CRIME AND JUSTICE STATISTICS

BUREAU BRIEF

Attrition of sexual assaults from the New South Wales criminal justice system

Brigitte Gilbert

SUMMARY

There has been increasing concern over the low conviction rate for sexual assault. This paper uses data from the NSW Police Force's Computerised Operational Policing System (COPS) and the NSW Criminal Courts databases to track the progress of sexual assaults reported to the NSW Police Force in 2018 through the NSW criminal justice system. The study examines the attrition of incidents, court appearances, and charges from the reporting stage through to the sentencing of a proven matter. Attrition rates are tracked separately for contemporary child sexual assault, historic child sexual assault, and adult sexual assault offences. The study findings show that:

- In 2018, 5,869 incidents of sexual assault were reported to NSW Police. Of these, 872, or 15%, resulted in the commencement of criminal proceedings. These proceedings were finalised across 969 court appearances.
- Only a small proportion of reported sexual assault incidents resulted in a criminal conviction, with just eight per cent of reported contemporary child sexual assault incidents, seven per cent of reported historic child sexual assault incidents, and six per cent of reported adult sexual assault incidents resulting in a proven charge.
- The largest point of attrition was seen during the police investigation stage, with no legal action taken in 85% of reported sexual assault incidents. This was consistent across contemporary child, historic child, and adult sexual assaults.
- The second largest attrition point was during court proceedings, with more than two out of five court appearances being finalised by way of all charges being withdrawn by the prosecution, dismissed due to mental health, or 'otherwise' disposed of. A slightly higher proportion of court appearances involving a historic child sexual assault matter (49%) had all charges withdrawn/dismissed or 'otherwise' disposed of, than court appearances involving a contemporary child sexual assault (43%) or an adult sexual assault (43%).
- For the small number of matters that did progress to court, a minority of court appearances resulted in at least one proven sexual offence (41%), either by way of a guilty plea or guilty verdict. A lower conviction rate was observed among court appearances involving adult sexual assault (38%) compared with contemporary child sexual assault (43%) and historic child sexual assault (44%).
- The majority of court appearances with at least one proven offence were sentenced to prison (77%). Prison sentences were imposed in 72% of court appearances where the defendant was found guilty of contemporary child sexual assault, 87% of court appearances where the defendant was found guilty of historic child sexual assault and 80% of court appearances where the defendant was found guilty of adult sexual assault.

KEYWORDS Sexual assault | Sexual offence | Attrition | Conviction rates

Suggested citation: Gilbert, B. (2024). *Attrition of sexual assaults from the New South Wales criminal justice system* (Bureau Brief No. 170). Sydney: NSW Bureau of Crime Statistics and Research.

INTRODUCTION

Over the past decade there has been heightened public concern over the low conviction rate for sexual assault and it is certainly the case that sexual assault reports far out-number convictions in NSW. In 2022 there were 9,138 incidents of sexual assault reported to the NSW Police Force, compared with just 1,016 convictions. The low conviction rate among reported sexual assaults has been a consistent feature of this offence in the justice system. This pattern shows no sign of abating and may have become slightly worse in the past decade as sexual assault reports have dramatically increased. Figure 1 shows that over the last decade the number of reported incidents of sexual assault increased by 94% (from 4,789 reported incidents in 2012 to 9,138 in 2022). While the number of court appearances involving a proven sexual assault charge also increased substantially over this period, the size of the increase was smaller than the increase in reports; up 72% from 589 in 2012 to 1,016 in 2022.

Figure 1. Number of police recorded incidents of sexual assault and number of finalised court appearances with at least one proven sexual offence, 2012 to 2022, NSW

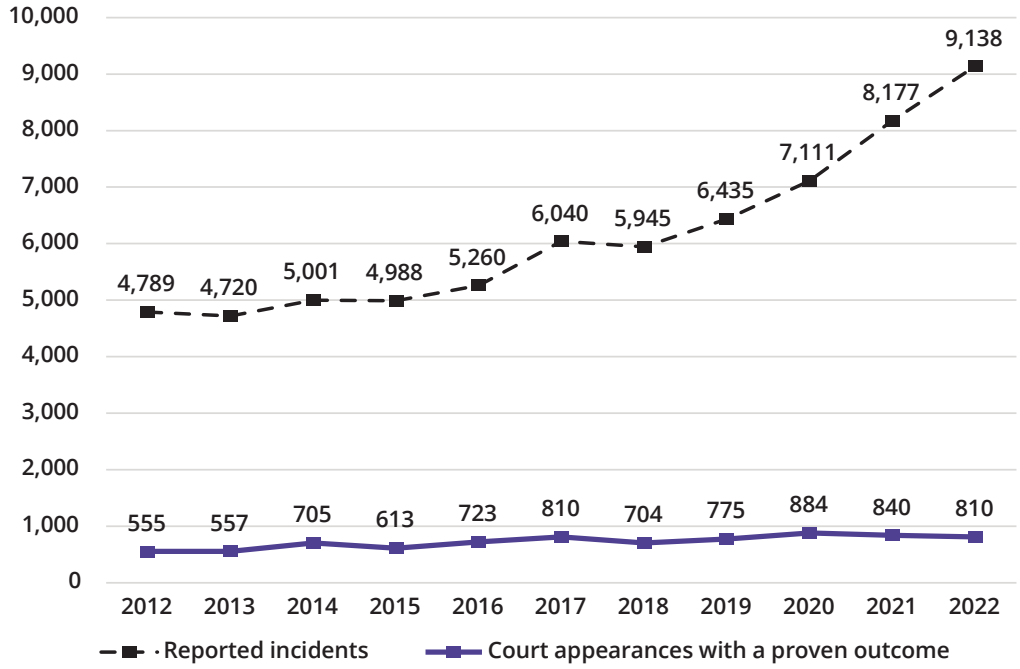
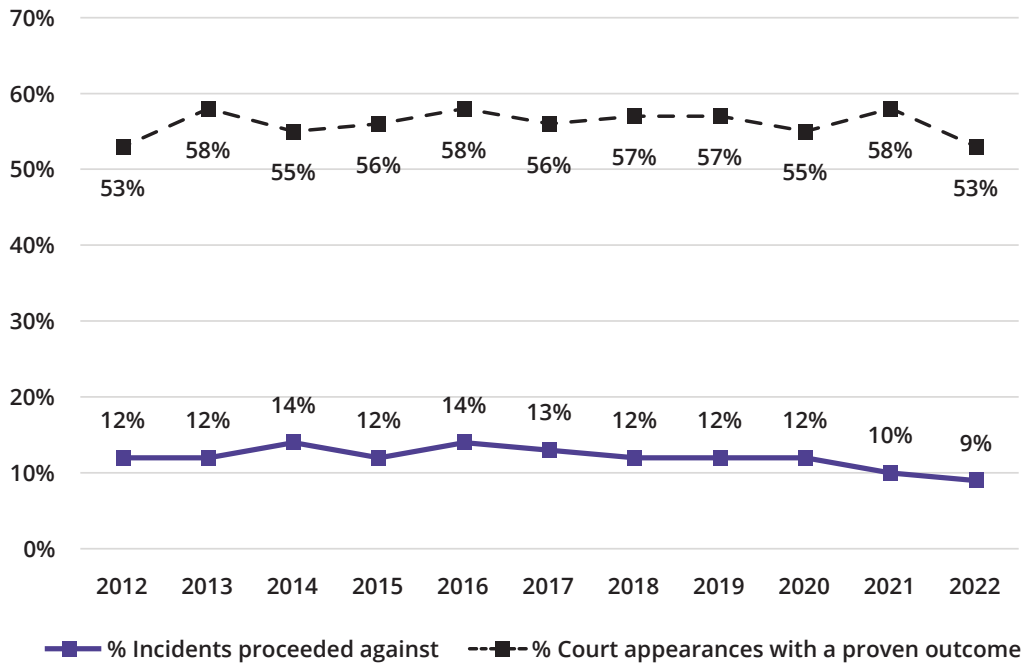


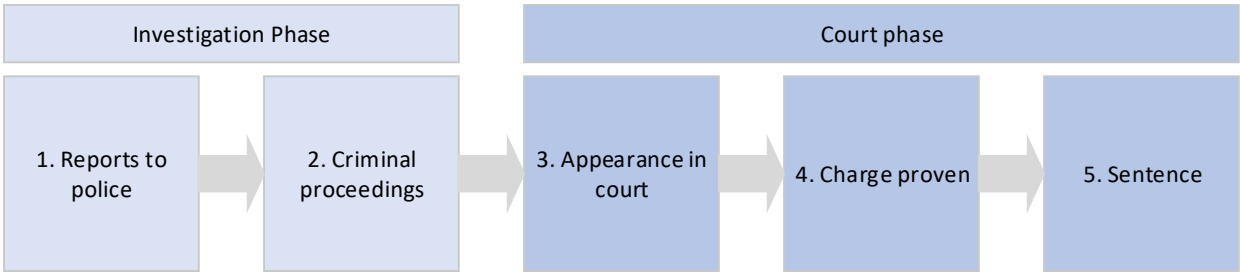
Figure 2 shows in broad terms the criminal justice system response to sexual assault reports over the past decade. Figure 2 plots two time series: first, the proportion of reported sexual assaults that resulted in legal action by NSW Police within 180 days of reporting; and second, the proportion of court appearances involving a sexual offence with at least one proven sexual offence. The police legal action rate has been generally stable over the decade with a slight decline in 2021 and 2022. As was noted above, over this same period there has been a sharp increase in sexual assault reports. Among sexual offence matters that went to court, Figure 2 indicates that the percentage of court appearances with a proven outcome is consistent, ranging from 53% to 58% annually. These series indicate that the increase in the number of reported sexual assaults has generally been met by a proportionate response at the various stages of the criminal justice system, apart from a slight decline in the police legal action rate in recent years. However, this does not tell us anything about what drives the low retention rate of asssault in the criminal justice system. This paper aims to answer this question by identifying the points in the criminal justice system where attrition is mostly likely to occur.

