victims (see Indicators 1.1 and 1.2 in this chapter).

Research relating to domestic violence assaults also suggests that violence by male perpetrators is more severe and more likely to lead to serious injury than violence perpetrated by women. Evidence suggests that female perpetrators are more likely to be driven by frustration and anger rather than by a specific objective, and their violence is more likely to be committed in self-defence or in retaliation to provocation²⁶.

Violence itself is a result of complex social, psychological and economic factors. The causes of violence vary between individuals and can be influenced by factors including mental illness, drug and alcohol addiction, learned behaviours and neuropsychological conditions.

The consequences of violence are also complex and far-reaching. In the case of domestic and family violence and sexual assault, there is evidence that the psychological, emotional and physical health of victims are seriously affected, with increased risk of depression, anxiety, and attempted suicide, infections, fractures, and other wounds. Victims are more likely to engage in risky behaviours such as increased drug and alcohol use, smoking, and unhealthy eating habits. The effects on children of witnessing or experiencing violence are also considerable.

The economic costs of violence against women are significant. In addition to the impact of violence on victims' capacity to participate in employment, economic costs are felt by government, where law enforcement, justice, health, social welfare and education services must be targeted at victims and offenders. In 2008-09 the total cost of all violence against women and their children in Australia (including non-domestic violence) was estimated to have cost the national economy \$13.6 billion²⁷.

The data presented in this chapter provides an overview of women's experiences of safety in NSW in different contexts: families and households, the community and public transport. The chapter also presents data from the criminal justice system. A focus topic discussion on penalties for crimes that have different prevalence of male and female victims is also included.

Key findings

Women continue to be more vulnerable to particular types of crime, namely sexual and domestic-related violence. Sexual assault victims in 2010 were nearly five times more likely to be women than men, and in 2011 women were nearly twice as likely as men to experience domestic violence-related assaults.

The rate of Apprehended Domestic Violence Orders granted increased 1.6 times between 1995 and 2010; in 2010, 70 percent of these were granted to women. While the rates per 100,000 persons of domestic violence-related assaults have continued at more or less the same levels, for men and non-Aboriginal women, over the last 10 years, there has been a steady decrease in the 10 years since 2002 in the rate of domestic violence-related assaults amongst Aboriginal women. Over this period there were almost 900 fewer incidents per 100,000 women, a 0.6 percent decrease on average each year. The extent to which this represents a reduction in reporting, rather than a decrease in the incidence of assaults, is not known.

Research by the NSW Bureau of Crime Statistics and Research (BOCSAR) shows that the attrition rate of sexual assault cases – the reduction in numbers of these cases as they move through the criminal justice system – continues to be high. In 2010, less than 10 percent of recorded incidents involving adults in a sexual offence were proven in court.

Recent research by the NSW Bureau of Transport Statistics confirms research by the Australian Bureau of Statistics (Personal Safety Survey) that women feel less safe than men when waiting for or using public transport at night.

24 Holmes, J (2010) 'Female offending: has there been an increase?', *Bureau Brief*, issue paper no. 46, NSW Bureau of Crime Statistics and Research, p.5.

25 Throughout this chapter the terms 'men' and 'women' are used for brevity, but 'women' refers to women and girls and 'men' refers to men and boys.

26 Morgan A and Chadwick C (2009) *Key Issues in Domestic Violence*, Australian Institute of Criminology, Research in Practice Summary Paper no.7, p.3.

27 Morgan A and Chadwick C (2009) *Key Issues in Domestic Violence*, Australian Institute of Criminology, Research in Practice Summary Paper no.7, p.3.

Gender indicators: safety and access to justice

In this chapter, women's experiences with safety and access to justice are reported across four topic areas. Many indicators within the topic areas are aligned with

state, national and international frameworks and these linkages are shown in the table below.

Topics Safety and access to justice topics and indicators		
Topic	Indicators	Linkages
Topic 1: Safety in families and households	1.1 Recorded domestic violence-related assaults 1.2 Sexual assaults against women 1.3 Self-reporting of domestic violence by women attending NSW health services	State Plan NSW 2021 (Goal 16) National Plan to Reduce Violence Against Women and their Children ABS Gender Indicators
Topic 2: Safety in the community	2.1 Self-reported rates of victims of physical and threatened assault 2.2 Victims of recorded personal crimes and other selected offences	State Plan NSW 2021 (Goal 16) National Plan to Reduce Violence Against Women and their Children ABS Gender Indicators
Topic 3: Transport-related safety	3.1 Satisfaction with safety of public transport services 3.2 Frequency of walking and cycling	State Plan NSW 2021 (Goals 8 and 9) Productivity Commission, Report on Government Services
Topic 4: The justice system	4.1 Rate of reporting personal crimes (including sexual assault) 4.2 Attrition of sexual offence cases through the criminal justice system 4.3 Apprehended Domestic Violence Orders (ADVOs) granted	NSW 2021 State Plan (Goal 16) National Plan to Reduce Violence Against Women and their Children

Current levels and trends

The following section outlines women's current status in the topic areas listed above and the direction of change over time, where this information is available. The latest available data is used in each case.

Topic 1: Safety in families and households

Indicators 1.1 and 1.2 present data on domestic violence assaults that has been recorded by the NSW Police, while the information in Indicator 1.3 relates to self-reporting of domestic violence by women through a NSW Health screening program.

It is difficult to collect reliable data on the extent of domestic violence and sexual assault by family members, as many incidents go unreported. The NSW Bureau of Crime Statistics and Research (BOCSAR) estimates that less than

half of respondents in 2008-09 who had experienced domestic assault in the previous 12 months reported the domestic assault to the police²⁸. Common reasons why women do not report domestic violence or sexual assault include fear of the offender, feeling that the incident is not serious enough, that they should be able to solve their own problems, feeling a sense of shame and embarrassment, and uncertainty about whether the police can do anything about it.

The actual incidence of domestic violence and sexual assault amongst women in NSW is therefore likely to be greater than the figures reported in this section.

1.1 Recorded domestic violence-related assaults

Recorded domestic violence (DV)-related assaults

Current position

In NSW in the 12 months to September 2011, women made up 69 percent of victims of DV-related assaults (20,579 female victims compared with 9,155 male).

Gender gap:

- In 2011 in NSW, women were more than twice as likely as men to experience domestic violence.

The direction of change over time

The numbers of female victims of domestic violence has remained stable over the six-year period 2005-06 to 2010-11, ranging from a high of 20,657 in the 12 months to September 2007, to a low of 19,876 in the 12 months to September 2008.

Discussion

The rates of domestic violence-related assault per 100,000 of the population in NSW from 2002 to 2011 are shown in Figure 6.1.

Among non-Aboriginal women, the rate of domestic violence-related assault has been relatively stable between 2002 and 2011 (506 per 100,000 to 494 per 100,000).

