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Keeping mum

How the AIFS and ANROWS avoided correcting statements on false sexual assault allegations

Overview and Compendium of Correspondence

31 August 2024*

About this document

In several publications released in or since 2017, the Australian Institute of Family Studies (AIFS) and then Australia's National Research Organisation for Women's Safety (ANROWS) wrongly stated that research shows that false sexual assault allegations are extremely rare or that the prevalence rate is very low.

Commencing in 2021 with the AIFS, the current author (Tom Nankivell) made numerous requests to these bodies that they remedy their claims, but they responded slowly and seemingly reluctantly. The AIFS ultimately removed its problematic publication from its website, although it failed to issue an official notification about this. ANROWS has made some limited changes to the web versions of its publications, but the revisions entail their own mistakes and have done little to remedy the misinformation ANROWS has spread.

The first part of this document is a 5 page overview of the issues and the author's exchanges with the AIFS and ANROWS. For those readers seeking more detail, attachments A and B are compendiums and/or summaries of the correspondence exchanged between the parties, grouped in sub-attachments as per the tables below.

An earlier version of this document was uploaded to ganderresearch.org on 20 June 2024, but has been updated to include an analysis of the changes ANROWS recently made to its documents, which is presented in attachment C (page 36).

*.Attachment D (page 44), which discusses the author's interactions with the AIFS regarding a replacement publication it issued in December 2024, was added on 31 March 2026. A short summary of these developments was also added to the Overview (Box 2).

About Gander Research

Gander Research aims to produce rigorous research on selected gender issues. Gander's founders, John Papadimitriou and Tom Nankivell, have worked for more than 30 years each as governmental researchers and public policy analysts. Our work has covered various social, cultural, economic and legal issues, and we are experienced in handling statistics and critiquing empirical research. We intend to interact with other researchers, make submissions to relevant government bodies, and publish our work. We also encourage others to collaborate with us and use our research. To read more Gander Research, provide feedback or join our mailing list, visit ganderresearch.org.

Keeping mum

How the AIFS and ANROWS avoided correcting statements on false sexual assault allegations

Tom Nankivell

Background

Between 2017 and 2023, the Australian Institute of Family Studies (AIFS) and then Australia's National Research Organisation for Women's Safety (ANROWS) published several reports that stated that empirical evidence shows that the rate of false allegations of sexual assault is "very low", that such allegations are "extremely rare", and/or that the "overwhelming majority" of sexual offence reports are true (see box 1).

I became aware of the AIFS' statements after reading several ABC articles in 2021 which had made similar claims.[1] The ABC's articles put the prevalence rate of false sexual assault allegations at 5% (or less). The ABC's reported estimate traced back to the 2017 AIFS publication, *Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners* (hereafter called the "AIFS Misconceptions document").

However, on investigating the source of that document's claim, I found that the AIFS had misconstrued or misrepresented the empirical evidence on which it had relied. The AIFS had drawn the 5% estimate from a 2016 meta-analysis of the seven high-quality prevalence studies by two Australian-based academics, Dr Claire Ferguson & Prof John Malouff. However, as Ferguson & Malouff had explicitly cautioned, the relevant estimates in those seven studies covered only false sexual assault reports that could be "confirmed" to be false, and did not count the potentially many more false reports that were suspicious or ambiguous, but for which there was insufficient evidence to conclude with sufficient certainty that they were false. This limitation meant that the 5% prevalence estimate from the empirical studies was a floor estimate, and that the real prevalence rate (of 'confirmed' plus 'unconfirmed' false reports) was unknown, and probably unknowable, but potentially much higher.

I checked my understanding of this directly with Professor Malouff. The Ferguson & Malouff meta-analysis was the only source cited by the AIFS to justify its statement. That said, a diligent reading of the underlying studies would also reveal this key limitation of their estimates.[2]

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1 The relevant ABC statements, and my subsequent interactions with the ABC, are discussed in a companion paper available on the Gander Research website, namely: Nankivell, T. 2024, 'Arguing with Aunty: How the ABC avoided correcting statements on false sexual assault allegations', Overview and Compendium of Correspondence, www.ganderresearch.org. As discussed there, the ABC issued corrections to statements in three of its articles, although in my view its corrections were inadequate to properly rectify the misinformation its reporting had spread.

2 These matters are explained in detail in a research paper available on the Gander Research website, namely: Nankivell, T. & Papadimitriou, J. 2023, 'True or false, or somewhere between?' A review of the high-quality studies on the prevalence of false sexual assault reports, Research Paper, www.ganderresearch.org. That paper received support from two key sexual violence academics, including the lead researcher of one of the high-quality prevalence studies critiqued in the paper. We also provided the authors of the other (post-2000) prevalence studies with opportunities to comment on our critiques of their studies, although several did not do so.

Except where separately noted, references for statements and quotes in this section can be found in the attached correspondence and/or in the equivalent sections of the research paper or our companion paper, 'Arguing with Aunty', referenced in footnote 1. Some of these matters are also canvassed in our recent public submission to the Australian Law Reform Commission (ALRC), namely: Papadimitriou, J. & Nankivell, T. 2024, 'A false consensus: Submission to the ALRC inquiry on Justice Responses to Sexual Violence', Public Submission, www.ganderresearch.org.

I found the same mistake in several ANROWS publications. ANROWS also relied heavily on the 2016 Ferguson & Malouff meta-analysis, although it cited several other sources too. Many of these were by authors whose studies were already captured in the Ferguson & Malouff meta-analysis, or that refer to them or to much the same set of studies. Again, ANROWS did not recognise that the estimates counted only the subset of false sexual assault reports that could be 'confirmed' as such, and were not estimates of the total prevalence rate.

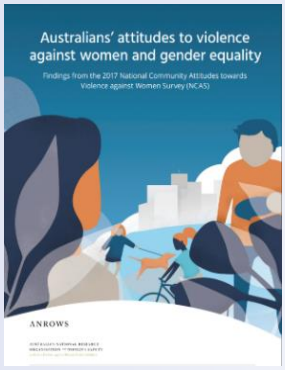
1

What did the AIFS and ANROWS say?

In 2017, the AIFS published *"Challenging misconceptions about sexual offending"*. On the matter of sexual assault allegations (on page 9), it said:

> The rate of false allegations of sexual assault is **very low**.
>
> Studies estimate 5% of rape allegations are false (meta-analysis of seven studies in Western countries: Ferguson & Malouff, 2016). Therefore, the overwhelming majority of sexual offence reports are true.

The AIFS developed the report for the Victoria Police, and it was intended to be used partly to help educate police officers, presumably including those tasked with investigating sexual assault reports.

