

Sexual Assault



Some sex workers may be sexually assaulted during their work in the industry. Sex workers are entitled to be protected from sexual assault like anyone else in the community; it is not part of our job. In this fact sheet we will look at what sexual assault is, the reasons it might occur and what you can do about it.

There are several reasons why sexual assault may happen to sex workers; this doesn't mean it is your fault or that you deserve it.

Sex workers may be targets for sexual assault because some clients believe that when they pay for your services that they can do whatever they like, even when you have established the ground rules and told the client that his behavior is unacceptable.

Some clients believe that sex workers will not make complaints of sexual assault or other crimes to police for fear of disclosure, not being believed or being treated disrespectfully.

Some men may take advantage of sole operators working alone to book in pretending to be clients, as they view sole operators as easy targets.

What are you going to be reading about?...

- What is sexual assault or rape?
- Reporting sexual assault
- Dealing with the police
- Peach and Good Behaviour orders
- Get support from a friend
- Counselling support
- Legal options
- Get support
- In the booking
- Court

What is sexual assault or rape?

Both sexual assault and rape are crimes that occur because consent has not been given or is withdrawn.

The Criminal Code Act 1899 (Queensland) states that consent is not freely given if it is obtained by force, threat or intimidation, fear of bodily harm, exercise of authority, or if it is obtained by false and fraudulent representations about the nature or purpose of the act.

'False and fraudulent representations about the nature or purpose of the act' is particularly relevant where a client takes a condom off or interferes with a condom, for example. Because these were conditions on which the service was agreed, then consent is no longer present because the condition (condom use) is no longer present.

Section 349 defines rape as sex with or of the other person without the other person's consent, or if the person penetrates the vulva, vagina or anus of the other person to any extent with a thing or a part of the person's body that is not a penis without the other person's consent, or the person penetrates the mouth of the other person to any extent with the person's penis without the other person's consent.

Sexual assault is easier to prove and is a lesser charge. It is normally what a client would be charged with if penetration cannot be provided or there is no evidence of rape.

Section 352 defines sexual assault as unlawfully and indecently assaulting another person, procuring another person, without the person's consent to commit an act of gross indecency or to witness an act of gross indecency by the person or any other person.

While sex workers agree to provide certain services in return for payment, it becomes a crime if the client forces a sex worker to provide services that were not agreed or under conditions that were not agreed (such as without a condom, for example).

“Sexual assault is not your fault and you don’t deserve it just because you are a sex worker.”

Reporting sexual assault

Go to hospital immediately. Do not wash—even your hands— although this will probably be your first instinct.

Biological evidence degrades very fast so it is important to preserve it and get it collected as soon as possible.

When you go to the hospital tell them immediately that you have been sexually assaulted or raped. Ask them to call the police for you if they do not volunteer to do this for you right away. This minimises the chance of the police not taking your complaint seriously.

Because the police will be there in a professional capacity and under the eye of medical staff who will be treating you professionally, those medical professionals will expect professional behaviour from the police.

The hospital will do a rape kit and collect evidence, such as semen and/or saliva swabs, pubic hair and skin from under your fingernails.

Where a client has deliberately torn a condom or removed it, take the condom with you in a sealed plastic bag for evidence.

Emphasise to the police that the consent was gained through fraudulent representation about the nature of the act. That is, that your consent was on the basis that a condom would be used and not tampered with.

Once the police have taken your statement you will be offered counselling support.

If you find that you are not being treated with respect or taken seriously, you should ask to speak to the manager of the emergency room (if you are in the hospital) or the senior police officer on duty (if you are in a police station) and make a complaint. You can also contact Respect Inc for advice on your other options.

Dealing with the police

It’s best to tell the police that you’re a sex worker because it is likely that they will find out anyway and hiding the fact is likely to reduce your credibility. You have the right to ask for a female police officer and can expect to be given one.

Peace and Good Behaviour orders

If you have a reasonable fear that the client who assaulted or raped you will try to further harm you then you can apply for a Peace and Good Behaviour order.

Discuss this with the police who take (or took) your statement. If you can get this order and then the client approaches you in person, approaches you on Internet forums, calls you on the phone, tries to book you or shows up on the doorstep of where you work, he can be charged with breaching it. You can apply for a Peace and Good Behaviour order even if the charges are not proven.

Although a Peace and Good Behaviour order is a civil matter and not a criminal one, if the person against whom the Peace and Good Behaviour order is taken against breaches it, they can be charged with a criminal offence (see the fact sheet on stalking).

If charges were laid like assault, you can ask the police prosecutor to request the bail conditions include conditions similar to the conditions that would form part of a Peace and Good Behaviour order. This then saves you having to go through two processes.

Get support from a friend

If you have been sexually assaulted or raped, you may want to ask a friend to be a support person who can be with you at the hospital and in police interviews. A support person is not an advocate, but they can still be very effective because they are there to support you and are also a witness to how you are being treated.

“Try and get to go to a sexual assault service as soon as possible after the incident has occurred. It is best if you haven’t showered so that evidence can be collected.”

Counselling support

Counselling support services are confidential and nothing you say to them will go any further. Any notes made are also strictly confidential and only to assist you. They cannot be used in court proceedings. See the referrals section at the end of this fact sheet for information on counselling services.

Legal options

Sexual assault and rape are crimes and carry lengthy prison sentences.

Where a sexual assault cannot be proven, you still have the option of lodging a civil claim for battery, which is any unwanted touching without your permission. You can also Contact Respect Inc for more information on how you can do this.