Among Aboriginal women, however, the rate has fallen from 3,703 per 100,000 people in 2003, to 2,835 per 100,000 in 2011. The reason for this decrease (whether due to lower incidence or lower reporting) is not known.

A domestic violence offence, defined under the Crimes (Domestic and Personal Violence) Act 2007, encompasses acts of personal violence against someone with whom the perpetrator has, or has had, a domestic relationship. This includes spouses, people in de facto relationships, children, step-children, and other relatives. Domestic violence assaults reported here include physical violence and threats of violence, but not sexual offences or other forms of domestic violence (such as emotional or social abuse – preventing contact with friends and family or withholding money).

Year collected: 2010 to 2011, and previous years.

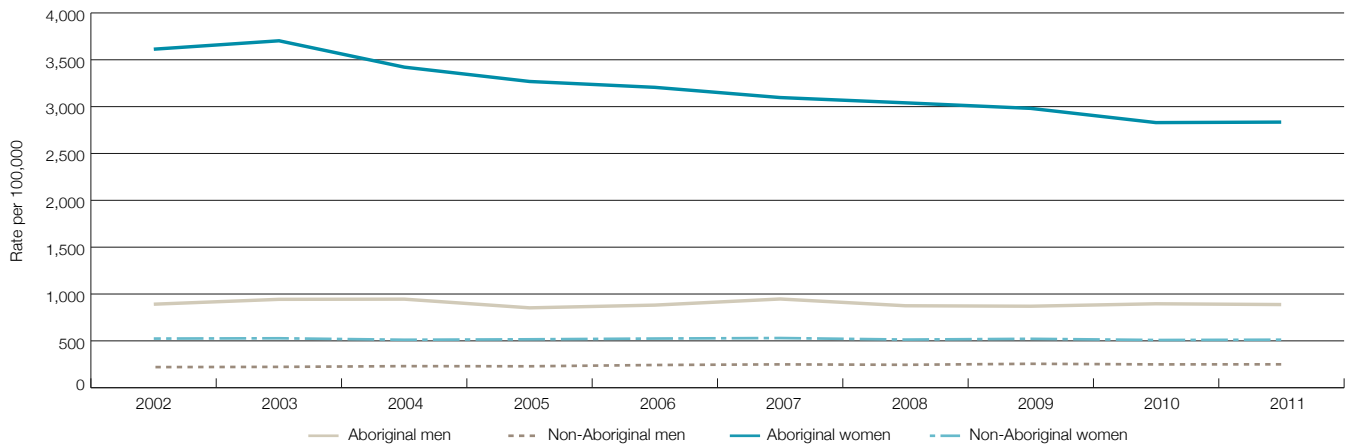
Data source: NSW BOCSAR.

More information is available at: www.bocsar.nsw.gov.au

28 Grech K and Burgess M (2011) *Trends and Patterns in Domestic Violence Assaults: 2001 to 2010*, NSW Bureau of Crime Statistics and Research, Bureau Brief, Issue Paper no.61, p.11.

Figure 6.1

Rate of domestic violence-related assaults by sex, Aboriginal and non-Aboriginal victims, 2002 to 2011



Note: Aboriginal and non-Aboriginal population estimates are drawn from ABS, *Projected Experimental Estimated Resident Australian Indigenous Population by RCMG region, age groups, 2001-2011 at 30 June 2011*.

Population: Victims of domestic violence-related offences of all ages (ie adults and children) recorded by the NSW Police.

Source: BOCSAR, unpublished data.

1.2 Sexual assaults against women

Sexual assaults against women, relationship of offender

Current position

In NSW in 2010, there were 5,418 recorded sexual assaults against women, compared to 1,020 against men.

People known to the victim (family members or non-family members) accounted for over three-quarters of all offences against women (see Table 6.1).

Partners account for a higher proportion of offences against women (15.0 percent) than in the case of men (3.1 percent). Strangers likewise account for more offences against women (18.5 percent) than they do of offences against men (12.3 percent).

Other family members accounted for a smaller proportion of offences against women (13.4 percent) than men (17.6 percent), though note that the total number of offences against women by other family members is much larger than the total number against men (see Table 6.1).

The direction of change over time

No comparable data available – see below.

1.2 Sexual assaults against women continued

Sexual assaults against women, relationship of offender

Discussion

Recorded crime statistics for 2010 showed that women are nearly five times as likely to be sexual assault victims as men (see also below).

In 2009-10, 98 percent of NSW adult offenders convicted of sexual assault were male. 94 percent of offenders had no prior convictions for sexual assault or related offences in the preceding five years²⁹.

The category of sexual assault covers a range of crimes that includes aggravated sexual assault (such as sexual intercourse without consent) and indecent assault. In NSW, a partner is defined to include boyfriends/girlfriends and ex-boyfriends/ex-girlfriends. Because these are crimes where the victims are overwhelmingly women, gender gap percentages have not been included.

Data from 2008 and 2009 are not comparable with those from 2010. The 2010 publication marks a break in series for the Recorded Crime – Victims collection due to changes in police recording practices, implementation of a revised offence classification system and completion of the National Crime Recording Standard implementation.

Year collected: 2010.

Data source: ABS (2011) *Recorded Crime – Victims, Australia, 2010*, Cat no. 4510.0.

More information is available at: www.abs.gov.au

Table 6.1

Sexual assault victims, women and men, relationship of offender to victim, NSW, 2010

	Women	%	Men	%
Family member total*	1,988	36.7	331	32.5
Partner	812	15.0	32	3.1
Other family member	727	13.4	180	17.6
Non-family member total	2,223	41.0	518	50.8
Ex-partner**	-	-	-	-
Other non-family member	2,223	41.0	518	50.8
Stranger	1,005	18.5	125	12.3
Relationship not known	164	3.0	17	1.7
Total	5,418	100.0	1,020	100.0

Note: * 'Family member total' includes other family members not elsewhere classified. ** NSW Police records don't distinguish between a partner and an ex-partner.

Population: Victimization incidents for a selected range of offences recorded by police during the 2010 calendar year. These offences may have been reported by a victim, witness or other person, or they may have been detected by police. Note that the same victim may be counted more than once in incidents involving multiple offences where these offences are of different types or if the same person is a victim on more than one occasion in the same year and reports these incidents to police on separate occasions.

Source: ABS (2011) *Recorded Crime – Victims, Australia, 2010*, Cat no. 4510.0, table DO003, tables 3 and 4.

29 BOCSAR (2012) *Sentencing snapshot: Sexual assault, 2009-10*, Issue Paper no. 72.

1.3 Self-reporting of domestic violence by women attending NSW health services

Incidence of domestic violence reported by women attending NSW health services

Current position

In 2009, almost 6 percent of women who were screened under the Routine Screening for Domestic Violence program (the program) identified themselves as being victims of domestic violence in the last year.