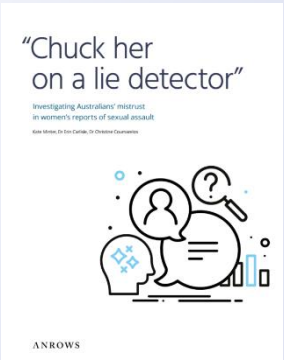


Also in 2017, ANROWS published the results of the national survey of community attitudes towards violence against women and gender inequality, known as the "NCAS". On the matter of the veracity of sexual assault reports, the report provided a more tentative position than the AIFS, while still indicating that false allegations are not made often. It stated (on page 50):

> Different rates for false allegations are cited in existing studies and these range from 1.2% to 10% of all reports to police. … This clearly indicates that false allegations are not made 'often'.
>
> … It is difficult to determine the actual rate of false allegations of sexual assault and it is possible that the actual rate is at the lower end of the range cited.

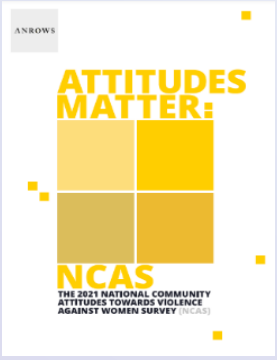
In a 2021 follow-up study on why people often mistrust women's reports of sexual assault, ANROWS presented a more definitive picture. For example, on page 9, it said:

> … empirical evidence tells us that false allegations of sexual assault are extremely rare.



The ANROWS study drew on this view to state (on page 7):

> Given the rarity of false allegations of sexual assault, the default position should be to believe women who report sexual assault. Education strategies should address myths that false allegations are a prevalent problem by highlighting the established facts about the prevalence of sexual assault.



In 2023, ANROWS published the results of its latest NCAS, which had been conducted in 2021. The report said that it is a 'fact' that false allegations are rare. Thus, the report argued (on page 138) that the views of some survey participants who thought that women often fabricate allegations were:

> … contrary to the fact that false allegations of sexual assault victimisation are extremely rare.

It also spoke of "the Australian and international evidence that false allegations of sexual assault are exceedingly rare".

The powerful but erroneous messages from the AIFS and ANROWS publications — that there is *empirical evidence* that demonstrates that almost all sexual assault allegations are true, and that false reports are extremely rare — have been repeated in the media and used to alter public perceptions. Contemporary surveys show that an increasing number of Australians — including 40 per cent of men and 70 per cent of women in 2021 — now do believe that almost all sexual assault allegations are true.[3] While many factors have no doubt contributed to these attitudes, the false statements in the AIFS and ANROWS publications will have played a role.

Further, the AIFS Misconceptions document was originally commissioned to help educate police and other practitioners in the criminal justice system, and was published on the Victoria Police's and other websites. Meanwhile, the ANROWS publications have helped inform various policy initiatives and positions, such as the *National Strategy Against Violence Against Women and Children* and measures aligned to that strategy's goals.

It thus seemed important that the AIFS and ANROWS publicly acknowledge and correct their errors.

Protracted engagement with the AIFS

I first contacted the AIFS to seek a correction to its Misconceptions document in June 2021. My early correspondence quoted the misleading statements from the document and the sources on which those statements relied, and explained why the latter did not justify the former. I also provided some suggestions on ways to correct the errant text, with the minimum impact possible to the line the AIFS appeared to want to take.

Given that the AIFS' error was straight-forward to demonstrate and should have been reasonably easy to correct (it required adjustments to just three sentences), I presumed that it would be dealt with quickly.

Alas, a quick and simple fix is not what transpired. Rather, as reflected in the exchanges summarised in attachment A, we had more than 50 interactions over 18 months before the matter was "resolved". In my view, neither the way the AIFS engaged with me nor the resolution it settled upon exemplified good practice. Among the problems were:

- *a drawn-out, disjointed and dispiriting process:* for example, after contacting the AIFS, I would commonly receive an acknowledgement that my matter had been forwarded to the relevant staff member or was being handled, but then several weeks or months could pass without me hearing further. On recontacting the AIFS, I would often learn that little or no attention had been given to the matter. On several occasions, the cycle simply repeated.
- *limited staff focus or positive intent:* the research staff responsible for handling the matter generally showed little determination to get on top of the issues and to move the matter towards a resolution. Further, in several cases, questions that had seemingly been resolved would be reopened, and/or I would need to re-explain matters to the AIFS staff.

3 The data is from the 2021 Australia Talks survey, reported in: Sweeney, L. and Sara, S. 2021, 'Grace Tame says change is a marathon effort. But Australia Talks data shows our perception of sexual assault is changing', *ABC News Online*, https://www.abc.net.au/news/2021-06-10/grace-tame-australia-talks-believing-sexual-assault-allegations/100155474 (accessed 5 August 2023).

Note also that the latest ANROWS National Community Attitudes Survey shows that almost 80 percent of respondents reject the proposition that "many allegations made by women are false". See page 172 of ANROWS 2023, 'Attitudes Matter: The 2021 National Community Attitudes towards Violence against Women Survey (NCAS)', Findings for Australia', https://irp.cdn-website.com/f0688f0c/files/uploaded/NCAS%2021%20Main%20Report%20ANROWS.5.pdf (accessed 5 August 2023).

- *weak or dubious justifications for decisions and delays:* as well as the lack of staff time and priority that was given to the task, reasons cited to help justify the (inordinate) delays or courses of (in)action included: a need to locate and communicate with particular individuals in Victoria Police; the four or five years that had elapsed since the document was published; personnel changes within the AIFS; and that it may be problematic to get the APO (Analysis & Policy Observatory), which had been hosting the document on its website, to correct or replace it.

Further, after spending 18 months working to the point of agreement with AIFS staff on the errors in the Misconceptions document and on some replacement text, I was informed in late 2022 that AIFS would simply remove the document from the web. It did so without issuing any public notification of the withdrawal or acknowledgement of its error, thus failing to help remedy the misinformation about the evidence on false sexual assault allegations that it had helped spread. Again, the reasons given for this course of action appeared inauthentic, even it seemed to the AIFS officer who was initially tasked with communicating them to me (as the correspondence in attachment A4 illustrates).

Multiple exchanges with ANROWS

I first raised my concerns with ANROWS in August 2023. My letter was detailed. It quoted the misleading statements from the ANROWS publications and the sources on which its statements relied, and carefully explained why the latter did not justify the former. It also provided some suggestions on ways to correct the publications. That said, I recognised that, for two of the ANROWS publications, correcting the error could necessitate some significant changes or retractions. (The full, detailed letter is at attachment B1).