Figure 2. Percentage of reported sexual assault incidents legally proceeded within 180 days, and percentage of finalised court appearances with at least one proven sexual offence, 2012 to 2022, NSW



There are multiple points within the criminal justice system where a reported sexual assault can fail to progress. Figure 3 shows the potential points of attrition starting from the reporting of the incident to the NSW Police Force through to sentencing. This study aims to identify the proportion of sexual assaults that progress through each stage of this process. It follows incidents of sexual assaults reported to the NSW Police Force in the 2018 calendar year and reports on the number of incidents, charges, and court appearances finalised at each stage. This is presented separately for both adult and child sexual assault victims, with child victims being further separated by the time of report (historic or contemporary reports). This study builds on earlier work (Fitzgerald, 2006) by linking cases in the investigatory phase with their court outcome, thereby allowing us to track individual matters through the entire system.

Figure 3. Simplified stages of the criminal justice system



Prevalence and reporting

Victim surveys indicate a high prevalence of sexual violence in the community. The latest Personal Safety Survey estimates that 20% of Australian women and six per cent of Australian men aged over 18 have experienced a sexual assault since the age of 15 (Australian Bureau of Statistics [ABS], 2023a). It was also found that in the 12-months prior to the survey, two percent of Australian women had experienced sexual violence (ABS, 2023b). A recent study by Mathews et al. (2023) also found that just over one quarter of adults sampled reported experiencing sexual abuse as a child (29%), with 37% of women and 19% of men disclosing childhood sexual abuse.

However, many sexual assaults go unreported. According to the 2022-23 Crime Victimisation Survey only 31% of Australian adults, aged over 15, who had experienced sexual assault in the previous 12 months reported their most recent assault to the police (ABS, 2024, Table 33c). For child victims of sexual abuse, the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) found that of the victims who provided disclosure information, only 19% had previously reported their incident to the police.

There are various reasons for this low level of reporting of sexual assaults to police. These include that the victim did not believe the abuse was a crime, they felt embarrassment or shame, they blamed themselves for the violence, they feared being judged, or they lacked trust in the police (ABS, 2021; KPMG & RMIT University's Centre for Innovative Justice, 2023). Victims of child sexual abuse also report not disclosing their abuse or delaying disclosure out of concerns of upsetting their parents, being blamed by their parents, or being fearful of the consequences of disclosing (Goodman-Brown et al., 2003; Hershkowitz et al., 2007).

Criminal proceedings

For sexual assaults that are reported to police, the next stage of progression for a sexual assault matter is the commencement of criminal proceedings. However, in order to initiate court proceedings, the investigating officer(s) must be able to identify a suspected offender. Police will then decide whether to proceed against the accused based on a number of factors including the nature and circumstances of the crime, the likelihood of the crime resulting in a successful prosecution, and the needs of the victim and the community (NSW Police Force, 2018).

Previous research by Fitzgerald (2006) and Bright et al. (2021) identified the investigation phase as the point at which many matters fail to progress. Fitzgerald (2006) found that only 15% of sexual assault incidents with a child victim and 19% of sexual assault incidents with an adult victim, reported to NSW Police in 2004, were legally proceeded against. Additionally, using data on reported sexual offences in Victoria from 2015/16 and 2016/17, Bright et al. (2021) found that an offender was identified in 48% of incidents and in 52% of these incidents the identified offender was charged. This indicates that for 75% of reported sexual offences no offender is charged. Bright et al. (2021) identified four main reasons why an incident did not result in a charge. The most common reason was that there was insufficient evidence to proceed against the suspected offender (22% of all reported sexual offences). Further reasons included the victim withdrawing their complaint (19% of all reported sexual offences), the police not being able to identify the offender (14% of all reported sexual offences), and that there was evidence that the crime did not occur, or the claim had no foundation (18% of all reported sexual offences).

This low rate of prosecution in sexual assault matters is not unique to Australian jurisdictions. A similar study from New Zealand found that only 31% of sexual assault cases resulted in a suspect being prosecuted. About 11% of cases did not progress to legal action due to the inability to identify a suspect, 34% of cases were classified as 'no offence',[1] and in 20% of cases the victim withdrew from the process (Triggs et al., 2009). Similarly, Hohl and Stanko (2015) examined attrition of rape cases reported to the London Metropolitan Police and found that complainant withdrawal was the main reason for case

1 A 'no offence' classification could mean a false allegation was made, the offence not meeting the legal definition for a sexual assault, or the reporting of possible sexual violations that were not offences.

attrition, explaining 48% of cases. Withdrawal was highest during the police investigation stage (67%) compared to the pre-trial stage (12%). Among cases where the complainant wished to continue, 19% were 'no-crimed' by the police, 67% received no further action by the police, and 14% received no further action by the crown prosecution.

On the question of whether sexual assault complainants want matters to proceed to court, a recent study by KPMG and RMIT University's Centre for Innovative Justice (2023) involving interviews with sexual assault complainants and legal practitioners in NSW found that the majority of victims wanted to see charges laid. The decision not to proceed was determined by the police, with some informants expressing concerns around the quality of the initial investigation and evidence collection conducted by police. Issues highlighted included that statements from complainants were often delayed and not adequately recorded, failure to document evidence such as photographic evidence of physical injuries, or failure to gather additional evidence such as CCTV footage or interviewing witnesses. The researchers cite the quality of investigations as a reason for matters not progressing to court.

In the minority of matters where a victim chose not to proceed with the matter, victims mentioned not wanting to proceed because they had a negative experience with the police when reporting their assault, while others were fearful of family or community repercussions, were fearful of how they would be treated during the trial or were fearful of their assault being made public. Some complainants also described incidents in which they had not formally withdrawn their complaint but had deliberately chosen not to follow-up with the police and as a result the complaint had not progressed any further (KPMG and RMIT University's Centre for Innovative Justice, 2023).

Court outcomes

Once a sexual assault charge is laid, it must be resolved by the court. A charge can be resolved in five ways:

1. guilty plea,
2. trial or defended hearing verdict,
3. mental health dismissal,
4. withdrawal by the prosecution, or
5. 'otherwise' disposed of.

Mental health dismissal, withdrawal by the prosecution, or 'other' disposals

In NSW, a *mental health dismissal* can occur due to the defendant having a mental health or cognitive impairment (see s.14 and s.19 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW)). Charges are considered *withdrawn by the prosecution* when charges are formally dismissed by the court. This can occur if NSW Police or the NSW Office of the Director of Public Prosecutions elect not to proceed because there is not enough evidence to obtain a conviction or it is not in the public interest. There are a variety of circumstances in which a charge is *'otherwise' disposed of*. These include the death of the defendant or the charge being considered on a Form 1.[2]

In Fitzgerald (2006), 27% of defendants within the High Court and 37% of defendants in the Local Court had all their sexual offence charges dismissed without a hearing or were 'otherwise' disposed of. Fitzgerald did not provide any information regarding the reasons for the withdrawal by the prosecution or disposal. However, the interview study by KPMG and RMIT University's Centre for Innovative Justice (2023) suggests that most sexual assault matters fail to proceed at this stage as justice agencies have decided that a successful prosecution is unlikely. For most of these cases, there was insufficient evidence, either due to the nature of the incident or a poor investigation, or, less commonly, there were discrepancies

2 The Form 1 procedure lets a person who has committed multiple offences ask the Court to consider those offences when deciding on the punishment for their main offence (see s 31-35A of the *Crimes (Sentencing Procedure) Act 1999* (NSW)).

between a victim's statement and other forms of evidence. In the rare cases where a complainant no longer wanted to proceed with their matter, they stated reasons such as receiving insufficient support during the process, negative experiences with the system, and/or long wait times between reporting and the trial.