The direction of change over time

The number of women screened under the program increased from 5,800 in 2003 to 21,216 in 2009. Over this period, the percentage of women screened who identified themselves as victims of domestic violence in the last year remained relatively stable, between 6 and 7 percent.

Discussion

In 2009, approximately one third of the women who disclosed abuse (274 out of 838 women) accepted an offer of assistance from the health worker.

A research study revealed that over a fifth of women in the evaluation who disclosed abuse during the screening process were disclosing for the first time³⁰.

The NSW Health Routine Screening for Domestic Violence Program is implemented in antenatal services and early childhood services, and for women aged 16 and over who attend mental health and alcohol and other drug programs.

All women who attend these services are asked standardised questions (except in certain circumstances, for example if the woman is accompanied by a family member over three years of age) about any incidence of violence from a partner or ex-partner in the last year. The screening intervention is based on the following definition of domestic violence: 'Violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person'³¹. In 2009, 68 percent of eligible women were screened.

Year collected: 2009 (latest data available).

Data source: NSW Health, Violence Prevention and Response Team, Routine Screening for Domestic Violence Program.

More information is available at: www.health.nsw.gov.au/resources

30 Spangaro, J and Zwi, A (2010) *After the Questions: Impact of Routine Screening for Domestic Violence in NSW Health Services*, UNSW School of Public Health and Community Medicine.

31 NSW Health (2007) *Routine Screening for Domestic Violence Program: Snapshot Report 3, November 2005 and Snapshot Report 4, November 2006*, p.3.

Topic 2: Safety in the community

As in the previous section, both self-reported and recorded crime data is used in this section. Indicator 2.1 is drawn from self-reported incidents of certain personal crimes collected through an ABS household survey. Indicator 2.2 reflects incidents of crime recorded by the NSW Police. The Indicator 2.1 survey results will not match recorded crime data, but are rather an additional source of data on crime victimisation, including crime not reported to the police.

Women are around four times more likely than men to be victims of sexual offences and indecent assault, but less than half as likely as men to be victims of murder, non-domestic assault, and robbery.

2.1 Self-reported rates of victims of physical and threatened assault

Self-reported rates of victims of physical and threatened assault in the last 12 months

Current position

In NSW in 2010-11, men reported slightly higher numbers of victimisation for physical and threatened assault than women (86,100 compared to 78,300). Relative to the whole population, men were 0.3 percentage points more likely than women to be victims of physical and threatened assault in 2010-11.

Gender gaps:

- 2.7 percent of women and 3.0 percent of men reported at least one incident of physical assault.
- 2.4 percent of women and 3.0 percent of men reported at least one incident of threatened assault.

The direction of change over time

Not readily available, as published data from previous years is not broken down by sex or by state.

Discussion

Incidence rates collected through household surveys are more likely than police statistics to approach actual victimisation levels. Nevertheless, many crimes are not likely to be reported reliably through household surveys. The ABS considers that personal crimes such as physical and threatened assault are more likely to be reported than crimes such as sexual assault.

Victimisation rates for these crimes are higher among young people.

The crime victimisation rates reported here represent the percentage of the relevant population that has been a victim of a given crime at least once in the last 12 months. Physical assault is defined by the ABS as an incident where anyone used physical force or violence against a respondent. It excludes incidents that occurred during the course of play on a sporting field, verbal abuse, and incidents of sexual assault or threatened sexual assault which also involved physical assault.

Threatened assault includes any verbal and/or physical intent or suggestion of intent to inflict physical harm, which the person believed was able and likely to be carried out. It also includes incidents where a respondent was threatened in their line of work (eg while working as a security guard).

Year collected: July 2010 to June 2011.

Data source: ABS (2012) *Crime Victimisation, Australia, 2010-11*, Cat no. 4530.0.

More information is available at: www.abs.gov.au

2.2 Victims of recorded personal crimes and other selected offences

Current position

In addition to domestic violence-related assault and sexual assault, discussed above, there are a range of other personal violence offences where women in NSW have different rates of victimisation in NSW compared to men (see Table 6.2).

Gender gap:

- Women are around four times more likely than men to be victims of sexual offences and indecent assault, but less than half as likely as men to be victims of murder, non-domestic assault, and robbery.

The direction of change over time

For most personal violence offences (not sexual assault), the number of reported offences has remained relatively stable in the six years from 2005-06 to 2010-11.

Robbery offences against women and men have shown a steady downward trend in this period. In the case of women, there were 1,505 robbery offences reported in 2010-11, down from 2,433 in 2005-06. The number of 'steal from person' offences against women also declined each year, from 8,611 in 2005-06 to 5,614 in 2010-11.

Harassment, threatening behaviour and private nuisance offences, on the other hand, showed an upward trend during the period as reported by both sexes. Overall, this type of offence was more frequently reported by women, who were nearly 60 percent of victims in 2010-11.

Discussion

Although murder victims, overall, are more likely to be male than female (see Table 6.2), it is important to note that women are significantly more likely than men to be victims of domestic homicide. Domestic homicide is where a person is killed by someone with whom they shared a current or former domestic relationship.

In NSW in 2007-08, just over half of all homicides were domestic homicides (51 percent) and 60 percent of domestic homicide victims were women.

Of all female homicide victims in that year, 81 percent were killed in a domestic homicide. By contrast, 33 percent of all male homicide victims in 2007-08 were killed in a domestic homicide. Men were more frequently killed by an acquaintance (36 percent)³².

Personal crimes as defined by the ABS are 'robbery, physical assault, threatened assault or sexual assault, in which an individual is considered to be the victim of the crime'. Murder and steal from person have also been included.

Year collected: October 2010-September 2011 and preceding years.

Data source: BOCSAR, sourced from records maintained by NSW Police.

More information is available at www.bocsar.nsw.gov.au

32 Domestic Violence Death Review Team (2011) *Annual Report 2010-2011*, NSW Department of Attorney-General and Justice, pp. 11 and 13.

Table 6.2

Victims of personal violence and other selected offences recorded by NSW Police, women and men, 12 months ended September 2011