After three weeks had elapsed, I wrote back to check on any progress and ask that the matter be given some priority, noting that journalists at the ABC and in the Nine newspapers had recently repeated the false narrative that the ANROWS publications had helped disseminate. As with my first letter, ANROWS promptly acknowledged receipt and circulation of my second letter to the relevant research staff.

However, there were no further signs of life until late November, when ANROWS indicated that it was considering what changes were necessary to its publications and would recontact me, although not until early 2024 when its new CEO was to come on board. Although I challenged the basis for this further delay (attachment B2), ANROWS reiterated its approach.

Silence again ensued, but after I recontacted ANROWS in mid-April 2024, I was informed that ANROWS' Board and new CEO had decided to amend two of the publications. ANROWS said it would acknowledge that estimating the prevalence rate entails difficulties, but still intended to maintain that "the evidence indicates that … false allegations are rare". ANROWS's correspondence did not include the "detailed response" to my arguments that it had earlier promised, nor cite any evidence to justify maintaining its broad position on the prevalence rate.

After another lengthy delay and reminder from me, ANROWS uploaded the amended publications in mid-June 2024. ANROWS released no public notification of the revisions. Despite minor improvements in some areas, the publications still contain several statements and imputations that are clearly false or misleading. They continue to misconstrue the Ferguson & Malouff prevalence estimate, and the one additional piece of empirical evidence they cite to support the position that false allegations are rare — ABS data on self-reported sexual assaults — actually sheds no light on that issue (see the analysis in attachment C). The revisions also bypassed other claims in the publications, such as that police vastly overestimate false allegations, that were based on the very low prevalence estimates.

Concluding thoughts

The response of both agencies was disappointing. Having worked in and with governmental research agencies[4] myself, the expected course of action is that, when notified of important potential errors of the type in the AIFS and ANROWS publications, agencies should quickly investigate and, where errors are found, acknowledge and correct them. Failure to do so risks the credibility of the agency, as well as deceiving users of the agencies' outputs. It can also erode trust in government more broadly. I thus worked on the presumption that the two agencies would reasonably promptly investigate and correct the errors identified. However, over time, it was increasingly apparent that neither agency saw remedying the misinformation created by their statements as a priority.

While one cannot be certain of the motivations involved, this saga raises the question of whether the agencies have sought to thwart public exposure and full rectification of the errors in their publications for strategic or political reasons. This possibility arises because many women's safety advocates have expressed concern about the low rates of official complaints and convictions for sexual assault. To help rectify this, one strategy has been to try to instil greater trust in the words of women as complainants.

The AIFS Misconceptions document was intended to help do this,[5] while one of the ANROWS publications had explicitly used the "fact" that false allegations are rare to argue that women who report sexual assault should be believed by default.

Senior officials within the two agencies may well have sensed that rectifying the false statements in their publications would run counter to that agenda, even if expected from an accuracy and integrity perspective.[6] They may also have worried about the optics of women's safety agencies misrepresenting evidence to instil greater trust in women.

2

UPDATE
The AIFS' 2024 replacement publication

In December 2024, the AIFS released *Understanding adult sexual assault matters: Insights from research and practice,* which was effectively a replacement for the Misconceptions publication it had (quietly) removed from its website in 2022 after I had pointed out errors in it.

Although the 2024 document moderated the strength of the AIFS' claims about the prevalence of false sexual assault allegations, it still concluded, without substantiating evidence, that they are "not common". The AIFS made two small changes to the document in November 2025 after I pointed out its shortcomings, but these were inadequate to correct the misleading impressions the document gives. (The correspondence reproduced in attachment D explains why.) The AIFS failed to directly address my key arguments, or to engage in good faith discussions with me.

At this juncture, it is difficult to conclude anything other than that the AIFS is deliberately seeking to hoodwink its audience and the broader community, portraying what appears to have become a feminist "article of faith" as if it were a substantiated truth.

4 While AIFS is a statutory agency of the Australian Government, ANROWS website indicates that it was established as an independent company, limited by guarantee, with the Commonwealth and all State and Territory governments as the members of the company. ANROWS was an initiative of Australia's *National Place to Reduce Violence Against Women and their Children 2010-2022*, and it derives most of its funding from Australian governments. It is also registered as a harm prevention charity.

5 For example, the problematic words in the AIFS Misconceptions document (on page 9) were framed as a corrective to the view that the prevalence rate is high. For the record, my own view is that the majority of sexual assault reports are genuine, but there is no basis to know what proportion is false, and the actual rate may be materially higher than the 5% (floor) estimate derived from the high-quality studies and reported by the AIFS and ANROWS. For an empirical basis for this view, see our companion research paper (details of which are in footnote 2).

6 To be clear, whatever reproval the agencies may be due should not necessarily apply to all the staff involved in handling this matter. For example, some of the AIFS staff clearly wanted the Misconceptions document to be made accurate, or at least appeared at times to manifest an internal conflict between the requirements of academic integrity and the AIFS's apparent desire to not (publicly) acknowledge and/or fully correct its publication.

Attachment A Compendium of correspondence with AIFS regarding its 2017 publication

As noted earlier, between June 2021 and February 2023 I exchanged over 50 letters and emails and had several phone conversations with AIFS staff, seeking to have the Institute remedy some false statements in its Misconceptions paper.

A summary of the exchanges and some key items of the correspondence are set out in this compendium. Note that names and contact details have generally been removed from the documents.

The material has been grouped into six sub-attachments, as per the table below. Each commences with a brief summary of what unfolded in the period covered (in coloured text).

A1 Initial exchanges with AIFS staff (June-December 2021)

During 2021:

- I first set out my concerns about the Misconceptions document in early June. The AIFS enquiries staff said that my correspondence had been forwarded to a senior AIFS official who had knowledge of the document's development from 2017 (hereafter AIFS Official A).
- Two months passed without a response from AIFS Official A. I thus recontacted the AIFS and, on the advice of the enquires staff, sent a further letter on 1 September to a different, senior executive (AIFS Official B). (That letter, which provides a good overview of the issues, is reproduced below)
- Because a further six weeks passed without a substantive reply, I made another enquiry (on 14 October). On this occasion, I received a reply from AIFS Official A stating that AIFS is "committed to ensuring that our syntheses and resources reflect the evidence base", that some work had been underway and that "Hopefully it won't be too much longer".
- I waited another eight weeks, but again did not receive a further response. I tried once more, writing to AIFS Official A on 10 December. Again she did not reply.