A further study by Lievore (2004), which examined outcomes for 141 sexual assault cases finalised between 1999 and 2001 in five different Australian jurisdictions, found that 38% of sexual assault cases were withdrawn from prosecution. Of those withdrawn, just under half were withdrawn due to the victim's unwillingness to proceed and the other half were withdrawn due to the prosecutor's or magistrate's assessment of the evidence. Victims who no longer wanted to proceed often did so out of fear of retraumatision through the court process and/or fear of retaliation by the defendant. The study does note that they were unable to determine if the prosecution encouraged the victim to no longer proceed with the matter. The study also identified a number of case characteristics that predicted whether a case would be withdrawn. For instance, cases were less likely to be withdrawn if the victim had physically or verbally resisted, the victim had suffered an injury, there was evidence linking the defendant to the incident, the defendant used force, and the defendant was a stranger. The authors note that predictors of proceeding to a trial are closely linked to the likelihood of the case resulting in a guilty verdict.

Proven charges

A charge can be proven if a defendant pleads guilty or a guilty verdict is reached following a trial or defended hearing. Fitzgerald (2006) reported that of all sexual offence defendants that went to court, 48% in the Higher Court and 41% in the Local court had at least one sexual offence proven by way of a guilty plea or guilty verdict. Similarly, Bright et al. (2021), found that of the incidents of sexual assault where a charge was laid, 60% had at least one charge proven. This rate of conviction is much lower than for other violent crimes. For example, across all NSW courts in the 2018-19 financial year, 72% of defendants with a charge of physical assault[3] had at least one charge proven, whereas only 56% of sexual assault[4] defendants had at least one charge proven (NSW Bureau of Crime Statistics and Research [BOCSAR], 2023).

The low conviction rate for sexual assault matters that proceed to court can be attributed to numerous factors. First, the nature of sexual offences makes them difficult to prove beyond a reasonable doubt. These offences commonly occur in private residences, are rarely witnessed, circumstances are disputed, they often do not result in a visible physical injury, and in many cases do not have supporting physical evidence (Carr et al., 2014; Tidmarsh & Hamilton, 2020). This results in many sexual assault cases being determined based on the accused and victim's testimonies alone. Second, verdicts in sexual assault trials can be influenced by the biases held by jurors. Nation-wide surveys have found that some members of the general Australian public still strongly believe in rape myths and hold biases against women who report their sexual assault. For example, 14% of Australians believe that 'many' sexual assault allegations are false and 35% believe it is common for sexual assault accusations to be used as retribution. Other commonly held rape myths include that if a victim does not immediately report their assault they are likely lying (7%), that unless there is physical resistance during an incident, even if there was verbal resistance, then it was not rape (6%), and if a victim does not have physical injuries she should not be taken seriously (5%) (Coumarelos et al., 2023). Although these myths have been routinely debunked by research, when they are raised in a sexual assault matter, they can affect the likelihood that a jury will find the accused guilty (Hohl & Stanko, 2015; Krahé et al., 2008; Tidmarsh & Hamilton, 2020).

3 Based on the Australian and New Zealand Standard Offence Classification (ANSZOC) Subdivision 021: Assault (ABS, 2011).
4 Based on ANZSOC Subdivision 031: Sexual assault (ABS, 2011).

The current study

The current study aims to address three research questions:

1. What proportion of sexual assault incidents reported to police result in a proven offence?
2. At which stages of the criminal justice system do sexual assault matters most often fail to progress?
3. How do attrition rates for sexual assault matters compare for adult and child victims?

This study updates and expands upon the earlier work of Fitzgerald (2006) by focusing on a more recent sample of incidents, restricting the analysis to incidents of sexual assault, and linking individual records from the investigatory through to the prosecutorial phase. In this report we present descriptive statistics for all sexual assaults reported to NSW Police in 2018. We examine criminal incidents recorded by police as 'sexual assault' as these matters are arguably more serious in nature and have increased at a more rapid rate over the last five years compared with other sexual offences. We also address a major limitation of Fitzgerald's study by following sexual assault cases reported to police through to their finalisation in the courts. This allows us to examine court outcomes for individual offences which have proceeded to a court hearing, thus enabling a more accurate estimate of the rate of attrition of sexual assault matters from the NSW criminal justice system.

METHOD

Data source

Two datasets were used for this study. The first dataset is an extract from the NSW Police Force's Computerised Operational Policing System (COPS), which contains victim- and incident-level details of offences that come to the attention of NSW Police. Sexual assaults were identified by the police incident category of sexual assault, and includes offences of sexual assault, aggravated sexual assault, and assault with intent to have sexual intercourse. All events in which a sexual assault incident was recorded were included in this extract. Note that each incident could contain multiple victims and accused, and each incident can result in multiple charges. The year of report was determined by the recorded date that the incident was first brought to the attention of the police; this is known as the event date.

The second dataset is an extract from BOCSAR's Combined Courts data collection,[5] and includes charge and defendant-level details for all NSW criminal court appearances.[6] The COPS dataset was linked to the courts data via the police H number, which is a unique number allocated by the police when they initiate legal action, and which is transferred to the court system. The police H number identifies a group of charges relating to one criminal incident. Each charge within the criminal incident is assigned a unique offence sequence number. All charges under a police H number were included in the final dataset. If a charge with the same H number and offence sequence number appeared in the court data more than once, the offence with the latest finalisation date and the most serious penalty was selected.

5 This data collection includes offence-, outcome- and penalty-related details of criminal charges finalised in the NSW Children's, Local, District, and Supreme Courts, as well as committal outcomes.
6 Both breaches of court orders and appeals were excluded from the data extract.

Sample

Our sample consists of all sexual assault incidents reported to (or detected by) the NSW Police Force in 2018; and all charges that can be traced back to those incidents, conditional on police laying charges before 1 January 2020. Selecting sexual assault incidents reported in 2018 allowed time for the matter to progress through the criminal justice system and be finalised[7] in court.[8]

As this study is concerned with the date when the incident was reported to police and not the date the incident occurred, some incidents in the dataset may have occurred prior to 2018 but were not reported until 2018. The final dataset was comprised of 5,869 incidents of sexual assault. These incidents were subsequently linked to 3,369 finalised charges for sexual assault or related offences, that were finalised across 969 court appearances.

Definitions

The progression of sexual assault matters through the NSW criminal justice system are examined for three different victim groups: child victims of child sexual assault (contemporary child sexual assault), adult victims of child sexual assault (historic child sexual assaults) and adult victims of sexual assault. The separation between the categories is determined by the age of the victim at the time of the incident and the age of the victim at the time of reporting. In line with the NSW age of consent, victims under the age of 16 are considered children. In incidents where there is more than one victim, the age of the youngest victim was used for classification and was considered the primary victim.

Counting units

The analysis examines attrition of sexual assault matters at different stages in the criminal justice system by counting; (1) sexual assault incidents, (2) finalised sexual assault or related offence charges, and (3) finalised court appearances involving a sexual assault or related offence charge. These counting methods are described below.

1. Sexual assault incidents: the number of sexual assault incidents reported to police in 2018 are counted. A sexual assault incident is defined as one or more sexual assaults recorded by the police that occurred in one location, during one uninterrupted time and with the same victim/s and offender/s. Each individual incident is identified in COPS by a unique incident number.
2. Sexual assault or related offence charges: for sexual assault incidents where a criminal proceeding was initiated, we report the number of charges for a sexual assault or related offence finalised in a NSW criminal court.[9] Note that some incidents recorded initially by police as a sexual assault incident may result in a finalised charge of another offence type. When counting finalised charges we include all sexual offences (i.e., sexual assault, sexual touching, sexual act, and other sexual offences) linked to the original sexual assault incident but exclude any non-sexual offences (e.g., assault) that were linked.
3. Court appearance: Groups of charges finalised on the same date, at the same courthouse that involve the same defendant.

7 As outlined earlier, one of the ways in which a case can be finalised is when the prosecution withdraws all charges. About 27% of the charges in our sample are both: strictly indictable; and withdrawn by the prosecution in the local court. Often prosecutors withdraw these charges and replace them with other charges following plea negotiation or to proceed with a less serious charge that is easier to prove. Strictly indictable charges withdrawn in the local court are typically not included in BOCSAR's standard reporting to avoid double counting charges. Given the focus of this study (i.e., on how sexual assault matters progress through the criminal justice system), the outcomes of all charges are examined, regardless of how the charge is finalised. This creates some discrepancies between the statistics typically reported by BOCSAR around the outcomes of sexual assault charges, and the outcomes reported in this brief.
8 As on January 2023, five per cent of charges (173 charges) relating to a sexual assault reported to NSW police in 2018 have not been finalised in the NSW courts. This selected time frame also eliminates the impact COVID-19 had on the progression of sexual assault through the criminal justice system.
9 This study only follows sexual assault reports that result in a charge for a sexual assault or related offence. Therefore, a finalised offence must be for a charge related to a sexual offence. Offence types were determined using NSW law part codes (Appendix A).

Outcomes

In this analysis we first consider the number of sexual assault incidents reported to NSW Police in 2018 where criminal proceedings were commenced. Note that in our sample all criminal proceedings were actioned by way of a Court Attendance Notice. We then count the number of sexual offences finalised in court that were linked to these incidents and the number of individual court appearances.