Get support

- Contact victim assistance programs in your area (see referrals at the end of this fact sheet).
- Pay attention to your emotional needs.
- Consider getting professional counselling (see referrals at the end of this fact sheet).
- Contact other workers in the area and Respect Inc to report it.
- Consider implementing extra security precautions while working, such as checking in and out of each booking. Call your own phone number of you need to and leave details on your own answering machine.

“A sexual assault service or crisis line can talk you through your different options and processes involved if you decide to take further action.”

Court

The crown prosecutor, who runs the case, decides what the client is charged with. You may not need to appear in court when the client is charged, but may be called as a witness.

If you are, the police and crown prosecutor will give you details of when to appear and what it will involve. You won’t need a lawyer; in effect, the police and crown prosecutor are your advocates.

While courts are open to the public, no evidence that identifies a complainant in a sexual assault or rape case can be used to identify them. This means that even if the media is there, they cannot take pictures of you or report your name or any identifying details.

Volunteers in the Court is a community-based organisation of trained volunteers who can help you with court processes and the stresses of not knowing what is involved in court processes.

Volunteers in the Court can provide you with information, emotional and practical support before, during and after court appearances, including information on a safe place to wait if you are being called as a witness to give evidence. See the referral list below for contact details.

Sexual Assault Services

Volunteers in the Court

1800 267 671

www.courtnetwork.com.au

Family Planning Queensland (FPQ) and Statewide Sexual Assault Help Line

24 Hour Sexual Assault Help Line

1800 010 120

<http://www.fpq.com.au>

Men Affected by Rape and Sexual Assault (MARS)

Men only support group operating from
Stonewall Medical Centre
07 3857 1222

Male Sexual Assault (Spiritus)

Offers services specifically designed to assist men who have experienced sexual abuse or sexual assault, their partners, friends, families and service providers. They have a website, face to face and telephone counselling and provide an information and referral service. They are open Monday, Wednesday and Friday 9am – 5pm and Tuesday 9am – 8pm.

07 3435 4358 1300 114 397

<http://www.livingwell.org.au>

Gallang Place

Aboriginal and Torres Strait Islander counselling service providing counselling on issues including sexual abuse and emotional abuse.

Open Monday – Friday 8.30am – 4.30pm in West End, 07 3844 2283

<http://www.gallangplace.org.au>

Brisbane Rape and Incest Survivors Support Centre (BRISSC)

Centre against sexual violence, run by women for women that provides information and support for people who have experienced sexual violence and the people who support them. Also has a few fact sheets on their website but you have to pay for them. 07 3391 0004

<http://www.brissc.org.au>

Rape Crisis Line

Telephone support and referral for men, woman and transgender people, 1800 657 501

Bayside Sexual Assault Service

07 3488 4222, 07 3488 3558 (outside of 9am – 5pm), Redlands Health Service Centre. Cleveland

Central Highlands Sexual Assault Service

07 4982 4358, Emerald

Central West Sexual Assault Service

07 4652 5500, Community Health Longreach

Centre Against Sexual Violence (CASV)

07 3808 3299, Logan

<http://www.casv.org.au>

Family Planning Queensland Cairns Sexual Assault Service

07 4031 3590, Cairns

<http://www.fpq.com.au>

Gladstone Region Sexual Assault Service

07 4979 1456, Gladstone

Gold Coast Centre Against Sexual Violence Inc

07 5591 1164, Southport

<http://www.stopsexualviolence.com>

Immigrant Women's Support Service (IWSS)

07 3846 5400, West End

<http://www.iwss.org.au>

Laurel House, Sunshine Cooloola Services Against Sexual Violence

07 5443 4711, Maroochydore

Mackay Sexual Assault Service

07 4968 3919 (business hours)

07 4968 6000 (after hours)

Mackay Base Hospital

Mt Isa Sexual Assault Service

07 4744 4444, Mt Isa Base Hospital

Murrungunyah Aboriginal and Torres Strait Islander Corp for Women

07 3290 4254, Woodridge

North Queensland Combined Women's Service Inc

07 4775 7555, Townsville

<http://www.thewomenscentre.org.au>

Phoenix House Bundaberg Area Sexual Assault Service

07 4153 4299

<http://www.phoenixhouse.com.au>

Redcliffe Caboolture Sexual Assault Service

07 3897 6300, Redcliffe Hospital Caboolture Hospital

Rockhampton Rape, Incest & Sexual Violence Centre

07 4922 6585, Rockhampton

Sexual Assault Support and Prevention Service South West Health Service District

07 4505 1538, Roma

Sisters Inside Inc

07 3844 5066, South Brisbane

<http://www.sistersinside.com.au>

South Burnett Women's Services

07 4162 5439, Kingaroy

Tablelands Sexual Assault Service

07 4091 4036, Atherton

Toowoomba Sexual Assault Support Service

07 4616 6950 (office hours)

07 4616 6000 (after hours)

Kobi House, Toowoomba Hospital

West Moreton Women's Health Acute Sexual Assault Program

07 3812 0138 (business hours)

07 3202 2766 (after hours), Ipswich

Whitsunday Sexual Assault Service

07 4946 2999, Cannonvale

Wide Bay Sexual Assault Association Inc

4121 5999, Maryborough

WWILD Sexual Violence Prevention Service (for women with an intellectual or physical disability)

07 3262 9877, Woolloowin

<http://www.wwild.org>

Zig Zag Young Women's Resource Centre

07 3843 1823, <http://www.zigzag.org.au>

Disclaimer:

All material in this fact sheet is provided for your information only and may not be construed as legal, medical or health advice or instruction.

Respect Inc contacts:

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07 5564 0929 (fax)

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Cairns City QLD 4870

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07 4051 0009 (fax)

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Hermit Park Townsville QLD 4812

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