From: Tom Nankivell
Sent: 1 September 2021 09.28
To: [AIFS Senior Official B] via AIFS Enquiries
Subject: Correction to AIFS 2017 publication

Dear [AIFS Official B],

Error in AIFS-Victoria Police report on the prevalence of false sexual assault allegations

I write regarding an important but inaccurate statement in the 2017 report *"Challenging misconceptions about sexual offending",* jointly developed by the Australian Institute of Family Studies (AIFS) and Victoria Police (VP).

That AIFS-VP report states:

> Studies estimate 5% of rape allegations are false (meta-analysis of seven studies in Western countries: Ferguson & Malouff, 2016). Therefore, the overwhelming majority of sexual offence reports are true.

In fact, the Ferguson & Malouff paper points out that the 5 per cent estimate relates only to cases confirmed to be false, and that there are many other cases that are potentially also false, but whose veracity or otherwise cannot be determined. (Attachment A elaborates on these points).

The AIFS-VP report has been influential and, although published in 2017, it continues to be relied on in the media and social media. It has the potential to mislead the community and undermine the credibility and wellbeing of people who have been falsely accused of sexual assault. It could also be biasing legal processes to the extent that the report is used as a resource by police and legal practitioners – its stated purpose.

I first raised this matter with AIFS, by email, in mid-June. However, although your enquiries staff have been very helpful, I have not received a response to the substance of my concerns, and the AIFS-VP report has remained, uncorrected, on the Analysis & Policy Observatory (APO) and VP websites.

Yesterday I learned that [an officer involved in the development] of the report, to whom my initial emails had been forwarded, has changed positions within AIFS and so the matter may not be being addressed (see emails in Attachment B [not reproduced in this compendium]). I am therefore raising the matter more formally with you (and VP) now.

I ask that AIFS staff look into this matter and let me know whether you agree that there is an error in the report and, if so, what corrective action will be undertaken? I am happy to respond to any questions about me and my reasons for raising this matter and/or provide further input if that is useful.

Yours faithfully,
Tom Nankivell

1 September 2021

Attachment A

About the AIFS-VP report

The document *"Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners"* is a "commissioned report" that was published in 2017 by the Australian Institute of Family Studies and Victoria Police. (Note that these bodies appear to be the (joint) author; individual staff are not credited. This is relevant as the disclaimer on the contents page – that the bodies are not responsible for the views of individual authors expressed in their publications – does not apply in this case).

The 'Overview of resource' (page 2) states that the document's purpose is to present "an accurate and updated picture of sexual offending", and that it "may be useful as a guide to assist fact finders at different stages of the criminal justice process".

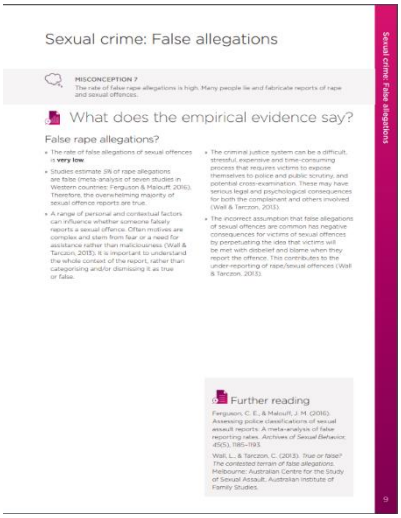
The document is available on the APO and VP websites, and is linked from the AIFS website. [7]

7 AIFS, 'Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners', https://apo.org.au/sites/default/files/resource-files/2017-09/apo-nid107216_1.pdf (accessed 10 June 2021). The document also remains available on the Victoria Police website at: https://www.police.vic.gov.au/sites/default/files/2019-01/For-Internet--Challenging-Misconceptions-Report.pdf (accessed 31 August 2021). There is a link to the VP copy from the AIFS website, here: https://aifs.gov.au/publications/challenging-misconceptions-about-sexual-offending-creating-evidence-based-re (accessed 31 August 2021)

What does the AIFS document say?

The AIFS-VP report does not contain any original research but rather draws on the academic research on various aspects of sexual offending.

It looks at 15 aspects or categories of sexual offending and related matters. For each, one page is devoted to explaining a "misconception", answering "what does the empirical evidence say?" and providing "further reading" and, sometimes, a snapshot of "current legislation". Further references in relation to these topics are provided in a bibliography.


Sexual crime: False allegations

MISCONCEPTION 7
The rate of false rape allegations is high. Many people lie and fabricate reports of rape and sexual offences.

What does the empirical evidence say?

False rape allegations?

- The rate of false allegations of sexual offences is **very low**.
- Studies estimate 5% of rape allegations are false (meta-analysis of seven studies in Western countries: Ferguson & Malouff, 2016). Therefore, the overwhelming majority of sexual offence reports are true.
- A range of personal and contextual factors can influence whether someone falsely reports a sexual offence. Often motives are complex and stem from fear or a need for assistance rather than maliciousness (Wall & Tarczon, 2013). It is important to understand the whole context of the report, rather than categorising and/or dismissing it as true or false.
- The criminal justice system can be a difficult, stressful, expensive and time-consuming process that requires victims to expose themselves to police and public scrutiny, and potential cross-examination. These may have serious legal and psychological consequences for both the complainant and others involved (Wall & Tarczon, 2013).
- The incorrect assumption that false allegations of sexual offences are common has negative consequences for victims of sexual offences by perpetuating the idea that victims will be met with disbelief and blame when they report the offence. This contributes to the under-reporting of rape/sexual offences (Wall & Tarczon, 2013).

Further reading

Ferguson, C. E., & Malouff, J. M. (2016). Assessing police classifications of sexual assault reports: A meta-analysis of false reporting rates. *Archives of Sexual Behavior, 45*(5), 1185–1193.

Wall, L., & Tarczon, C. (2013). *True or false? The contested terrain of false allegations*. Melbourne: Australian Centre for the Study of Sexual Assault, Australian Institute of Family Studies.

Sexual crime: False allegations

9

Page 9 of the document is devoted to "Sexual crime: false allegations".

In discussing the empirical evidence, page 9 refers to a finding of a 2016 meta-analysis of studies in Western countries by Ferguson & Malouff.[8] It states:

> The rate of false allegations of sexual assault is **very low**.
>
> Studies estimate 5% of rape allegations are false (meta-analysis of seven studies in Western countries: Ferguson & Malouff, 2016). Therefore, the overwhelming majority of sexual offence reports are true.

Page 9 also references a 2013 research paper by Wall & Tarczon on "the contested terrain of false allegations".[9]

What do the cited papers actually show?