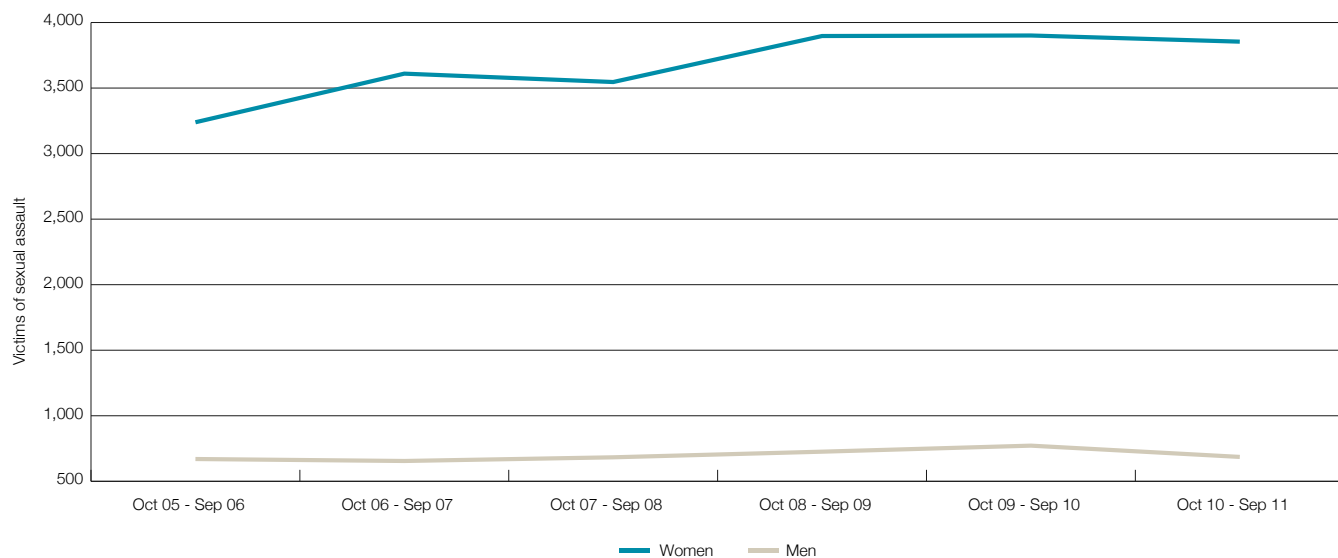
Offences where women are the majority of victims	Total	% Women
Sexual assault	4,543	84.8
Other sexual offences	1,671	80.8
Indecent assault, act of indecency	3,775	80.4
Domestic violence related assault	29,758	69.2
Steal from person	8,932	62.9
Harassment, threatening behaviour and private nuisance	31,695	59.4
Offences where men are the majority of victims	Total	% Women
Murder	75	33.3
Non-domestic violence related assault	43,189	29.5
Robbery	6,547	23.0

Notes: Totals and total percentages include cases where sex was unrecorded. Includes victims of all ages (adults and children). Incidents of assault police are not included in this table.

Source: NSW Recorded Crime Statistics, data analysed and published by BOCSAR.

Figure 6.2

Victims of sexual assault, women and men, NSW, 2005-06 to 2010-11



Population: Victims of recorded sexual assault, people of all ages (ie adults and children).

Source: NSW Recorded Crime Statistics, data analysed and published by BOCSAR.

Topic 3: Transport- related safety

Women's experiences with transport reflect their sense of safety in their communities. There is a perception that, especially after dark, women do not feel safe waiting for or travelling on public transport. Indicator 3.1 examines data from the NSW Bureau of Transport Statistics (BTS) that asks respondents about their sense of safety relating to public transport. These findings are contrasted with the earlier (2005) ABS *Personal Safety Survey*, which explored the issue from a different angle.

Indicator 3.2 looks at data relating to walking and cycling. These non-motorised modes of transport have been selected because, while there may be several reasons why people walk, they provide another indication of the extent to which there is a difference between men and women in terms of feeling safe to move around their communities.

3.1 Satisfaction with safety of public transport services

Current position

In 2011, NSW women and men reported similar levels of satisfaction in relation to safety in using public transport (Table 6.3).

At the station/stop/wharf, 77 percent of women feel safe, compared with 76 percent of men. While on their service, 81 percent of women reported feeling safe, compared with 78 percent of men.

Gender gap:

- There is little difference between women and men in terms of their sense of safety when waiting for, or using, public transport services.

The direction of change over time

To date, the Transport Customer Survey has been undertaken once only, in 2011.

Discussion

Among women, feelings of safety while waiting at a station/stop/wharf drop during the evening and night-time.

The proportion of women who feel safe between 6.31 am and 6.00 pm is 78 percent. This decreases by 6 percentage points, to 72 percent, between 6.01 pm and 6.30 am. By contrast, men's feeling of safety remains the same when waiting for public transport (76 percent), regardless of the time of day or night.

For all survey respondents (both sexes), the sense of safety increases with age: 90 percent of those aged 60 years and over felt safe at the station/stop/wharf, compared to 66 percent of people aged 16 to 19.

3.1 Satisfaction with safety of public transport services continued

Discussion continued

The ABS *Personal Safety Survey* (PSS) indicates greater differences between women and men in relation to feelings of safety with public transport. The PSS includes the dimension of travelling or waiting alone, which is not covered in the NSW *Transport Customer Survey*. The PSS found that in 2005:

- 15 percent of women felt safe using public transport alone after dark, compared with 29 percent of men
- 20 percent of women did not use public transport alone after dark because they felt unsafe, compared to 5 percent of men
- 12 percent of women felt safe waiting for public transport alone after dark, compared with 27 percent of men.

New unpublished research by Transport for NSW suggests that women who use (or might use) light rail, rail and bus services value the safety-related attributes of these public transport services slightly more than men. In 2012, the share of importance that female respondents gave to 'feeling safe while on the train' was 12 percent, compared to 7 percent for male respondents.

The NSW Transport Customer Survey was conducted to determine the level of satisfaction with NSW public transport services. It covered public transport users across the CityRail network, metropolitan bus contract regions and Sydney Ferries network. The survey was conducted by means of on-board distributed self-completion survey forms in May 2011, including weekdays and weekend days. Two of the survey questions related to safety: 'Feeling safe at the station/stop/wharf' and 'Feeling safe while on the service'. Other questions related to accessibility, timeliness, cleanliness, comfort, convenience and ticketing.

Year collected: 2011 (NSW *Transport Customer Survey*); 2005 (ABS *Personal Safety Survey*).

Data source: NSW BTS, *Transport Customer Survey*, published and unpublished data; ABS (2006) *Personal Safety Survey Australia*, Cat no. 4906.0; Transport for NSW, Customer Experience Division (unpublished).

More information is available at: www.bts.nsw.gov.au/statistics

The proportion of women who feel safe between 6.31 am and 6.00 pm is 78 percent. This decreases by 6 percentage points, to 72 percent, between 6.01 pm and 6.30 am.

By contrast, men's feeling of safety remains the same when waiting for public transport (76 percent), regardless of the time of day or night.

Table 6.3

Satisfaction with public transport by gender, NSW, 2011			
Safety		Women %	Men %
All public transport	Feeling safe at the station/stop/wharf	77	76
	Feeling safe while on the service	81	78
	Overall satisfaction	87	82
Train	Feeling safe at the station/stop/wharf	69	69
	Feeling safe while on the service	71	69
	Overall satisfaction	83	78
Bus	Feeling safe at the station/stop/wharf	80	80
	Feeling safe while on the service	90	87
	Overall satisfaction	88	83
Ferry	Feeling safe at the station/stop/wharf	94	94
	Feeling safe while on the service	95	96
	Overall satisfaction	97	95

Notes: 1: 'Satisfied' customers are survey respondents who have answered 'Satisfied' or 'Very satisfied' categories for service attributes, while 'dissatisfied' customers are those who have answered 'Dissatisfied' or 'Very dissatisfied' categories. 2: Data in this table includes all trips made over a 24-hour period, including day-time and night-time travel.

