



Council of Social Service of New South Wales

66 Albion St, Surry Hills NSW
phone 02 9211 2599 **fax** 02 9281 1968
email info@ncoss.org.au **web** www.ncoss.org.au

abn 85001 797 137

20 September 2006

Bruce Leighton
Senior Policy Officer
Child Protection and Violence Prevention Team
NSW Health
Locked Bag 961
North Sydney 2060

Dear Mr Leighton,

Re: The use of photo-documentation for sexual assault and child physical abuse medical and forensic examinations - Draft Policy and Procedures

NCOSS is writing in response to the release of the above draft policy and procedures for consultation. NCOSS supports the submission by the Rape Crisis Centre which opposes the use of ano-genital photography, as part of the forensic evidence gathering process, of adults who have been sexually assaulted.

A summary of concerns by NCOSS in relation to the policy and procedures are outlined below ::

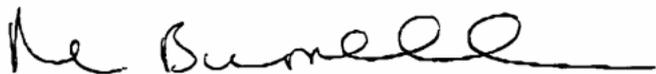
- Use of ano-genital photography will only further traumatise adults or young people who have been sexually assaulted, particularly when the photographic evidence is shown in court to juries, legal staff and the defendant;
- It is questionable how ano-genital photographic evidence will add to the judicial process for the victim;
- Consent for the evidence will be obtained when victims are vulnerable and therefore they may consent in order to be compliant, to be able leave the hospital or to finish the examination;
- Although the policy has tried to put in place procedures to protect the photographic image, there still remains a risk of confidentiality and privacy being breached; and
- Victims may consent to such a procedure without understanding the long term impacts of it i.e. the photographic evidence may be shown in court, a range of professionals will be allowed to view it, the defendant may view the image, they may be asked at a later stage to consent for the image to be used for research and in training.

In section 4 Standards and Accountability, designating staff to conduct photo-documentation and providing training and education is seen as the responsibility of the Health service. This section requires further clarification to outline what further training and ongoing education will be provided to staff. Is there a minimum level of ongoing education staff must receive each year? Will this training and ongoing education be monitored? The section does not propose any level of qualification or minimum standard in photo-documentation that designated staff must attain. The policy allows staff to receive training either through observation and or practice or through a postgraduate program both two very different processes.

NSW Health, when developing new policy and procedures for victims of sexual assault, must place at the core of the procedures what is considered best for the victim in terms of their health care and treatment. Introducing ano-genital photography is not in the best interests of the adult or young person who is a victim of a sexual assault.

- NCOSS recommends that the NSW Health Policy and Procedures state that ano-genital photography will not be used in NSW as part of the forensic evidence gathering procedure when investigating sexual assault of an adult or young person.
- NCOSS recommends that there must be a minimum level of qualifications in photo documentation of designated staff and a set of requirements for the ongoing monitoring and maintenance of the training and education of designated staff.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Burrell', with a long horizontal line extending to the right.

Michelle Burrell
Acting Director