The court appearance level outcomes examined in this brief are set out in Table 1. Where there are multiple charges finalised in the same court appearance with different outcomes, court appearances are separated into outcome categories that are mutually exclusive, with only the most serious outcome counted. Outcome categories that appear below another category in the table cannot share any beforementioned outcomes. For example, proceeding to a trial or defended hearing is above proceeded to sentence only (via guilty plea), therefore court appearances categorised as proceeded to sentence only cannot have any charges that went to trial. For court appearances with at least one proven offence, we also examine the type of penalty imposed.

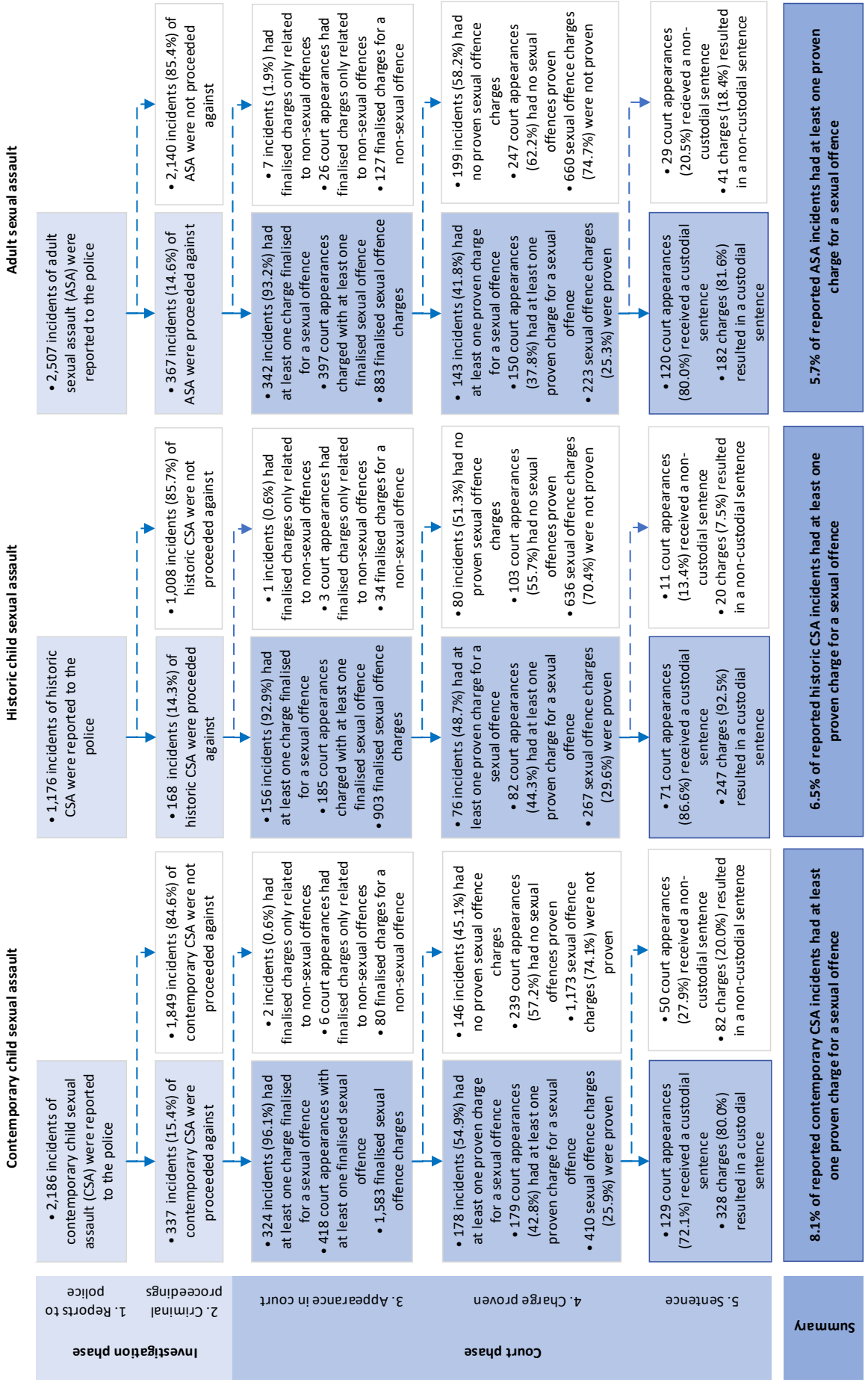
Table 1. Definition of court appearance level outcomes

Outcome category	Specific outcome	Description
Proceeded to trial/ defended hearing	Not guilty of all charges	A court appearance which had at least one sexual assault or related offence charge proceed to trial or a defended hearing in which all charges, regardless of offence type, received a not guilty verdict.
	Guilty of at least one sexual assault or related offence charge	A court appearance which had at least one sexual assault or related offence charge proceed to trial or a defended hearing in which at least one sexual assault or related offence charge was found guilty.
	Found not guilty of all sexual assault or related offence charges but pleaded guilty to a sexual assault or related offence charge	A court appearance which had at least one sexual assault or related offence charge proceed to trial or a defended hearing and where all charges received a not guilty verdict. There is however a guilty plea to a sexual assault or related offence charge within the same court appearance.
	Found not guilty of all sexual assault or related offence charges but guilty of another offence (plea or verdict)	A court appearance where at least one sexual assault or related offence charge proceed to trial or a defended hearing and where all sexual offence charges received a not guilty verdict. However, a non-sexual offence within the same court appearance was proven either by a plea or verdict.
Proceeded to sentence only	Guilty plea	A court appearance where any sexual assault and related offence charges received a guilty plea and were proceeded to sentencing and no charge within the court appearance went to trial or a defended hearing.
Withdrawn, dismissed, or disposed of only	Mental health dismissal	A court appearance in which all sexual assault and related offence charges were dismissed due to the defendant being mentally ill, having a mental disorder, or having a mental health or cognitive impairment.
	Withdrawn by prosecution	A court appearance in which all charges were withdrawn by the prosecution.
	'Otherwise' disposed of	Includes court appearances where all charges were disposed of due to the death of the defendant, or the offence being considered on a form 1.

RESULTS

Figure 4 details the progression of sexual assault incidents through the NSW criminal justice system for all incidents that were reported to police in 2018. This figure shows the proportion of sexual assault incidents that resulted in a legal proceeding being commenced against a suspect by police, the proportion of charges/court appearances with a proven outcome, and the proportion of charges/court appearances where a custody penalty was imposed (for charges that were proven). Data are shown separately for incidents of contemporary child sexual assault, historic child sexual assault, and adult sexual assault. Overall, the rate of attrition of sexual assault incidents from the criminal justice system is high, with only six per cent of adult sexual assaults, eight per cent of contemporary child sexual assaults, and seven per cent of historic child sexual assaults resulting in a proven sexual offence in court. Most sexual assault matters fail to progress past the initial police report. In our sample around 85% of sexual assault incidents (regardless of victim age) had no legal action taken. For incidents where criminal proceedings were commenced, less than half resulted in a proven offence. However, where a prosecution was successful, the penalties were severe. Up to 77% of court appearances with at least one proven sexual offence received a full-time custody sentence. Each of these stages is discussed in more detail below.

Figure 4. Attrition of sexual assaults reported in 2018 through the criminal justice system



Note. Within stage 3, 40 incidents of sexual assault that had been proceeded against by police had no associated charges finalised by the end of the study period (january 2023)

Investigation phase

Reports to police

In 2018, 5,869 incidents of sexual assault, relating to 6,088 victims, were reported to NSW Police. This included 2,186 incidents of contemporary child sexual assault, 1,176 incidents of historic child sexual assault, and 2,507 incidents of adult sexual assault. Table 2 shows the number and proportion of sexual assault incidents that were proceeded against by police, for each of the three categories examined. A legal action was commenced in just 15% of all sexual assault incidents and for 15% of sexual assault victims.

Table 2. The number of sexual assault incidents and victims reported to and proceeded against by NSW Police in 2018.

	Contemporary child		Historic child		Adult		All	
	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims
Reported	2,186	2,339	1,176	1,231	2,507	2,518	5,869	6,088
Number with legal proceedings commenced	337	370	168	178	367	370	872	918
Proceeded against (%)	15.4	15.8	14.3	14.5	14.6	14.7	14.9	15.1

Appendix B provides further incident level descriptives for the sexual assault incidents included in the sample, including demographic information about the victim. These data show that women were more likely than men to be the victim of reported sexual assaults, with 83% of incidents of all types involving a female (primary) victim. Further, one out of eight (13%) of all reported sexual assault incidents involved an Aboriginal person as the (primary) victim. The majority of reported incidents of sexual assault had a primary victim aged under 25 years at the time of the incident (79%), with 53% of adult primary victims being under this age at the time of the incident. Over 50% of reported adult sexual assaults and contemporary child sexual assaults were reported within two weeks from the time of the incident and approximately 18% were reported a year or more following the incident. For historic child sexual assaults, 94% were reported 12 months or more after the incident. The accused was known to the victim in the majority of both adult and child sexual assault incidents. Only seven per cent of all sexual assault incidents involved an accused who was a stranger to the (primary) victim. However, it should be noted that approximately 20% of incidents had no information about the victim/perpetrator relationship recorded in COPS.