Population: Based on survey on public transport users across the CityRail network, metropolitan bus contract regions and Sydney Ferries network.

Source: BTS (2011) *Transport Customer Survey – Customer Satisfaction with Public Transport Services*.

3.2 Frequency of walking and cycling

Current position

In 2010, during weekdays, women who travelled were slightly more likely than men to walk (19 percent compared to 17 percent) and slightly less likely than men to use 'other' forms of transport (1 percent compared to 2 percent). These figures include all travel made during a nominated 24-hour period.

Note that 'other' transport does not include vehicle, walking, train or bus, but may include cycling, ferries and taxis.

Gender gap:

- In 2010, women travellers were 2 percentage points more likely than men to walk to their destination on a weekday, and 1 percentage point less likely than men to use 'other' forms of transport.

The direction of change over time

In NSW in 2000, women were more likely than men to walk (19 percent for women, compared to 16 percent for men) and less likely than men to use 'other' transport (1 percent for women, compared to 2 percent for men). These figures are almost identical to those of 2010 (above).

Discussion

Of people who walked to their destination during weekdays in 2010, women were more likely than men to be commuting (54 percent) and shopping (56 percent). Men were more likely than women to walk where the purpose was work-related business (64 percent). Women and men were equally likely to be travelling to education or child care.

In 2010, the only purpose for which women were more likely than men to use 'other' modes of transport, such as cycling, was to serve a passenger (56 percent). Serve passenger trips are where the purpose is to drop-off, pick-up or accompany another person. Note that 'other' modes of transport comprised less than 2 percent of all travel modes in 2010.

An analysis of data from the Household Travel Survey by time of travel (for walking), reveals similarities between women and men. 17 percent of women who travel use walking as their mode of transport between the hours of 6.31 am and 6.00 pm, compared to 15 percent of men. Between 6.01 pm and 6.30 am, the proportion of female walkers drops by 15 percentage points to 2 percent, and the proportion of male walkers drops by 13 percentage points, also to 2 percent.

Data collected by the NSW BTS amongst residents of the Sydney Greater Metropolitan Area through the Household Travel Survey identifies respondents' mode of travel, purpose of travel and their sex. Respondents record the details of all travel undertaken for a nominated 24-hour period.

Year collected: Multiple years (2008-09 to 2010-11, weighted to the June 2010 population).

Data source: BTS, Household Travel Survey (unpublished data).

More information is available at: www.bts.nsw.gov.au/statistics

Women's experiences with transport reflect their sense of safety in their communities. There is a perception that, especially after dark, women do not feel safe waiting for or travelling on public transport.

Topic 4: The justice system

This topic covers reporting rates, attrition of cases through the justice system, court-granted Apprehended Domestic Violence Orders (ADVOs) and penalties. As noted earlier, a significant proportion of domestic violence and sexual assault incidents are never reported to police and cannot therefore progress through the criminal justice system. Indicator 4.1 provides comparative data on estimated reporting rates for a crime where the majority of

victims are female (sexual assault) and a crime where the majority of victims are male (robbery).

Once police record an incident, they must investigate and decide whether to lay criminal charges against a suspect (the alleged offender). If charges are laid, they will be heard in court and the court will decide whether the charges are proved beyond reasonable doubt. If the criminal charges are proved, the court will sentence the offender.

Most sexual offences that are reported to police proceed no further than the investigation stage, and the number of sexual offences recorded by police is far greater than the number of charges proven in court. Indicator 4.2 reports on attrition of sexual offence cases during police investigation and within the justice system.

Indicator 4.3 reports on ADVOs granted by courts in NSW over time and by geographic spread.

4.1 Rate of reporting personal crimes (including sexual assault)

Current position

Reporting rates for common personal crimes in NSW are lower for a crime where women are the majority of victims (sexual assault) than for crimes where men are the majority of victims (physical assault and robbery).

Gender gaps:

- 39 percent for sexual assault (where the majority of victims are female, see Indicator 1.2).
- 55 percent for physical assault (where the majority of victims are male, see Indicator 2.1).
- 69 percent for robbery (where the majority of victims are male: 46,900 male victims nationally in 2010-11 compared to 30,400 female victims).

The direction of change over time

As indicated in Figure 6.3, the reporting rate for robbery has increased over the last three years, while the reporting rate for sexual assaults has remained relatively stable (bearing in mind that these figures are estimates).

Discussion

Research cited by the NSW Bureau of Crime Statistics and Research in 2006 suggested that adult women are more likely to report sexual assault victimisation if they sustain a physical injury, if they are born overseas or if the perpetrator is a stranger³³. The research also suggests that reporting is not influenced by age, education, labour force status, marital status, source of income, childhood abuse or prior adult violence.

The ABS *Crime Victimisation, Australia, 2010-11* survey found that, across Australia, female victims in 2010-11 were more likely than male victims to report their most recent incident of physical assault to police (55.1 percent compared to 47.6 percent).

33 Fitzgerald J (2006) *The attrition of sexual offences from the New South Wales criminal justice system*, NSW Bureau of Crime Statistics and Research, Crime and Justice Bulletin no.92.

4.1 Rate of reporting personal crimes (including sexual assault) continued

Discussion continued

Of female victims in 2010-11 who did not report the incident to police, the single most common reason was because it was a 'personal matter' (12.5 percent of cases). Of male victims in 2010-11 who did not report to police, the single most common reason was because it was 'Too trivial/unimportant' (16.5 percent of cases).

Reporting rates used in the ABS Crime Victimization, Australia publication are expressed as the percentage of victims whose most recent incident of crime had been reported to the police.

