The Hon. Michael Daley MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney General,

Re: Keep Counselling Confidential, Greater protections for sexual assault communications

We, the NSW Vigil Collective, the undersigned, write in support of the goals of the #KeepCounsellingConfidential campaign and urge the NSW Government to urgently amend legislation to provide greater protection for sexual assault communications including counselling notes, recordings and therapeutic communications.

The NSW Collective represents 47 frontline support services for victim-survivors and their loved ones as well as working with three community partnerships and we are growing. As a collective committed to ending violence against women and children, and to supporting victim-survivors of sexual violence and domestic abuse, we believe victim-survivors should always be able to access their own records, but these records should be protected from abusive attempts to access them.

We are acutely aware that in sexual offence matters in NSW, lawyers acting on behalf of defendants habitually subpoena the confidential counselling files of victim-survivors. These files are then used to hurt, humiliate and undermine sexual assault complainants in court often setting back their healing journey.

This is a form of systems abuse**;** it allows offenders to intrude into the lives of victims**,** subjecting them to the ongoing experience of repeated violation and trauma. Victim-survivors may be deterred from accessing justice, may withdraw from proceedings, or may be forced to choose between criminal justice pathways and counselling support.

Counselling files are therapeutic tools**;** they are not recorded with reference to forensic processes. Files generally record trauma impacts and deeply personal reflections, thoughts and fears. Critical to the therapeutic relationship is that the victim-survivor is in a safe and confidential space. To later find in court that the accused has access to their thoughts and words is cruel and inhuman. This practice can also undermine public confidence in the confidentiality of vital mental health services which play a crucial role in supporting the community.

When a file is subpoenaed, counsellors can feel that their ethical responsibility for the safety of their client is undermined. To protect the victim-survivor, some counsellors may minimise file keeping for their clients. This weakens this valuable counselling tool.

We recognise that in July 2026, the NSW Government announced a research project to be led by Professor Rita Shackel at the University of Sydney. The research will engage victim-survivors and counsellors, and analyse existing legal protections for counselling notes, and reform pathways. This is an important opportunity for the Government to hear from victim-survivors and those who work to support them and to explore how the judicial process impacts mental health and recovery.

It is paramount, however, that the research does not lead to inaction, and that momentum doesn't stall there. Victim-survivors must be afforded greater protections such as stronger privilege and

protection for counselling records. As soon as the research is completed the Government must act by reforming legislation to safeguard sexual assault counselling notes.

With hope and on behalf of the NSW Vigil Collective,

Bec Fitzpatrick
Chair

4Voices
Asylum Seekers Centre
B Miles Women's Foundation
Banksia Women / St John's Community Services
Barnardos Australia
Bayside Women's Shelter
Benevolent Society
Bondi Beach Cottage
Bonnie Support Services
Camden Women's Shelter/Blue Wren House
Carrie's Place
Centre for Women's Economic Safety
City of Sydney
Deli Women's and Children's Centre
Dress for Success
DV NSW
Full Stop.
Hope & Heal
Human & Co (formerly DVSM NSW)
Jannawi Family Centre
Liberty Domestic and Family Violence Services
Local Kind
Lokahi Foundation
Lou's Place
Lucy's Project
Monaro Community Access Service (MCAS)
Mudgin-Gal
Muslim Women Australia
No to Violence
Northern Beaches Women's Shelter
Pop In
RACS - Refugee Advice & Casework Service
Redfern Legal Centre
Settlement Services Intl (SSI)
South Eastern Community Connect (SECC) - Domestic and Family Violence Service
The Haven
The Station
The Survivor Hub
Two Good Co
VOCAL
WAGEC
Wayside Chapel
WEAVE
Wesley Mission
Women and Children First
Women's Community Shelters
Women's Housing Company
Women's Legal Service NSW
Women's Resilience Centre

1.The #KeepCounsellingConfidential campaign is created and led by survivor/ journalist Nina Funnell, in partnership with Unions NSW, RASARA and Marque Lawyers.