

## THE LAW AND YOUR RIGHTS

The information on this site is a very simple overview of the law in NSW, current as at 2009. This page is designed to give you a basic understanding of sexual assault and domestic violence as crimes, the penalties and the legal process.

### NSW Law – Sexual Assault

Sexual assault is a crime. The penalties an offender will receive vary depending on the nature and severity of the assault. Some examples of the type of offences and the maximum penalties are below.

Sexual assault offences	Crimes Act section	Maximum penalty
<b>Sexual intercourse without consent</b>	61I	Up to 14 years jail
<b>Aggravated sexual assault</b>	61J	Up to 20 years jail
<b>Aggravated sexual assault in company</b>	61JA	Up to life in jail
<b>Inflict or threaten harm with intent to have sexual intercourse</b>	61K	Up to 20 years jail
<b>Indecent assault</b>	61L	Up to 5 years jail
<b>Aggravated indecent assault</b>	61M(1)	Up to 7 years jail

### NSW Law – Domestic Violence

Domestic violence is a crime. The penalties an offender may receive vary depending on the nature and severity of the assault. The table below shows some offences and the maximum penalties in relation to domestic violence.

Domestic violence offences	Crimes Act section	Maximum penalty
Common assault – includes threatening violence	61	Up to 2 years
Stalking and Intimidation	13*	Up to 5 years jail
Assault occasioning actual bodily harm	59	Up to 5 years jail
Malicious wounding	33	Up to 25 years jail
Manslaughter	24	Up to 25 years jail
Attempted murder	27	Up to 25 years jail
Murder	19A	Up to life in jail



## Your rights

It is your right to report to police, talk to family and friends, and seek support.

It is also your right to choose not to do this. You can choose.

## The legal process

**In very basic terms the process is as follows:**

1. Make a complaint to the police and they will record your statement about the assault, that is, what happened.
2. Police decide whether there is enough evidence to go to proceed with to the next stage of the legal process
3. If the police think there is enough evidence, they will advise the **DPP** (the Director of Public Prosecutions who defend victims of sexual assault and domestic violence in court). [www.odpp.nsw.gov.au](http://www.odpp.nsw.gov.au)
4. The DPP make the final decision about whether to go to court.
5. If the case goes to court the process will vary depending on whether the offender pleads guilty, the severity of the charge and the investigative processes. To go through the legal system can take a number of years.
6. If the case does not go to court, you can still contact the **Victims Compensation Tribunal** to claim compensation for the assault. [www.lawlink.nsw.gov.au/lawlink/victimsservices](http://www.lawlink.nsw.gov.au/lawlink/victimsservices)

**This is a very brief summary to give you a basic idea of the legal process.**

## Further information

If you would like more information about this process in relation to sexual assault go to the **NSW Rape Crisis Centre** for details about **Reporting to Police** and **Going to Court**, or the NSW Government site on **sexual assault** for general information.

If you would like more information about this process in relation to domestic violence, please contact the **Domestic Violence Advocacy Service** on 1800 810 784, **Law Access NSW** on 1300 888 529, the **Domestic Violence Line** on 1800 656 463 or your local community legal centre via the **Community Legal Centres Index**.

**NOTE: The information provided here is for NSW only.**

Please see **Lawstuff** if you would like to find relevant information for your state.