Criminal proceedings

The vast majority of sexual assaults do not progress any further in the criminal justice system beyond the police report. The largest point of attrition of sexual assaults from the criminal justice system occurs between the initial police report and the commencement of criminal proceedings. As seen in Table 2, of the 5,869 incidents reported to police in 2018, only 872 (or 15%) resulted in legal proceedings initiated by police against an accused. The rate of legal action varied little across the three categories, with 15% of reported contemporary child sexual assaults, 14% of reported historic child sexual assaults, and 15% of reported adult sexual assaults proceeding to court.

Unfortunately, COPS contained limited information on the reasons why police did not commence legal proceedings in these matters. Three quarters of all sexual assaults incidents where no formal action was taken had no reason recorded. Where information was supplied, police indicated in 48% of incidents that no action was taken because the 'victim was unwilling' and in a further 40% of incidents there was

'insufficient evidence'. Other reasons for not taking action included 'withdrawn complaint' (4%), the accused was a 'child (Doli-incapax or under the age of criminal responsibility)' (4%), or the accused was 'deceased' (3%).[10]

A slightly higher proportion of incidents involving a female victim progressed to court compared with incidents involving a male victim (5 percentage points [p.p.]). This was true across all offence categories. Contemporary child sexual assault and adult sexual assault matters involving Aboriginal victims were as likely to progress to criminal proceedings as those involving non-Aboriginal victims. However, for historic child sexual assault, a slightly higher proportion of matters involving non-Aboriginal victims resulted in criminal proceedings being commenced (5 p.p.). Refer to Appendix B for the proportion of criminal proceedings for each descriptive variable.

Court phase

Court finalisations

Sexual assault incidents that are proceeded against to court can result in one or more finalised charges against one or more defendants. Slightly more than half of all court appearances that involve a sexual offence are finalised in the Higher Court, about 40% are finalised in the Local Courts and less than 10% are finalised in the Children's Court. Where a not guilty plea is entered in a Higher Court matter, the matter will proceed to trial before a jury or judge-alone. Where a not guilty plea is entered in a Local Court matter, the matter will proceed to a defended hearing before a magistrate.

As seen from Figure 4, the 337 incidents of contemporary child sexual assault that were reported to police in 2018 and which had criminal proceedings commenced against an accused, resulted in a total of 1,583 charges for sexual assault or related offences across 418 court appearances. The 168 incidents of historic child sexual assault that were proceeded against to court resulted in 903 charges for sexual assault or related offences across 185 court appearances. Finally, the 367 incidents of adult sexual assault which had criminal proceedings commenced, resulted in 883 charges for sexual assault or related offences across 397 court appearances. Clearly, legal actions against a single sexual assault can result in multiple charges.

Of the 3,369 finalised charges for sexual assault or related offences, 2,107 (63%) were charges of sexual assault, 1,009 (30%) were charges of sexual touching, 180 (5%) were sexual act charges, and 73 (2%) were other sexual offence charges. As at the end of January 2023, there were 40 incidents of sexual assault that had been proceeded against by police but had no associated charges finalised in a NSW criminal court. This includes 11 contemporary child sexual assault incidents, 11 historic child sexual assault incidents and 18 adult sexual assault incidents. An additional 10 sexual assault incidents where legal action had been taken by police resulted in finalised charges for non-sexual offences only.

The vast majority of sexual offence court appearances had a male defendant (97%), and most were aged between 18 and 39 years (59%). Just over one in ten court appearances had a defendant who identified as Aboriginal (12%). Further court appearance level descriptives can be found in Appendix C.

Court outcomes

Table 3 reports the court appearance level outcomes considered in this brief. For court appearances involving multiple charges, the most serious outcome is presented. Overall, 41% of court appearances involved at least one proven sexual assault or related offence.[11] The conviction rate was higher for court appearances involving child sexual assault (44% for historic child sexual assaults and 43% for contemporary child sexual assaults) compared with adult sexual assaults (38%).

10 The remaining one per cent of known reasons was a combination of 'not in public interest', 'informal caution given', and 'statute barred'.
11 Note that this constitutes a substantial departure from the proportion of court appearances with a proven offence reported in Figure 2. There are two reasons for this departure. First, Figure 2 reports the proportion of finalised court appearances with at least one proven sexual offence. This includes all court appearances involving sex offences ranging from the most serious sexual assaults to the least serous serious sexual touching offences. In contrast, Table 3 reports the proportion of finalised court appearances with at least one proven sexual offence, conditional on the sexual offence originally being reported to police as a sexual assault. The second reason for the departure is that Figure 2 does not include the outcome of strictly indicatable charges withdrawn by the prosecution in the lower court. This issue is discussed further in the data source section of this brief.

Table 3. Outcomes for court appearances involving a sexual offence charge arising from an initial police report of sexual assault in 2018, by incident type

	Contemporary child		Historic child		Adult		All	
	n	%	n	%	n	%	n	%
Proceeded to defended hearing/trial	106	25.4	36	19.5	132	33.2	267	27.6
Not guilty of all charges	58	13.9	11	5.9	71	17.9	139	14.3
Guilty of at least one sexual assault or related offence charge	47	11.2	24	13.0	53	13.4	118	12.2
Found not guilty of all sexual assault or related offence charges but pleaded guilty to a sexual assault or related offence charge	0	0.0	0	0.0	1	0.3	1	0.1
Found not guilty for all sexual assault or related offence charges but guilty to other offence type (plea or verdict)	1	0.2	1	0.5	7	1.8	9	0.9
Guilty plea	132	31.6	58	31.4	96	24.2	275	28.4
Mental health dismissal	2	0.5	0	0.0	3	0.8	5	0.5
Withdrawn by prosecution	177	42.3	85	45.9	160	40.3	410	42.3
'Otherwise' disposed of	1	0.2	6	3.2	6	1.5	12	1.2
Total finalised court appearances	418	100.0	185	100.0	397	100.0	969	100.0
Total finalised court appearances with a guilty outcome for at least one sexual offence charge	179	42.8	82	44.3	150	37.8	394	40.7

Note. The 'All' column is not the sum of the three categories but the distinct number of court appearances involving a sexual assault or related offence. For example, a defendant accused of sexually assaulting a minor and an adult may have both charges finalised at the same court appearance. In this case, the court appearance would be counted once in one of the child columns, once in the adult column and once (not twice) in the 'All' column..

Court appearances with a male defendant had a higher percentage (12 p.p.) of at least one proven charge than those with a female defendant, across all offence categories. However, less than two percent of court appearances involved a female defendant. A similar proportion of court appearances with an Aboriginal defendant and court appearances with a non-Aboriginal defendant had at least one proven charge. The exception is historic child sexual offences, where court appearances with an Aboriginal defendant had a higher proportion of proven charges (7 p.p.) than those with a non-Aboriginal defendant. Court appearances with defendants under the age of 18 had the highest proportion of proven charges across all offence categories. Refer to Appendix C for the proportion of guilty outcomes for each descriptive variable.

Only 28% of the court appearances in Table 3 were finalised by trial or defended hearing. Just over one half of these court appearances had no proven charges (52%). This trend was seen for both contemporary child sexual assaults and adult sexual assaults. However, historic sexual assault matters at trial or defended hearing had a higher proven rate for a sexual offence (67%), with only one-third of court appearances that went to trial or defended hearing having no proven sexual assault or related offence charges. A small proportion of court appearances that went to trial or defended hearing in which all sexual assault or related offences were not proven, had a proven charge for a non-sexual assault related charge (3%).

The prosecution withdrew all charges against the defendant in just over 40% of the court appearances in our sample. When comparing across offence categories, we see that a slightly higher proportion of historic child sexual assault matters had all charges withdrawn by the prosecution, dismissed due to mental health, or 'otherwise' disposed (49%) than adult sexual assaults (43%) and contemporary child sexual assaults (43%). Unfortunately, police and court data used in this research does not provide any information as to why an offence was withdrawn.

Sentencing

Table 4 presents the breakdown of the most serious penalty for the 394 court appearances with a proven sexual assault or related offence. More than three-quarters (77%) of all court appearances with a proven offence received a sentence of imprisonment. The next most common penalty imposed for a court appearance with a proven sexual assault or related offence was a supervised community order (19%).

Proven contemporary child sexual assaults were the least likely to be sentenced to custody (72%), compared with historic child sexual assaults (87%) and adult sexual assaults (80%). The lower rate of custody sentences for contemporary child sexual assaults may be attributable to the higher proportion of defendants aged under 18 who are involved in these matters. For contemporary child sexual assaults, 30% of court appearances with a proven outcome had a defendant aged under 18. In comparison, just 16% of proven historic child sexual assault court appearances and 11% of proven adult sexual assault court appearances had a defendant aged under 18. Nearly all the remaining proven contemporary child sexual assault court appearances who were not sentenced to custody received a supervised community order.