The true rate of false sexual assault allegations is not known

The Ferguson & Malouff paper explains that the literature provides a very wide range of estimates of the prevalence rate of false allegations of sexual assault, reflecting differences in methodologies, terminology, samples and so forth, and the many inherent difficulties in determining whether sexual assault allegations are true or false. The authors (p. 8) state:

> Given the serious difficulties with studying false rape allegations, many of the reported false report rates, both high and low, cannot be relied upon for an accurate assessment of how often false allegations occur.

The Wall and Tarczon paper focuses on the definition of false allegations and the contextual factors surrounding them, rather than on estimates of the rate of false accusations. Nevertheless, the authors are consistent with Ferguson & Malouff in noting that "there is no definitive answer to the prevalence question" (p. 2).

8 Claire Ferguson and John Malouff, 'Assessing police classifications of sexual assault reports: A meta-analysis of false reporting rates.' Archives of Sexual Behavior, 45(5), 1185–1193. (Page references in this document refer to PDF version downloaded via SSRN-id2924906%20(3) on 10 June 2021).

9 Liz Wall and Cindy Tarczon, 'True or false? The contested terrain of false allegations', AIFS, https://aifs.gov.au/publications/true-or-false-contested-terrain-false-allegations.

Many studies use a conservative definition of false allegations

Ferguson & Malouff point out that many studies – including those in their meta-analysis, from which the 5 per cent prevalence estimate in the AIFS-VP report is drawn – use a range of techniques to narrow down the number of allegations that are confirmed as 'false'. While the studies vary in their details, those techniques include:

- considering only sexual assault allegations reported to police (noting that allegations made to others may be more likely to be false)
- classifying an allegation as false only if it is thoroughly investigated and can be confirmed (noting that allegations cannot be deemed false simply because the evidence fails to prove an assault took place)
- only counting false allegations that the complainant knows to be untrue (noting that there is a range of reasons why complainants may in good faith make allegations that are in fact false, including lack of awareness of the law, the influence of drug or alcohol use, mental health issues and cases of mistaken identity).

In commenting on the ramifications, Ferguson & Malouff (pp. 6-7) state:

> Although limiting the sample, this is a necessary step as it prevents opening the floodgates to many equivocal cases that are **suspected but not demonstrably false**. It errs on the side of caution by not including cases in doubt, mistaken cases, or those claims made to anyone other than police. **Use of such a conservative definition is not meant to imply that all other cases are true reports, but just that they cannot responsibly be deemed confirmed false**. (emphasis added).

Unfortunately, the AIFS-VP report appears to have fallen into this trap: that is, it has wrongly assumed that the low prevalence estimates of (confirmed) false allegations cover the full field of false allegations. This is shown by the statement on page 9 that "**Therefore**, the overwhelming majority of sexual offence reports are true". (emphasis added). That is, the AIFS-VP report is stating that the 5 per cent estimate from Ferguson & Malouff is the basis for the report's conclusion that the overwhelming majority of reports are true.

The total rate of false allegations may be several times the 'confirmed' rate

Ferguson & Malouff's meta-analysis included four studies in which the researchers had provided data on the number of potentially false but unconfirmed allegations of sexual assault, in addition to the data on the confirmed false cases. Drawing on the information in the Ferguson & Malouff paper, I have calculated the ratio of all potentially false allegations (confirmed plus equivocal/unconfirmed) to confirmed false allegations in each of those studies, as identified by their authors. The ratios are:

- Heenan and Murray, Victorian study – 5.5 to 1
- McCahill et al., Philadelphia study – 4.6 to 1
- Spohn et al, Los Angeles study – 1.6 to 1
- Clark and Lewis, Toronto study – 6.2 to 1

While it is not possible to determine what proportion of the equivocal/unconfirmed cases are actually false, these results indicate that the number is potentially significant. Together with the issues and uncertainties attaching to the definition and determination of false allegations generally, this reinforces that there is no basis in the cited research to conclude, as page 9 of the AIFS-VP report does, that "the rate of false allegations of sexual offences is very low".

A2 Letter to the new AIFS Director (May 2022)

The AIFS' responses to my various attempts in 2021 to have it address the problems in its Misconceptions document had been discouraging: it seemed likely that I was being strung along and stonewalled or, at least, that the relevant AIFS staff had little time and/or desire to address the matter.

However, in May 2022, I learned that a new AIFS Director (the head of the organisation) had been installed, which I used as a prompt to try to revive the matter. My letter to her follows.

From: Tom Nankivell
Sent: 19 May 2022 14.02
To: [AIFS Director] via AIFS Enquiries
Subject: Letter for [AIFS Director] – error in AIFS report on sexual assault allegations

Dear [AIFS Director]

Longstanding error in AIFS report on the prevalence of false sexual assault allegations

I am an economist with over 30 years research experience, mainly with the Productivity Commission. I have previously worked with AIFS staff and regard your organisation highly.

However, I write about an important but inaccurate statement in a joint AIFS–Victoria Police (VP) report – *"Challenging misconceptions about sexual offending"* – that the AIFS has been surprisingly slow to correct.

The error occurs on page 9, where the AIFS-VP report states:

> Studies estimate 5% of rape allegations are false (meta-analysis of seven studies in Western countries: Ferguson & Malouff, 2016). Therefore, the overwhelming majority of sexual offence reports are true.

In fact, the Ferguson & Malouff paper points out that the 5 per cent estimate relates only to cases confirmed to be false, and that there are many other cases that are potentially also false, but whose veracity or otherwise cannot be determined. (Attachment A goes into detail on these points. Please note that I checked this matter last year with Prof Malouff, who confirmed my interpretation). [NOTE: Attachment A similar to the equivalent attachment in the 1 September letter (above), and so is not reproduced here]

I first raised this matter with the AIFS almost a year ago, and I have made several attempts to have this matter progressed since then (Attachment B) [not included]. However, although your staff have at various times indicated that they would address the matter, it appears that no substantive action has been taken. Whatever the reason for that, the upshot is that the paper remains available, uncorrected, on the web.

The AIFS-VP report has been influential and, although published in 2017, it has continued to be relied on in the media and social media. It has the potential to mislead the community and undermine the credibility and wellbeing of people who have been falsely accused of sexual assault. It could also be biasing legal processes to the extent that the report is used as a resource by police and legal practitioners – its stated purpose.

I have not raised my concerns about the AIFS-VP report publicly, but there is a chance that the media may now become interested because I made a submission, that referred to the error in your report, to the recent Independent Review of the ABC Complaints Handling Procedures. The Independent Review's report, and submissions made to the Review, were published on the ABC website on Tuesday. (I made my submission in mid-December, with the hope/expectation that AIFS would have rectified the error well before now).