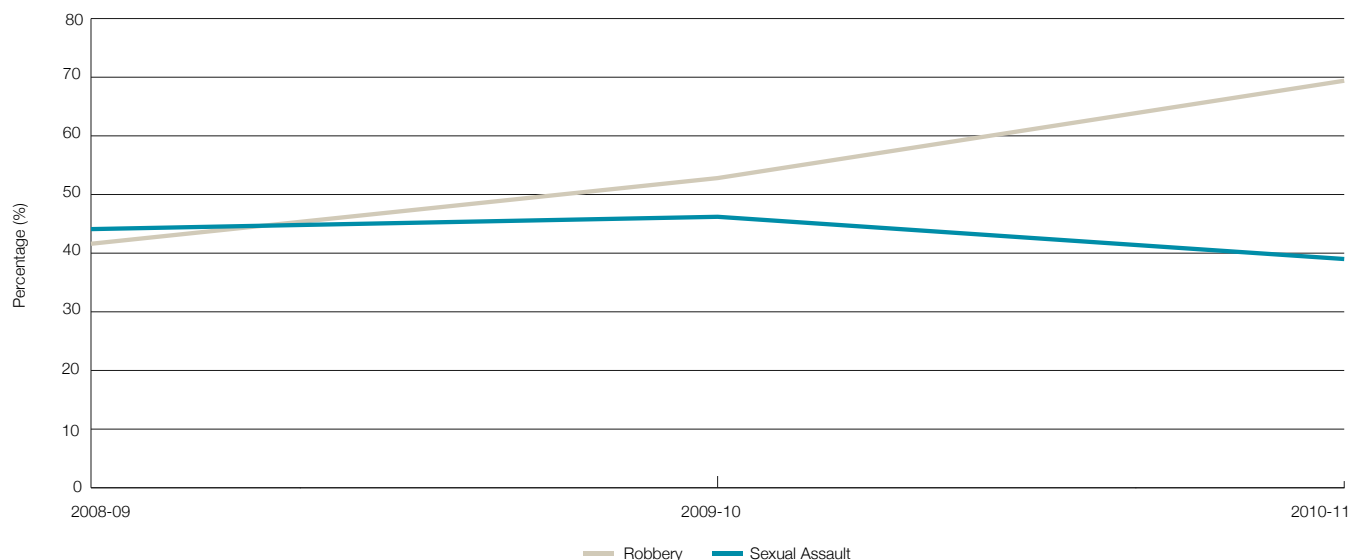
Year collected: July 2010 to June 2011.

Data source: ABS (2012) *Crime Victimization, Australia*, Cat no. 4530.0.

More information is available at: www.abs.gov.au

Figure 6.3

Reporting rates for selected personal crimes, Australia, 2008-09 to 2010-11



Note: Most figures except for robbery reporting rates in 2009-10 and 2010-11 have a relative standard error of 25 percent to 50 percent and should be used with caution.

Population: People aged 15 years and above and excludes member of the permanent defence forces, certain diplomat personnel of overseas governments, overseas residents in Australia, members of non-Australian defence forces (and their dependants).

Source: ABS (2012) *Crime Victimization, Australia*, Cat no. 4530.0.

4.2 Attrition* of sexual offence cases through the criminal justice system

Current position

Of the 4,886 sexual offence incidents involving child victims reported to the NSW Police in 2010, criminal proceedings were initiated in only 12 percent of cases. Of the 603 charges that reached court, around 61 percent resulted in a guilty finding. This means that less than 8 percent of recorded incidents involving children in a sexual offence were proven in court (see Figures 6.4 and 6.5).

Of the 4,119 sexual offence incidents with adult victims (16 years and over) reported to NSW Police in 2010, criminal proceedings were initiated in 18 percent of cases. Of the 787 charges that reached court, around 50 percent resulted in a guilty finding. This means that less than 10 percent of recorded incidents involving adults in a sexual offence were proven in court.

4.2 Attrition* of sexual offence cases through the criminal justice system continued

The direction of change over time

Figure 6.4 shows that, during the period from 2008 to 2010, there was a decline in the proportion of guilty findings for reported sexual offences with a child victim.

By contrast, for reported sexual offences with adult victims, there was an increase in the proportion of guilty findings in 2009 compared to 2008, and a small decline in 2010.

Discussion

BOCSAR reports in 2006 that the major points of attrition for reported sexual offences are in the early stages of the criminal justice process: more than 80 percent of sexual offences reported to police did not result in the initiation of criminal proceedings. Six months after reporting, about 30 percent of reported sexual offences were recorded as cleared by police. Of the incidents that were cleared, slightly more than half had criminal proceedings commenced against a suspect. Of persons who had sexual offence charges initiated against them, 43 percent were found guilty of at least one charge³⁴ (Figure 6.5).

BOCSAR reports that criminal proceedings are more likely to be commenced where the victim is over the age of 10 years at the time of the offence, the victim is female, the gap between offence and reporting to police is less than 10 years, the alleged offender is known to the victim, or the offence involves some aggravating factor³⁵.

* The term attrition refers to the reduction in sexual offence case numbers as matters progress through the justice system. Children are defined as 0 to 15 years of age.

Year collected: 2010.

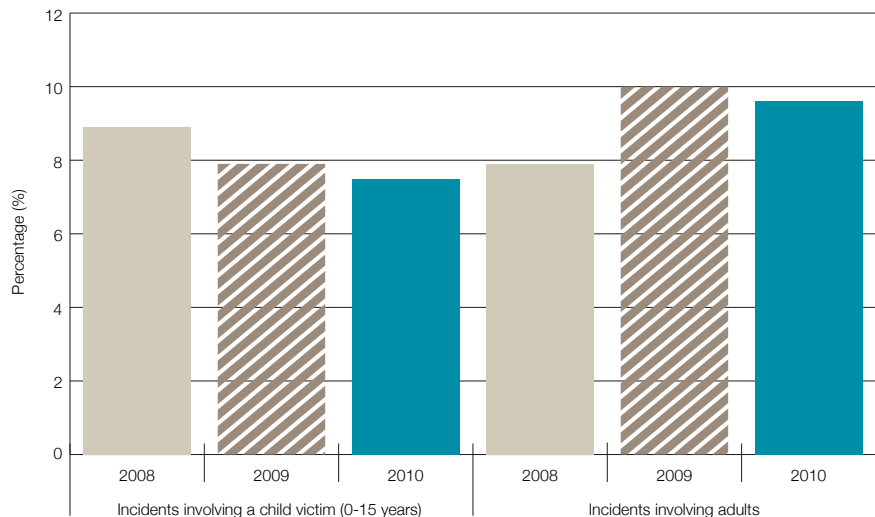
Data source: BOCSAR (2012), *The Progress of Sexual Offences Through the NSW Criminal Justice System, 2006-2010*.

More information is available at www.bocsar.nsw.gov.au (see 'sexual assault' in A to Z Subject List).

Recorded crime statistics for 2010 showed that women are nearly five times as likely to be sexual assault victims as men. In 2009-2010, 98 percent of NSW adult offenders convicted of sexual assault were male.

Figure 6.4

Guilty findings among sexual offences reported to police, NSW, 2008 to 2010



Population: Sexual offence incidents.