Table 4. Principal penalty for court appearances with a proven sexual offence arising from an initial police report of sexual assault in 2018, by incident type

	Contemporary child		Historic child		Adult		All	
	n	%	n	%	n	%	n	%
Custody	129	72.1	71	86.6	120	80.0	304	77.2
Supervised community	44	24.6	8	9.7	25	16.7	76	19.3
Unsupervised community	4	2.2	3	3.7	3	2.0	10	2.5
Other	2	1.1	0	0.0	2	1.3	4	1.0
Total	179	100.0	82	100.0	150	100.0	394	100.0

Note. The 'All' column is not the sum of the three categories but the distinct number of court appearances involving a sexual assault or related offence. For example, a defendant accused of sexually assaulting a minor and an adult may have both charges finalised at the same court appearance. In this case, the court appearance would be counted once in one of the child columns, once in the adult column and once (not twice) in the 'All' column.

CONCLUSION

This study examined the rate of attrition of sexual assault incidents at each stage of the NSW criminal justice system. In 2018, 5,869 sexual assault incidents were reported to police. This resulted in 3,369 charges being laid that went on to be finalised across 969 court appearances. Around 41% of these court appearances resulted in at least one proven sexual offence. This indicates that, overall, only eight per cent of reported contemporary child sexual assault incidents, seven per cent of reported historic sexual assault incidents, and six per cent of reported adult sexual assault incidents reported to NSW Police are subsequently proven in court.

Consistent with other research (Bright et al., 2021; Fitzgerald, 2006), we find that most instances of sexual assault reported to police fail to progress beyond the investigation phase, with only 15% of reported sexual assault incidents in our sample proceeding to court. For the small number of matters that do progress to court, challenges persist. Only 41% of court appearances arising from a report of sexual assault had a proven sex offence. By way of comparison, 72% of court appearances involving a change of (non-sexual) assault[12] in 2018/19 had at least one proven charge (BOCSAR, 2023). The low conviction rate for sexual assault at is due to a high rate of matters withdrawn by the prosecution or dismissed for mental health reasons (44% versus 7% for all court appearances; BOCSAR, 2023), combined with a low rate of guilty pleas (28% versus 63% for all court appearances; BOCSAR, 2023). However, in court appearances where at least one sexual offence is proven, the penalties imposed are severe. Up to 77% of proven sexual assault court appearances resulted in a full-time custody penalty.

There was little variation in legal action rates across the three categories of sexual assault examined in this report. However, differences did emerge at the court phase. Court appearances involving sexual offences against adult victims were less likely to involve a guilty plea and were therefore more likely to proceed to a defended hearing or trial than child sexual offences (contemporary or historic). Where a matter was contested, court appearances involving an adult sexual offence were also more likely to result in a not guilty finding for all charges compared with child sexual offence court appearances. These two factors combine to produce lower conviction rates amongst those charged with adult sexual offences. The lower conviction rate for adult sexual offences may be attributed to the fact that consent is only considered relevant in adult sexual offence cases, therefore the burden of proof is heightened for these cases. Fitzgerald (2006) similarly reported fewer adult sexual assault matters being finalised by way of a guilty plea compared with child sexual assault matters.

While the results from this study indicate that most sexual assault reports do not progress past the investigation phase, the data tells us little about the mechanisms driving this high attrition rate. In our sample, nearly three quarters of all sexual assault reports where no further action was taken had no reasons recorded by police. A smaller proportion of matters dropped out at the court phase but the reasons for withdrawal by prosecutors were not available in either the police or court datasets.

Based on administrative data, a number of studies suggest that a major reason matters fail to progress beyond the police report is because victims withdraw their complaint or are unwilling to cooperate with the investigation (Bright et al., 2021; Lievore, 2004). In the current study, the vast majority of NSW sexual assault incidents with no formal action had no reason recorded. However, where a reason was recorded, half of the time police indicated this was because the 'victim was unwilling'. The suggestion that victims are unwilling contrasts with the findings of the 2023 KPMG/RMIT study where the majority of victim-survivors indicated that they wanted their cases thoroughly investigated. One possible reason why administrative data indicates a high proportion of complainants are unwilling to proceed is that this determination is made after victims are informed of the low likelihood of conviction (rather than reflecting victim cooperation).

12 Based on ANSZOC Subdivision 021: Assault (ABS, 2011).

Another major reason for police not commencing legal proceedings (or a matter being withdrawn by the prosecution), is the lack or strength of evidence against the accused (Bright et al., 2021). Insufficient evidence was indicated as the reason for no further police action being taken in 40% of the cases in our sample (amongst those cases where a reason had been recorded). As discussed in the 2023 KPMG/RMIT study, the lack of admissible evidence may be a direct result of poor-quality investigations in which complainant statements were rushed and additional evidence was not collected. There is potentially some circularity among the reasons for not proceeding as the prospect of a conviction is affected by the quality of evidence, and this could be affecting victim's willingness to proceed. Key informants in the KPMG/RMIT study indicated that police can be unwilling to proceed or prioritise investigations where a conviction is unlikely, such as older offences or those without physical evidence.

Any attempts to increase conviction rates for sexual assault should clearly focus efforts on the reporting and investigation phases, given the high proportion of matters that fail to progress beyond this point. As Fitzgerald (2006) notes, however, merely progressing more cases to court will not necessarily result in better outcomes for victims. Strengthening of cases in the early stages through improved evidence gathering must also occur to ensure prosecutions are successful. A key first step, however, is ensuring that detailed information about police and prosecutorial decisions is routinely recorded for all sexual assault matters that fail to progress through the system. This is critical to not only developing a better understanding of the causes of attrition in sexual assault matters but also to monitor the success (or otherwise) of any changes in policy or practice designed to address this issue.

ACKNOWLEDGEMENTS

The author would like to acknowledge the work of Tracy Painting and the Data team at BOCSAR for data linkage, Min-Taec Kim, Suzanne Poynton and Jackie Fitzgerald for their guidance and feedback during the completion of this study, Florence Sin for desktop publishing and Alana Cook and the reporting and insights team at BOCSAR for assisting with the interpretation of the data.

NOTES

In this report we use the term Aboriginal to refer to Aboriginal people, Torres Strait Islanders and people who identify both as Aboriginal and Torres Strait Islander. Note that only a very small proportion of the Indigenous population in NSW are of Torres Strait Islander origin only (see https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release#:~:text=Among%20%20the%20Aboriginal%20and%20Torres,and%20Torres%20Strait%20Islander%20origin). We use the terms 'Indigenous' and 'Aboriginal and Torres Strait Islander' where original sources use these.

REFERENCES

Australian Bureau of Statistics [ABS]. (2011). Australian and New Zealand Standard Offence Classification (ANZSOC), 2011. Retrieved from the Australian Bureau of Statistics website: https://www.abs.gov.au/statistics/classifications/australian-and-new-zealand-standard-offence-classification-anzsoc/2011.

Australian Bureau of Statistics [ABS]. (2021). Sexual Violence - Victimisation. Retrieved from the Australian Bureau of Statistics website: https://www.abs.gov.au/articles/sexual-violence-victimisation.

Australian Bureau of Statistics [ABS]. (2023a). *Personal Safety, Australia, 2012-22 finalcial year.* Retrieved from the Australian Bureau of Statistics website: https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release#sexual-violence.

Australian Bureau of Statistics [ABS]. (2023b). *Sexual violence, 2012-22 finalcial year.* Retrieved from the Australian Bureau of Statistics website: https://www.abs.gov.au/statistics/people/crime-and-justice/sexual-violence/2021-22#prevalence-rates.

Austraian Bureau of Statistics [ABS]. (2024). *Crime Victimisation, Australia, 2022-23 financial year.* Retrieved from the Australian Bureau of Statistics website: https://www.abs.gov.au/statistics/people/crime-and-justice/crime-victimisation-australia/latest-release.

Bright, S., Roach, C., Barnaba, L., Walker, S., & Millsteed, M. (2021). *Attrition of Sexual Offence Incidents through the Victorian Criminal Justice System: 2021 update.* Melbourne: Crime Statistics Agency. Retrieved from https://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/attrition-of-sexual-offence-incidents-through-the-victorian.

Carr, M., Thomas, A. J., Atwood, D., Muhar, A., Jarvis, K., & Wewerka, S. S. (2014). Debunking three rape myths. *Journal of forensic nursing, 10*(4), 217-225. https://doi.org/10.1097/JFN.0000000000000044.

Coumarelos, C., Weeks, N., Bernstein, S., Roberts, N., Honey, N., Minter, K., & Carlisle, E. (2023). *Attitudes Matter: The 2021 National Community Attitudes towards Violence against Women Survey (NCAS), Findings for Australia.* Sydney: Australia's National Research Organisation for Women's Safety. Retrieved from https://irp.cdn-website.com/f0688f0c/files/uploaded/NCAS%2021%20Summary%20Report%20ANROWS.2.pdf.