I ask that you look into this matter with a view to having the AIFS take reasonably prompt corrective action. I am happy to respond to any questions you may have, and to provide further input, and/or collaborate with your researchers, if that would be useful and could be made to work.

Yours faithfully,
Tom Nankivell

19 May 2022

A3 Subsequent interactions with AIFS Official A

(June-December 2022)

Following my letter to the AIFS Director, AIFS Official A was again tasked to address the matter and she contacted me to discuss the issues and next steps. We had numerous phone and email discussions over the following seven months, although various problems arose that hampered progress. There were also some long periods where I received no contact from AIFS, with other tasks apparently crowding out work on this matter.

During December 2022, however, we had several email and phone exchanges about appropriate wording to replace the erroneous text in the Misconceptions document. The AIFS official initially agreed to an option for wording that I had suggested, but then reverted to a formulation that did not fully eradicate the errors — trying to maintain the position that the prevalence rate is "low" (rather than "extremely low" as in the Misconceptions document's original formulation). (These emails are reproduced below). After I pointed out that the evidence did not support this either, her revised suggestions remained somewhat opaque. Nevertheless, by mid-December we reached a set of words that, although imperfect, I felt I could live with in order to resolve the matter.

As agreed on 15 December 2022, the revised words:

- recognised the difficulty of estimating the rate of false sexual assault reports
- recognised that the Ferguson & Malouff (2016) prevalence estimates (and similar estimates) covered only those sexual assault reports that were "confirmed" or "assessed" to be false
- removed the statements that "The rate of false allegations of sexual assault is very low" and "Therefore, the overwhelming majority of sexual offence reports are true".

From: AIFS Official A
Sent: 08 December 2022 11:02
To: Tom Nankivell
Subject: RE: Error in AIFS report on sexual assault allegations [SEC=OFFICIAL]

Hi Tom

Thanks for the call yesterday. It was helpful to talk it through and arrive at a mutually agreeable position. I have talked to our comms team about timeframe for amendments to false allegations section. This can be done by Monday or Tuesday next week (at the latest). I will let you know when that's occurred.

Appreciate your patience and persistence on this.

Cheers,

[AIFS Official A]

From: AIFS Official A
Sent: 13 December 2022 17:21
To: Tom Nankivell
Subject: FW: Request to amend a sentence on the myths and misconceptions piece [SEC=OFFICIAL]

Hi Tom

Here is the amended resource. I have opted for the following:

- Removed the word "very" from the first sentence
- Added "confirmed"

- And removed the additional sentence that assess the vast of allegations are therefore true.

I am now just waiting for the web part of the comms team to upload the updated version.

We will also let APO know that there is an updated version.

Cheers and happy to chat further – feel free to call.

[Note: The revised document was in fact uploaded to the AIFS site temporarily, replacing the original version.]

From: Tom Nankivell
Sent: 13 December 2022 18:40
To: AIFS Official A
Subject: Re: Request to amend a sentence on the myths and misconceptions piece [SEC=OFFICIAL]

Hi [AIFS Official A] and thanks for this.

I do have a problem with the revised wording though.

I don't think there is any evidence that the rate of false allegations of sexual offences is low. As we spoke about the other day, these words - "low", "very low", "moderate" etc - are open to interpretation, but the more important point is that while it is *possible* that the rate is low, the *Misconceptions* paper is framed as a document that communicates what the research shows in various areas, and as we discussed the empirical studies do not and cannot tell us what the rate of false allegations actually is.

The words we agreed on last week … are I think more defensible.

Is there a reason you were thinking of moving away from them?

Tom

[Note: After this email, there was agreement to speak on the phone, which lead to the 15 December agreement.].

A4 AIFS decision to withdraw the Misconceptions document (Dec 2022)

Having agreed to a set of replacement words for the Misconceptions document, the next day AIFS Official A informed me that the AIFS had instead decided to withdraw the document from the web entirely. There was no indication that the AIFS would be issuing a notification that it was withdrawing the document, or acknowledgement of the erroneous message on the prevalence of false allegations that the document had spread. Moreover, many of the reasons provided for the decision to withdraw the document did not seem either logical or genuine, a point that seemed to be acknowledged by AIFS Official A herself.

From: AIFS Official A
Sent: 16 December 2022 12:56
To: Tom Nankivell
Subject: RE: Request to amend a sentence on the myths and misconceptions piece [SEC=OFFICIAL]

Hi Tom

After careful deliberation, the Director, based on advice from the Research Director and Head of Communications have ultimately decided that rather than update the resource, it should be taken out of circulation and removed from our website in general.

The feeling was that given it's no longer in use by Victoria Police (the primary audience), and is some years out of date it would be better to remove it from our stable of publications until such time that a full update can be done.

I appreciate that this is not what you were expecting, particularly given the time gone into reviewing that section.

I have contacted APO and asked them to remove from their archive, which they do when information is inaccurate or otherwise not correct. They confirmed they will do this for AIFS on this occasion.

I don't know if this resource is elsewhere. Perhaps you have come across it elsewhere. If so please let me know.

Thanks again and hopefully this can get back up again in an updated version in the future.

Cheers
[AIFS Official A]

From: Tom Nankivell
Sent: 17 December 2022 14:39
To: AIFS Official A
Subject: Approaches to correcting the misleading messages from the Misconceptions document [SEC=OFFICIAL]

Hi [AIFS Official A],

Thanks for yesterday's email letting me know of the revised approach you plan to take, although the reasons you mentioned surprise me somewhat.

While I agree it would be good if AIFS was to update the *Misconceptions* resource when that becomes necessary, you mentioned during our phone conversation two Wednesdays ago that, with ANROWS now established, AIFS has been progressively reducing its activity in this space. Your email didn't mention any specific plans or timelines for a full update of the resource so, knowing how these things work as a former public servant myself, there seems a reasonable likelihood that such an update will not in fact eventuate.

In any case, there are lots of dated publications on the AIFS website, including many from last century, whose target audience has no doubt moved on. The problem with the *Misconceptions* document is not that it is old or that the research it contains is out-of-date. In fact, it was published only a little over 5 years ago (September 2017) and there have been no further high-quality prevalence studies since the 2016 Ferguson & Malouff meta-analysis was published. Rather, the problem with the *Misconceptions* document, as you have recognised, is that what it says about the prevalence research on false allegations is wrong. This problem was there from the moment the document was published. Further, the document has been influential and, as I have mentioned to you previously, other institutions such as the ABC have cited it to justify false information about the prevalence of false sexual assault allegations that they have further spread.