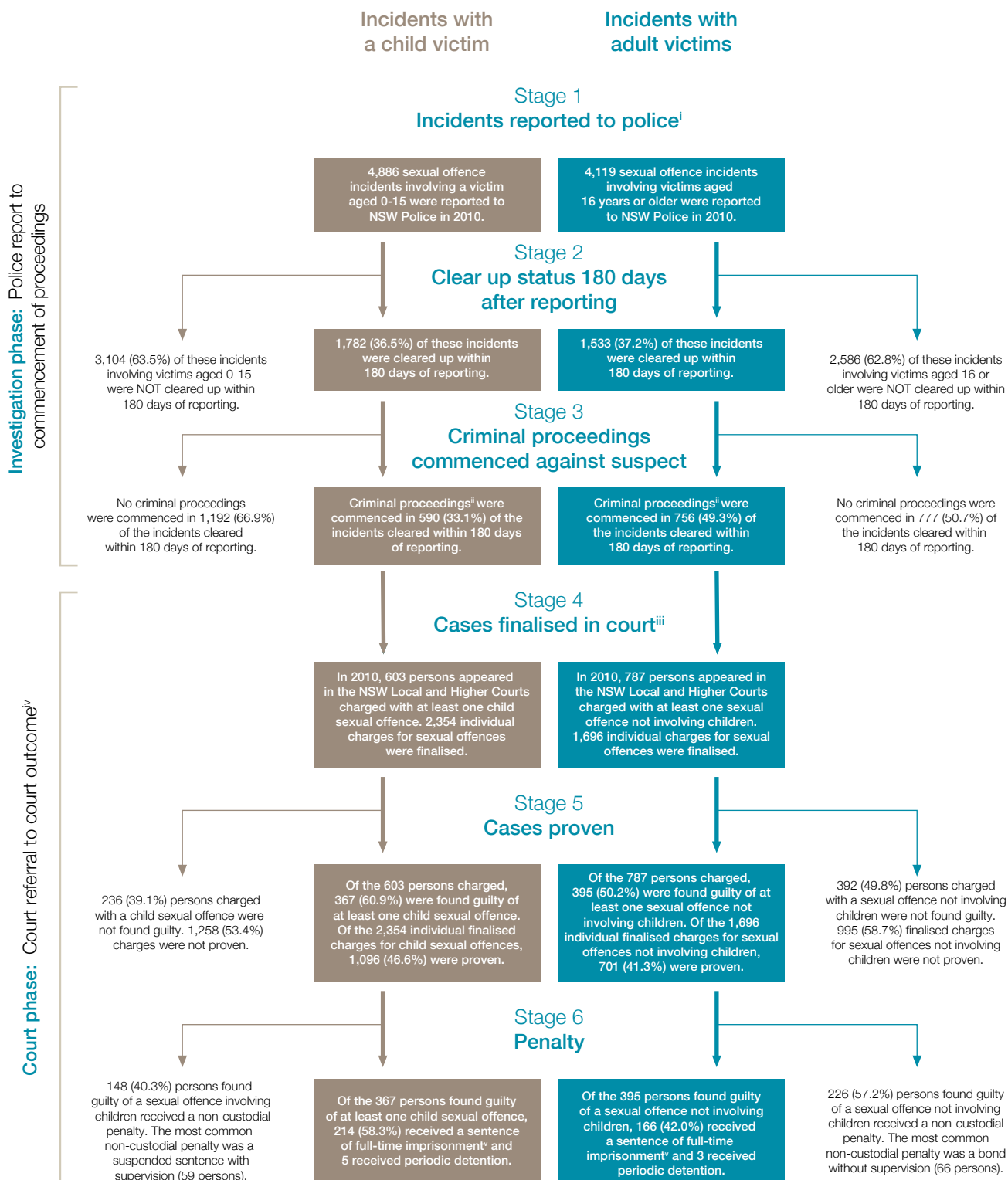
BOCSAR (2012) *The Progress of Sexual Offences Through the NSW Criminal Justice System 2006-2010*, available at www.bocsar.nsw.gov.au

34 BOCSAR (2006) Crime and Justice Bulletin (No. 92): *The attrition of sexual offences from the New South Wales criminal justice system*, p.11.

35 BOCSAR (2006) Crime and Justice Bulletin (No. 92): *The attrition of sexual offences from the New South Wales criminal justice system*, p.11.

Figure 6.5

The progress of sexual offences through the NSW Criminal Justice System, 2010



i. This figure includes recorded incidents of sexual assault, indecent assault and acts of indecency and other sexual offences. Incidents involving multiple victims are classified by the age of the youngest victim.

ii. 'Criminal proceedings' refers to persons of interest to whom the police issued a Court Attendance Notice.

iii. Matters finalised in the NSW Local, District and Supreme Criminal Courts. The 2010 court appearances do not directly relate to the incidents recorded by police in 2010.

iv. Persons appearing in court for a sex offence against children AND a sex offence against adults appear twice in this Figure.

v. 'Imprisonment' includes full-time imprisonment and detention in a juvenile institution.

Source: BOCSAR (2012) (www.bocsar.nsw.gov.au) *The Progress of Sexual Offences Through the NSW Criminal Justice System 2006 to 2010*.

Focus on penalties for selected personal crimes in NSW

This focus topic compares the penalties imposed for a range of personal crimes to assess whether the outcomes of the criminal justice process are substantially different for crimes where the majority of victims are women (sexual assault) and crimes where the majority of victims are men (robbery and assault).

The NSW Bureau of Crime Statistics and Research has published figures from 2006 to 2010 for NSW Higher and Local Courts, noting the penalties imposed for various offences.

In NSW Higher Courts in 2010, imprisonment was the most common penalty for personal crimes, including sexual assault. The rates of imprisonment in 2010 were:

- Robbery: 79 percent
- Sexual assault: 73 percent
- Assault: 67 percent.

The next most common penalty for these personal crimes in the Higher Courts was suspended sentence with supervision. In 2010, the rates for this penalty were:

- Robbery: 11 percent
- Sexual assault: 10 percent
- Assault: 12 percent.

Personal crimes heard in Local Courts in 2010 most often resulted in:

- Robbery: Imprisonment (40 percent)
- Sexual assault: Imprisonment (29 percent)
- Assault: Bond with supervision (27 percent). Imprisonment was the penalty in 11 percent of assault cases in NSW Local Courts.

Since 2006, rates of imprisonment for most offences have increased:

- Robbery: An increase of 4 percentage points in Higher Courts (but a drop of 4 percentage points in Local Courts)
- Sexual assault: An increase of 1 percentage point in Higher Courts and of 3 percentage points in Local Courts
- Assault: An increase of 10 percentage points in Higher Courts; no change in Local Courts.

In NSW Higher Courts in 2010, imprisonment was the most common penalty for personal crimes, including sexual assault.

4.3 Apprehended Domestic Violence Orders (ADVOs) granted

Current position

In NSW in 2010, women were granted ADVOs at a rate of 725 per 100,000 of the population, while men were granted ADVOs at a rate of 322 per 100,000 population (see Figure 6.5).

Gender gap:

- Women are more than twice as likely as men to be granted an ADVO.

The direction of change over time

Overall, in the period 1996 to 2010, there was an 86 percent increase in the rate of women protected by ADVOs, with an average increase of 5 percent per year. During the same period, the rate of men granted ADVOs increased by 269 percent, with an average increase of 10 percent per year.

Between 2001 and 2006, the rates of ADVOs granted to both women and men levelled off and fell slightly, but then increased again after 2006.