Fitzgerald, J. (2006). *The attrition of sexual offences from the New South Wales criminal justice system* (Crime and Justice Bulletin No. 92). Sydney: NSW Bureau of Crime Statistics and Research. Retrieved from the BOCSAR website: https://www.bocsar.nsw.gov.au/Publications/CJB/cjb92.pdf.

Goodman-Brown, T. B., Edelstein, R. S., Goodman, G. S., Jones, D. P., & Gordon, D. S. (2003). Why children tell: A model of children's disclosure of sexual abuse. *Child abuse & neglect, 27*(5), 525-540. https://doi.org/10.1016/S0145-2134(03)00037-1.

Hershkowitz, I., Lanes, O., & Lamb, M. E. (2007). Exploring the disclosure of child sexual abuse with alleged victims and their parents. *Child abuse & neglect, 31*(2), 111-123. https://doi.org/10.1016/j.chiabu.2006.09.004.

Hohl, K., & Stanko, E. A. (2015). Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. *European journal of criminology, 12*(3), 324-341. https://journals.sagepub.com/doi/10.1177/1477370815571949.

KPMG & RMIT University's Centre for Innovative Justice. (2023). Exploring justice system experiences of complainants in sexual offence matters: An interview study. Sydney: NSW Bureau of Crime Statistics and Research. Retrieved from the BOCSAR website: https://www.bocsar.nsw.gov.au/Publications/affiliated/AP69-BOSCAR%20Interview%20study%20Exploring%20justice%20system%20experiences%20of%20complainants%20in%20sexual%20offence%20matters.pdf.

Krahé, B., Temkin, J., Bieneck, S., & Berger, A. (2008). Prospective lawyers' rape stereotypes and schematic decision making about rape cases. *Psychology, Crime & Law, 14*(5), 461-479. https://doi.org/10.1080/10683160801932380.

Lievore, D. (2004). *Prosecutorial decisions in adult sexual assault cases: An Australian study. Trends & issues in crime and criminal justice no. 291.* Canberra: Australian Institute of Criminology. Retrieved from https://www.aic.gov.au/sites/default/files/2020-05/prosecutorial-decisions-in-adult-sexual-assault-cases.pdf.

Mathews, B., Pacella, R., Scott, J. G., Finkelhor, D., Meinck, F., Higgins, D. J., Erskine, H. E., Thomas, H. J., Lawrence, D. M., Haslam, D., M., Malacova, E., & Dunne, M. P. (2023). The prevalence of child maltreatment in Australia: findings from a national survey. *Medical journal of Australia, 218*, S13-S18. https://doi.org/10.5694/mja2.51873.

NSW Bureau of Crime Statistics and Research [BOCSAR]. (2023). NSW Criminal Courts Statistics Jul 2018 – Jun 2023. Retrieved from the BOCSAR website: https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CCS-Annual/Criminal-Court-Statistics-Jun-2023.aspx.

NSW Police Force. (2018). *Investigation Process*. NSW Government. Retrieved from https://www.police.nsw.gov.au/__data/assets/pdf_file/0020/236441/Fact_Sheet_06_Investigation_Process_120318.pdf.

Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). Final report: Nature and cause (Vol. 2). Sydney, NSW: Royal Commission into Institutional Responses to Child Sexual Abuse. Retrieved from https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_2_nature_and_cause.pdf.

Tidmarsh, P., & Hamilton, G. (2020). *Misconceptions of sexual crimes against adult victims: Barriers to justice*. (1836-2206). Canberra: Australian Institute of Criminology. Retrieved from https://www.aic.gov.au/sites/default/files/2020-11/ti611_misconceptions_of_sexual_crimes_against_adult_victims.pdf.

Triggs, S., Mossman, E., Jordan, J., & Kingi, V. (2009). Responding to sexual violence: Attrition in the New Zealand criminal justice system. Wellington: Ministry of Women's Affairs. Retrieved from: https://women.govt.nz/sites/default/files/2022-04/responding%20to%20sexual%20violence%20attrition-pdf.pdf.

NSW BUREAU OF CRIME STATISTICS AND RESEARCH - 6 PARRAMATTA SQUARE, 10 DARCY STREET, PARRAMATTA NSW 2150
bcsr@justice.nsw.gov.au • www.bocsar.nsw.gov.au • Ph: (02) 8688 9800 • ISBN 978-1-922576-40-8
© State of New South Wales through the Department of Communities and Justice 2024. You may copy, distribute, display, download and otherwise freely deal with this work for any purpose, provided that you attribute the Department of Communities and Justice as the owner. However, you must obtain permission if you wish to (a) charge others for access to the work (other than at cost), (b) include the work in advertising or a product for sale, or (c) modify the work.

APPENDIX

Appendix A. NSW law part codes for sexual assault offences, sexual act offences, sexual touching offences and other sexual offences

Offence Type	Associated law parts
Sexual assault	245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 372, 374, 375, 377, 10896, 10897, 11639, 11640, 15738, 15739, 15740, 15741, 15742, 15743, 15744, 15745, 15746, 15747, 26876, 26877, 26889, 26890, 26891, 26892, 26893, 26894, 26920, 26921, 26922, 26923, 26924, 26925, 29993, 29994, 30625, 31738, 31771, 31772, 31773, 31774, 31809, 31810, 41465, 41466, 43395, 43396, 43397, 44792, 44793, 44794, 50011, 50012, 50017, 50072, 50073, 50078, 50079, 50111, 50112, 50117, 50118, 51169, 51170, 51171, 51172, 51173, 51174, 51428, 51429, 51430, 51431, 51432, 51433, 51434, 51435, 52746, 52751, 52760, 53210, 53214, 53216, 53225, 54066, 54079, 54082, 54116, 54876, 54877, 54878, 54879, 54880, 54881, 54882, 54883, 63452, 63493, 64783, 64784, 64785, 64786, 64787, 64788, 64789, 64790, 64791, 64792, 64793, 64794, 64795, 64796, 64797, 64798, 64799, 64830, 64831, 64832, 64833, 64834, 64835, 64836, 64837, 64838, 64839, 64840, 64841, 64842, 64843, 64844, 64845, 67742, 67743, 67799, 67800, 67801, 67802, 67813, 67814, 67816, 67822, 67824, 67825, 67826, 67827, 67828, 67829, 67831, 67832, 67833, 67834, 67835, 67836, 67837, 67838, 69054, 69055, 70718, 70719, 71555, 71559, 71560, 71567, 71571, 71579, 71580, 85915, 85916, 87910, 87911, 87912, 88500, 88501, 88502, 92051, 92052, 93687, 93688, 93689, 93690, 93691, 93692, 93693, 93694, 93695, 93696, 93697, 93698, 93699, 93700, 93749, 93750, 93777, 93778, 93824, 93825, 93826, 93827, 93828, 93829, 95227, 95482, 95769, 95770, 95855, 95862, 95863.
Sexual act	292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 352, 353, 378, 379, 382, 383, 51176, 51177, 53948, 53949, 53950, 53951, 53952, 53953, 53954, 53955, 64808, 64809, 64810, 64811, 64812, 64813, 64814, 64815, 64816, 64817, 64818, 64819, 64820, 64821, 64822, 64823, 64824, 64825, 64826, 64827, 64828, 64829, 64846, 64847, 64848, 64849, 64850, 64851, 64852, 64853, 67807, 67809, 70723, 70724, 70726, 70729, 70731, 70732, 75172, 75173, 75174, 75175, 83828, 93671, 93672, 93673, 93674, 93675, 93676, 93677, 93678, 93679, 93680, 93681, 93682, 93683, 93684, 93685, 93686, 93717, 93718, 93719, 93720, 93721, 93722, 93723, 93724, 93725, 93726, 93727, 93728, 93729, 93730, 93731, 93732, 93733, 93734, 93735, 93736, 93737, 93738, 93739, 93740, 93741, 93742, 93743, 93744, 93745, 93746, 93747, 93748.

