

# **CAN WE LEGISLATE FOR SAFER FORENSIC SPEAKING ROLES FOR SEXUAL ASSAULT SURVIVORS?**

*The Sexual and Violent Offences Legislation  
Amendment Act 2008 (ACT)*

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**Jessica Kennedy**  
Bachelor of Laws (LLB) (Hons)

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School of Law  
University of Canberra

## Thesis Abstract

This thesis examines the changes made by the Australian Capital Territory *Sexual and Violent Offences Legislation Amendment Act 2008*, which aimed to reduce the trauma of a trial for victims of violence. These changes are examined within the context of similar legislative changes throughout Australia and by providing an understanding of the tension between the right of a victim to be protected from further trauma and the right of an accused to a fair trial. The research focuses on the effect of the reforms on the experiences of adult, non-disabled victims of sexual assault. The history and creation of the legislation is analysed first to determine how and why the changes came about and whether the final piece of legislation reflected what was lobbied for by various agencies. The effects of the Sexual and Violent Offences Legislation Amendment Act 2008 on the trial process is then examined by listening to the voices of those closest to the reforms: judicial officers, legal practitioners, victim support personnel and victim witnesses. The findings of this study highlight the ubiquitous discretionary nature of Australian law and illustrate how the presence of discretion can result in legislative reforms not achieving their original aims. It also highlights the importance of having procedural policies alongside legislative reform, as the former can impact on the ability to apply the new legislation. Although this study is limited in terms of sample size, it provides a qualitative understanding of the benefits and limitations of these reforms to date.

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