Given all that, in my view the better course of action would be to simply correct the section of the *Misconceptions* document dealing with the prevalence of false allegations using the wording we agreed on Thursday. This would remove any doubt that the previous statements in the document were false or baseless, so bodies like the ABC could then not use what the document said as an ongoing defence (as Aunty has in fact done). It would also save the *Misconceptions* document, which I think is quite a useful resource.

However, I accept that withdrawing the document is still one way of dealing with the problem, provided you issue a notice on your website that announces the withdrawal and explains that the reason for doing so is principally because of the errors in the section on the prevalence of false allegations. That is certainly the approach bodies like the Productivity Commission would take if correcting or retracting a publication. I presumed that would also be the approach of a government research institute with as valuable a reputation to protect as AIFS. You did not mention issuing such a notice in your email, however, so can I check whether you were intending to do this and, if so, when such a notice will be published?

thanks, Tom

From: AIFS Official A
Sent: 19 December 2022 11:14
To: Tom Nankivell
Subject: RE: Approaches to correcting the misleading messages from the Misconceptions document

Hi Tom, I share your view and your surprise. Since the decision, I have been turning over in my head how such an overall update would work and be resourced.

While ANROWS does some work in the sexual offences area, it doesn't quite take the whole lifecourse perspective that AIFS did. It's a shame that AIFS has a lesser footprint in the SXO space than we used to. For context, unlike other statutory and executive agencies, our appropriations ($4M with CPI increase) does not cover the suite of work we do. Two thirds of our revenue comes from competitive and commissioned work. In essence, it is quite the challenge to do "unfunded" work. It's a funding model we are keen to adjust but it's a slow process.

At any rate, I appreciate your graciousness on this. I am hopeful that the withdrawal of the piece is temporary.

I would like to forward your response to the Director, Head of Comms and Research Director […]. Would you be comfortable with this? This should also provide guidance on your final questions as to notification. [Note: I agreed to it being forwarded, but despite following up I did not hear back on the question of whether the AIFS intended to issue a notification before the Christmas break commenced].

Thanks again
[AIFS Official A]

A5 Letter to AIFS Director seeking public notice of withdrawal (Jan 2023)

With AIFS Official A on leave until late January, I sent the following letter to the AIFS Director, explaining the importance of the AIFS issuing a notification that the Misconceptions document had been withdrawn and acknowledging the errors in the document.

From: Tom Nankivell
Sent: 17 January 2023 17:46
To: [AIFS Director] via AIFS Enquiries
Subject: Error in AIFS report on sexual assault allegations – letter for AIFS Director

Dear [AIFS Director]

Withdrawal of AIFS publication on *Misconceptions about sexual offending*: the need for a website notification/correction

I am writing to request that AIFS issue a notification on its website indicating that it has withdrawn its 2017 publication, *"Challenging misconceptions about sexual offending"*, due to the errors in its description of research on the prevalence of false sexual assault allegations. This letter explains why this matter is important and why I believe the notification should recognise and correct the errors, which have been in the document since it was published.

Background

I wrote to you on 19 May last year about the inaccuracy in the '*Misconceptions*' document that the AIFS had been slow to correct. I attached to that letter a clear explanation of the error, quoting the relevant extract from the *Misconceptions* document and explaining how the source AIFS cited (Ferguson & Malouff 2016) does not support the conclusions AIFS drew in the document (reproduced at Attachment A [not included in this compendium]). I also attached a record of the several batches of correspondence I had with AIFS staff during the preceding year to seek to have the inaccuracies corrected.

[AIFS Official A] then re-engaged with me on the issue, and it appeared at times over the following months that progress was being made, although looking back the period was punctuated with similar delays and resets as in the first year. (I have attached my subsequent email correspondence with [AIFS Official A], as Attachment B [not included in this compendium]. I recognise that, among other impediments, [AIFS Official A] had multiple work demands on her time, and she has indicated that her team has been short-staffed, so this is not necessarily to be taken as a criticism of [AIFS Official A] or her team).

However, after many discussions in November and the first half of December, [AIFS Official A] arrived at replacement wording for the relevant part of the document with which I agreed. The revised wording: (a) recognised the difficulty of estimating the rate of false sexual assault reports; (b) recognised that the Ferguson & Malouff (2016) prevalence estimates (and similar estimates) covered sexual assault reports that were "confirmed" or "assessed" to be false (as distinct from covering all false sexual assault reports); and (c) removed the statements that "The rate of false allegations of sexual assault is very low" and "Therefore, the overwhelming majority of sexual offence reports are true".

However, [AIFS Official A] then emailed me on 16 December to say that, on advice from the Directors of Research and Communications, AIFS had decided to withdraw the *Misconceptions* document

entirely. The Analysis & Policy Observatory, which had been hosting the document, then removed it from its website, as did AIFS prior to Christmas.

Although the reasons given for this decision surprised me, I acknowledged that retracting the document could overcome the problem caused by the errors it contains, provided AIFS issued a notification of the retraction that explained that it was done due to the incorrect statements about false sexual assault allegations that the document contained.

[AIFS Official A] responded that she shared my surprise, and forwarded my email up the line to enable an answer to my question of whether and when a notification about the document's withdrawal would be published.

As [AIFS Official A] subsequently went on leave until 23 January 2023, I expected to receive a response from senior AIFS staff early this year or to see a notification on the AIFS website.

As neither has occurred, I am contacting you directly. I do not know how fully you have been kept abreast of this issue, or whether you have been closely involved in recent internal deliberations rather than mainly approving the advice of others. However, I trust the material in this letter and its attachments will enable you to address the matter.

Why a correction is important

As I mentioned to you in my letter last year, the *Misconceptions* document has been influential and relied on in the media and social media. It has had the potential to mislead the community and harm the credibility and wellbeing of people who have been falsely accused of sexual assault. Its ongoing influence could also be biasing legal processes to the extent that the report was and/or remains used as a resource by police and legal practitioners – its stated purpose. The views it contains could also influence policy development.

While quietly withdrawing the document from the web means that new readers will not now stumble onto it, people who were influenced by it in the past, whether directly or via the media, may continue to hold the beliefs they formed at that time.

As I have indicated to [AIFS Official A], a further specific concern I have is that the ABC has relied on the *Misconceptions* document firstly to promulgate the views that "extensive research shows allegations of sexual assault are overwhelmingly true" and that men can "…stop worrying about false rape allegations [because] they're extremely rare"; and secondly, to justify not properly correcting its own misreporting when I pointed out its errors. The ABC's own *Australia Talks* survey data shows that many in its audience have come to accept the unsubstantiated views on this matter, drawn from the *Misconceptions* document, that the ABC has broadcast.