Appendix A. NSW law part codes for sexual assault offences, sexual act offences, sexual touching offences and other sexual offences (continued)

Offence Type	Associated law parts
Other sexual offence	373, 376, 385, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 1197, 1211, 1247, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 3089, 3090, 3091, 4578, 4822, 4823, 4824, 4825, 5911, 5913, 6161, 10907, 10908, 11635, 11636, 11637, 11638, 14918, 14919, 14920, 14921, 17092, 17099, 17100, 22058, 22059, 22063, 26696, 26697, 26698, 26699, 26700, 26701, 26702, 27034, 27035, 28376, 28377, 29528, 29529, 29530, 30626, 30627, 31741, 33939, 35282, 35283, 35284, 41564, 41565, 41566, 41567, 41568, 41569, 42345, 42346, 42350, 45292, 45293, 45294, 45295, 45296, 45297, 45820, 50013, 50014, 50074, 50075, 50113, 50114, 51198, 53176, 53177, 53181, 53183, 53218, 53224, 53244, 53259, 53260, 53261, 53262, 53313, 53314, 53956, 53957, 54107, 54115, 55737, 55738, 55740, 55741, 55742, 55744, 55745, 55747, 55748, 55750, 55751, 55757, 55758, 55761, 55762, 55763, 55764, 56200, 56201, 56202, 56203, 56204, 56205, 56206, 56207, 56883, 56884, 56885, 56886, 56887, 56888, 56889, 56890, 56891, 56892, 56893, 56894, 56895, 56896, 56897, 56898, 56899, 56900, 56905, 56909, 56913, 56914, 56915, 56916, 56917, 56918, 56919, 56920, 56921, 56922, 56934, 56935, 56936, 56937, 56938, 56939, 56940, 56941, 56942, 56943, 56944, 56945, 56947, 56949, 56951, 56955, 56959, 56960, 56961, 56962, 56963, 56964, 56966, 56977, 56978, 56979, 56980, 56981, 56982, 63328, 63329, 63330, 63331, 64712, 64713, 64854, 64855, 64856, 67839, 67840, 67841, 67842, 67843, 67844, 67845, 67846, 67847, 67848, 67849, 67850, 67851, 67852, 67853, 67854, 67855, 67856, 67857, 67858, 67859, 71556, 71558, 71561, 71562, 71565, 71566, 71568, 71570, 71572, 71574, 71575, 71576, 71577, 71578, 71581, 71582, 71583, 71584, 71585, 71586, 71587, 71588, 71589, 71590, 71591, 71592, 71593, 71594, 71595, 71596, 71597, 71598, 71599, 71600, 71601, 71602, 71603, 71604, 71605, 71606, 71607, 71608, 71609, 71610, 71611, 71612, 71613, 71614, 71615, 71616, 71617, 71618, 71619, 71620, 73036, 73037, 73038, 76892, 76893, 78660, 78661, 78662, 79645, 79646, 86123, 86124, 90091, 90092, 90093, 90825, 90828, 90829, 90830, 90831, 90832, 90833, 90834, 90835, 93751, 93752, 95224, 95225, 95226, 95228, 95230, 95635, 95636, 95637, 95771, 95772, 95775, 95776, 95777, 95778, 95779, 95780, 95781, 95782, 95783, 95784, 95785, 95786, 95787, 95788, 95856, 95858, 95859, 95860, 95861, 95864, 95865, 95866, 95867, 95868, 95869, 95870, 95871, 95872, 95873, 95874, 95875, 95876, 95877, 95878, 95879, 95880, 95881, 95882, 95883, 95884, 95885, 95886, 95887, 95888, 95889, 95890, 95891, 95892, 95893, 96405, 98368, 98369, 98370, 98371, 98372, 98373, 98374, 98375, 98376, 98379, 98380, 98381, 98382.
Sexual touching	261, 262, 263, 264, 265, 266, 267, 268, 269, 285, 286, 287, 288, 289, 290, 291, 350, 351, 370, 371, 380, 381, 384, 10898, 10899, 10900, 10901, 10902, 10903, 10904, 10905, 10906, 11179, 14917, 27029, 27030, 27031, 27032, 27033, 31645, 31646, 31647, 31648, 31649, 31650, 31651, 31652, 39105, 51175, 51178, 51179, 52799, 52804, 52810, 53209, 54109, 64800, 64801, 64802, 64803, 64804, 64805, 64806, 64807, 67803, 67804, 70720, 70722, 71557, 71563, 71564, 71569, 71573, 93655, 93656, 93657, 93658, 93659, 93660, 93661, 93662, 93663, 93664, 93665, 93666, 93667, 93668, 93669, 93670, 93701, 93702, 93703, 93704, 93705, 93706, 93707, 93708, 93709, 93710, 93711, 93712, 93713, 93714, 93715, 93716, 93753, 93754, 93755, 93756, 93757, 93758, 93759, 93760, 93761, 93762, 93763, 93764, 93765, 93766, 93767, 93768, 94091, 94092, 94093, 94094, 94095, 95229, 95773, 95774, 95857, 98542, 98543.

Appendix B. Incident-level descriptives for victims of reported sexual assaults, NSW, 2018

		Contemporary child			Historic child			Adult			All		
		Reported	Proceeded	% proceeded	Reported	Proceeded	% proceeded	Reported	Proceeded	% proceeded	Reported	Proceeded	% proceeded
Primary victim gender	Male	396	39	9.8	354	44	12.4	213	21	9.9	963	104	10.8
	Female	1787	298	16.7	822	124	15.1	2291	346	15.1	4900	768	15.7
	Unknown	3	0	0.0	0	0	0.0	3	0	0.0	6	0	0.0
Primary victim age	Under 10	659	124	18.8	545	59	10.8	2	0	0.0	1206	183	15.2
	10 to 16	1503	210	14.0	609	105	17.2	331	25	7.6	2443	340	13.9
	17 to 24	1	0	0.0	0	0	0.0	987	155	15.7	988	155	15.7
	25 to 34	1	0	0.0	0	0	0.0	593	92	15.5	594	92	15.5
	35 to 44	0	0	0.0	0	0	0.0	350	54	15.4	350	54	15.4
	45 to 54	0	0	0.0	0	0	0.0	163	33	20.2	163	33	20.2
	Over 54	0	0	0.0	0	0	0.0	73	8	11.0	73	8	11.0
	Missing	22	3	13.6	22	4	18.2	8	0	0.0	52	7	13.5
Primary victim Aboriginality	Aboriginal	420	63	15.0	117	11	9.4	212	30	14.2	749	104	13.9
	Non-Aboriginal	1673	266	15.9	1010	149	14.8	2216	329	14.8	4899	744	15.2
	Unknown	93	8	8.6	49	8	16.3	79	8	10.1	221	24	10.9

Appendix B. Incident-level descriptives for victims of reported sexual assaults, NSW, 2018 (continued)

		Contemporary child			Historic child			Adult			All		
		Reported	Proceeded	% proceeded	Reported	Proceeded	% proceeded	Reported	Proceeded	% proceeded	Reported	Proceeded	% proceeded
Time to report	Within 2 weeks	1097	126	11.5	1	0	0.0	1439	259	18.0	2537	385	15.2
	2 weeks to 3 months	216	40	18.5	7	1	14.3	319	39	12.2	542	80	14.8
	3 to 6 months	126	26	20.6	17	5	29.4	151	14	9.3	294	45	15.3
	6 to 12 months	352	31	8.8	51	6	11.8	159	17	10.7	562	54	9.6
	After 12 months	395	114	28.9	1100	156	14.2	439	38	8.7	1934	308	15.9
Accused relationship to primary victim	Current/former partner	180	15	8.3	53	6	11.3	646	84	13.0	879	105	11.9
	Family/carer	554	101	18.2	397	44	11.1	105	10	9.5	1056	155	14.7
	Known other	921	105	11.4	417	52	12.5	954	135	14.2	2292	292	12.7
	Stranger	68	7	10.3	42	0	0.0	327	44	13.5	437	51	11.7
	Unknown	463	109	23.5	267	66	24.7	475	94	19.8	1205	269	22.3

Appendix C. Court appearance-level descriptives for defendants of sexual assault charges, NSW, 2018

		Contemporary child			Historic child			Adult			All		
		Finalised	Guilty	% Guilty	Finalised	Guilty	% Guilty	Finalised	Guilty	% Guilty	Finalised	Guilty	% Guilty
Defendant gender	Male	400	172	43.0	183	80	43.7	390	146	37.4	942	381	40.4
	Female	14	4	28.6	0	0	0.0	4	1	25.0	18	5	27.8
	Unknown	4	3	75.0	2	2	100.0	3	2	66.7	9	7	77.8
Defendant age	Under 18	89	54	60.7	23	13	56.5	32	17	53.1	137	77	56.2
	18 to 29	113	45	39.8	75	32	42.7	154	53	34.4	332	125	37.7
	30 to 39	102	36	35.3	55	24	43.6	88	30	34.1	240	88	36.7
	40 to 49	54	18	33.3	21	8	38.1	68	26	38.2	137	49	35.8
	Over 50	53	22	41.5	7	3	42.9	52	21	40.4	109	44	40.4
	Missing	7	4	57.1	4	2	50.0	3	2	66.7	14	8	57.1
Defendant Aboriginality	Aboriginal	58	24	41.4	18	9	50.0	47	18	38.3	119	48	40.3
	Non-Aboriginal	356	152	42.7	162	69	42.6	347	129	37.2	838	336	40.1
	Unknown	4	3	75.0	5	4	80.0	3	2	66.7	12	5	41.7

Note. The 'All' column is not the sum of the three categories but the distinct number of court appearances involving a sexual assault or related offence. For example, a defendant accused of sexually assaulting a minor and an adult may have both charges finalised at the same court appearance. In this case, the court appearance would be counted once in one of the child columns, once in the adult column and once (not twice) in the 'All' column