



## In the home

Physical violence within the family is illegal. An assault is a criminal offence, whether it occurs between strangers on the street or between family members behind closed doors. Threats of violence and deliberate damage to property may also be criminal offences in some circumstances.

Everyone has the right to be safe and feel safe with their family and in their home. If you are being physically harmed or threatened by someone close to you, you may seek help including medical assistance, counselling, and legal advice (see Help points on the back of this page). You are fully entitled to report the behaviour to police if you choose to. See also Leaving Home in the month of March.

Smacking of a child by a parent is legal in NSW only if the degree of physical force is no more than is reasonable in the circumstances, and no force is applied to the child's head and neck, and the child feels any pain or discomfort only briefly. Many child health and child-rearing professionals recommend that parents use positive disciplinary strategies instead of resorting to hitting ("smacking") children.

## Domestic violence

Domestic violence, also known as family violence, is abusive behaviour used by a person in a relationship to control and dominate another. Relationships should never be like this. Everyone has the right to kindness, respect and safety in their relationships.

Relationships in which domestic violence sometimes occurs include parent and child; siblings; wife and husband; de facto partners; other family members; girlfriend and boyfriend; ex spouses, ex partners, ex girlfriends and boyfriends; and people living in the same household (eg flatmates).

Domestic violence takes many forms and can involve:

- physical assault;
- sexual assault;
- threats;

- verbal abuse;
- property damage;
- harm to pets;
- stalking, intimidation and harassment;
- financial abuse;
- social isolation;
- murder.

If you are experiencing domestic violence you can seek medical assistance, counselling, legal advice; and you may make a report to police (see Help points on the back of this page).

## Apprehended Violence Orders (AVOs)

If you are fearful of another person you may be able to obtain an AVO for your protection. An AVO is a court order which states that the other person is not allowed to do certain things eg assault, harass, threaten, contact or approach you.

The AVO itself doesn't give the other person (defendant) a criminal record – but if the conditions are broken, then the defendant may face a criminal charge.

An AVO doesn't have to stop the other person from contacting you, having a relationship with you or even living with you. The conditions on the AVO can be tailored to suit your situation and what is best for your safety.

For information on getting an AVO, contact a domestic violence support service, or Local Court registry staff, or police, or seek legal advice (see Help points on the back of this page).

## Sex

The legal age for having sexual intercourse or any form of sexual intimacy is 16, heterosexual or homosexual, but both people must fully, freely and willingly consent.

Sexual activity with someone under 16 is against

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the law - even if the under-16 year-old supposedly “agrees” - and may result in a criminal charge against the older person.

If both sexual partners are under 16 and around the same age as each other and the sex is fully consensual with no abuse or exploitation involved, then it's unlikely that any criminal charge will follow.

It is a criminal offence to make someone have sex or participate in a sexual act without their consent (permission). This is the case even if a person agrees at first and then changes their mind, and whether or not the people know each other and whether or not they are in a relationship.

The decision that the other person consents to sex must be based on reasonable grounds. For example, being reckless or unconcerned about consent is not sufficient; pressuring a person to agree to sex is not true consent; and neither is sex with someone asleep, unconscious or too affected by drugs or alcohol to give true consent.

If you are sexually assaulted, you are strongly advised to seek medical assistance and counselling. If you are unsure about reporting the assault to police, talk to a sexual assault support service or legal advice service about what the police process would involve (see Help points). While you don't have to report sexual assault to police, the offender can't be held accountable unless you do. You can report the crime even if it happened many years ago. Above all, remember that the sexual assault is not your fault.

## Victims Compensation

If you have sustained injury (physical or psychological) as the victim of a violent crime, you might be entitled to compensation from the NSW Victims Compensation Tribunal (Victims Services). You can also apply for free counselling. Applications for compensation must be made within 2 years of the crime; however, extensions of time are often given in cases of sexual assault, domestic violence or child abuse. Free legal representation is available to make victims compensation claims.

*\*Information correct at September 2013*

## HELP POINTS

### Victims Services (NSW)

[www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

**24 hour victims access line 1800 633 063**

### NSW Rape Crisis Centre

[www.nswrapecrisis.com.au](http://www.nswrapecrisis.com.au)

**24 hour counselling line 1800 737 732**

### Domestic Violence Advocacy Service

*(Women's Legal Services NSW)*

**Legal advice 1800 801 501**

### Nowra Domestic Violence Intervention Service

*(YWCA and Nowra Police)* **4421 9658**

### Domestic Violence Support Services

**Nowra: 4423 8507**

**Ulladulla: 4454 0477**

**Moruya: 4474 3226**

**Bega: 6492 9239**

### Kids Help Line

**24 hour line 1800 55 1800**

[www.kidshelp.com.au](http://www.kidshelp.com.au)

### Shoalcoast Community Legal Centre

[www.shoalcoast.org.au](http://www.shoalcoast.org.au)

**4422 9529**

### LawAccess NSW

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

**1300 888 529**