Note that in 1996, the rate at which women were granted ADVOs was just over two-fifths of the 2010 rate: 389 per 100,000 as compared to 725 per 100,000.

Discussion

The direction of change since 1996 in the granting of ADVOs shows that the rate at which men are being protected by ADVOs has increased proportionately much more than women, although the overall numbers of women protected by ADVOs is still much greater than men.

The reason for the greater rise in the rate of men protected by ADVOs is not known. Further research is needed to understand this trend.

Based on the place of residence of the person of interest (the alleged abuser), the areas in NSW in 2010 with the highest rate of ADVOs granted per 100,000 population were the Far West, North Western and Northern regions. In Sydney, the areas with the highest rate of ADVOs granted per 100,000 population were Outer Western Sydney, Blacktown, Fairfield-Liverpool and the Central Coast (see Table 6.4).

An Apprehended Domestic Violence Order (ADVO) is a court order which prohibits a person from behaviour that harasses or intimidates another person. ADVOs apply when a domestic relationship exists between the victim (complainant) and the abuser (defendant), such as spouses or separated spouses. The purpose of the ADVO is to protect the victim from acts of violence such as physical assault, non-physical abuse (harassment or intimidation), or damage or threatened damage to property. The victim does not have to be living with the person who abuses them.

In cases where there is not a domestic relationship between the victim and the abuser, the court may issue an Apprehended Personal Violence Order (APVO). An APVO might apply in cases involving work colleagues or neighbours. The data in this section refers only to ADVOs, not APVOs.

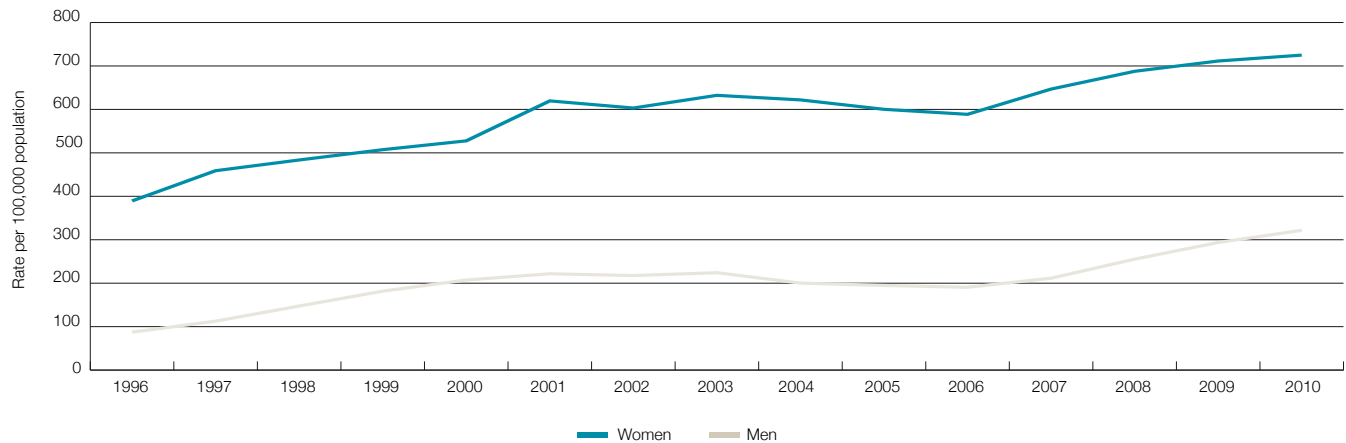
Year collected: Multiple years.

Data source: BOCSAR, NSW Local Courts: Apprehended Violence Orders Granted, and unpublished data.

More information available at www.bocsar.nsw.gov.au (see Criminal Court Statistics).

Figure 6.6

Rate of Apprehended Domestic Violence Orders granted, NSW, 1996 to 2010



Note: The rates shown are for women and men protected by ADVOs.

Source: BOCSAR, unpublished data.

Table 6.4

Apprehended Domestic Violence Orders granted, by residence of the person of interest, 2010

Sydney Statistical Division of residence	Number	Rate/100,000 population
Outer South Western Sydney	1,150	459
Blacktown	1,355	452
Fairfield-Liverpool	1,345	357
Central Coast	1,104	349
Outer Western Sydney	1,061	326
Central Western Sydney	1,096	319
Inner Sydney	1,027	293
Canterbury-Bankstown	902	274
St George-Sutherland	988	215
Inner Western Sydney	336	178
Eastern Suburbs	395	155
Northern Beaches	267	110
Lower Northern Sydney	309	98
Central Northern Sydney	358	80

Apprehended Domestic Violence Orders granted, by residence of the person of interest, 2010 continued

NSW Statistical Division of residence	Number	Rate/100,000 population
Far West	299	1,315
North Western	920	776
Northern	1,171	634
Murrumbidgee	887	559
Central West	898	490
Murray	550	464
Mid-North Coast	1,399	452
Richmond-Tweed	910	376
South Eastern	811	374
Illawarra	1,613	374
Hunter	2,320	360
New South Wales (total)	24,378	342

Note: The rates shown are for the Person of Interest, namely the person against whom the ADVO is taken out. The population data used to calculate rates are preliminary estimates for the year 2009 released on 30 March 2010 from ABS (2010) *Regional Population Growth Australia*, Cat no. 3218.0. Total NSW also includes 473 people whose residence was recorded as interstate and 434 people whose residence was recorded as unknown.

Source: NSW Bureau of Crime Statistics and Research.

How does NSW compare?

The ABS publishes the *Gender Indicators, Australia* series every six months. It sets out a range of indicators against which it is possible to examine how women in NSW are faring compared with all women in Australia. Detailed information is contained in the Appendix.

Based on indicators used in the *Gender Indicators, Australia* series, there are some differences between women's experiences in the area of safety and access to justice. Women in NSW are slightly less likely than women in Australia to have experienced violence in the last 12 months (4.5 percent in NSW, compared with 5.8 percent nationally). This includes physical and sexual violence.

The imprisonment rate in NSW is slightly higher than in Australia as a whole (24.4 per 100,000 in NSW, compared to 22.9 per 100,000 nationally), and the offender rate is lower in NSW (738.5 per 100,000 in NSW, compared to 861.7 per 100,000 nationally).

In terms of victimisation rates, women in NSW in 2010-11 were slightly more likely than women in Australia to be victims of physical assault (2.7 percent for NSW women, compared to 2.3 percent for women across Australia), and slightly less likely to be victims of threatened assault (2.4 percent for NSW women, compared to 2.9 percent for women across Australia).

The imprisonment rate in NSW is slightly higher than in Australia as a whole (24.4 per 100,000 in NSW, compared to 22.9 per 100,000 nationally), and the offender rate is lower in NSW (738.5 per 100,000 in NSW, compared to 861.7 per 100,000 nationally).