While the *Misconceptions* document's withdrawal *may* be sufficient for me to now argue to the ABC that it should correct its earlier misreporting, alas my experience to date with its complaints unit suggests that, without a direct acceptance of error on your part, the ABC will seek to find ways to avoid effectively correcting the misconceptions its reporting has promulgated.[10]

Thus, I fear that the damage the *Misconceptions* document has done cannot be properly corrected until AIFS as its author explicitly acknowledges the errors it contained.

10 I have made several submissions to the ABC highlighting errors in its reporting. While the ABC issued a subtle correction in relation to two of its reports (back on 9 September 2021, on this page: https://www.abc.net.au/news/corrections/), in my view it has avoided addressing the main aspect of its misreporting and has continued to promote a false narrative consistent with the main errors in the AIFS *Misconceptions* document.

The need for reliable and transparent research

Throughout the last 18 months of engaging with AIFS on this matter, I have acted with patience and in good faith. For example, I have tried to suggest forms of words that would involve minimal changes to the *Misconceptions* document and enable AIFS to keep the thrust of the message I thought it would want to put out in relation to false sexual assault allegations — that there is no credible evidence that many sexual assault allegations are fabricated — that was also consistent with what the empirical evidence actually does and does not show. (The *Misconceptions* paper was framed as presenting what the evidence shows regarding the myths it set out to examine).

I have also delayed going public on these matters — beyond a draft research paper on the high-quality prevalence studies that I circulated mainly to sexual violence academics[11] — as I have been hoping that AIFS would proactively correct its own document. Of course, from my experience interacting with various sexual violence researchers, I appreciate that some could worry that correcting the record on this matter might undermine attempts to build the credibility of complainants. My response to them would be, in part, that the misleading use of lower-bound prevalence estimates is not a legitimate or sustainable way to build credibility or instil trust. Nor do I believe that such concerns, if they are at all on your or your staff's radars, should affect the course of action that a governmental research agency such as AIFS takes on this matter.

On several occasions it has seemed that AIFS not only accepted the errors in the *Misconceptions* document but was about to issue the necessary correction, but this has not yet eventuated. I believe that doing so is important not just to help correct misperceptions about this particular issue, but also to maintain public trust in the integrity of government research and in government agencies more broadly, which is something I would prefer to not see jeopardised.

Against this background, I request that AIFS move promptly to place a statement on its website that explicitly recognises the inaccurate nature of the material on the prevalence of false sexual assault allegations in the *Misconceptions* document, and that the resource has accordingly been withdrawn. I believe the correction should make the point that, contrary to the previous wording in the document, the empirical prevalence studies covered by the Ferguson & Malouff meta-analysis captured only those false reports that had been confirmed false through investigation, and not all false reports, as the authors explicitly cautioned. It should also state that the empirical research cannot and does not demonstrate that the rate of false allegations of sexual assault is very low or that the overwhelming majority of sexual offence reports are true. Some of the wording [AIFS Official A] developed in mid-December could be useful in that regard.

If you would like further information on any of the above matters or would like to speak with me directly, please feel free to get in touch.

Yours faithfully,
Tom Nankivell

17 January 2023

11 Please note that my own research paper, as well as having been vetted by several former Productivity Commission colleagues, has also been endorsed by two academic authors from the sexual violence field, including the lead researcher of one of the high-quality prevalence studies drawn on by Ferguson & Malouff (2016), which in turn was the source cited in the *Misconceptions* document. The research paper explains why the high-quality prevalence studies do not and cannot show that false sexual assault allegations are rare. While the paper does not mention the AIFS, the arguments apply equally to the material that was published in the *Misconceptions* document. Indeed, the research paper is in many respects an elaboration of the key points I made to AIFS some time ago. (I have attached a copy of the draft at Attachment C, for information. [not included: the final version of the research paper has now been published at ganderresearch.org])

A6 AIFS response to request for withdrawal notification (February 2023)

I received the following reply to my 17 January 2023 letter to the AIFS Director. Contrary to some earlier indications from AIFS staff, the letter suggested that AIFS could not itself correct its report on the premise that the intellectual property rights for the publication rested with Victoria Police. There was no indication that AIFS had sought, or might seek, Victoria Police's agreement to issue the necessary corrections, instead stating that the Victoria Police "may" be considering updating the publication. The letter also indicated that AIFS would forward any future enquiries to the Victoria Police.

From: AIFS Enquiries
Sent: 03 February 2023 13:52
To: Tom Nankivell
Subject: RE: Error in AIFS report on sexual assault allegations - contact details for Dr Stone

Dear Mr Nankivell,

In response to your correspondence in relation to a publication no longer available on the AIFS website, the Director has given due consideration to your correspondence.

As a way of background: in 2016 AIFS was commissioned by Victoria Police to develop the publication Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners. The purpose of the work was to summarise then existing empirical literature on key aspects of sexual victimisation and offending.

This resource was released in 2017 and hosted on the Victoria Police website. AIFS also hosted it for a short time. Both Victoria Police and AIFS have now removed the document from their sites. Victoria Police may now be considering updating the publication.

As Victoria Police was the commissioning agency for this publication and holds the Intellectual Property Rights, they are the agency who you or any other inquirer should contact in relation to information about its current status, content or access. To assist, AIFS will redirect any further inquiries from the public about this publication to the relevant department of the Victorian Police.

Best wishes,
AIFS Enquiries

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Attachment B Compendium of correspondence with ANROWS

As noted earlier, in August 2023, I wrote to ANROWS seeking changes to its documents. Since then I have exchanged around a dozen emails and letters with the agency.

The correspondence is set out in this compendium. Although the correspondence is "cleaner" and easier to follow than the many AIFS exchanges, I have again segmented it (as per the table below) and included summaries at the start of each sub-attachment. Attachment B4 is an analysis of ANROWS' recent revisions.

B1 Initial letters to ANROWS (August 2023)

I first contacted ANROWS in early August 2021, explaining my concerns about errors in three ANROWS documents' discussions of the prevalence of false sexual assault allegations and offering some suggestions on how to address them. That letter also pointed to some other problematic aspects of the research presented in some of the ANROWS documents.

Apart from an acknowledgement that my letter had been received and passed on to relevant staff, I heard nothing substantive from ANROWS in the following three weeks, during which time some journalists had again made misleading statements about the prevalence of false sexual assault allegations, in one case referring directly to ANROWS research. Accordingly, in late August I wrote again to ANROWS in a bid to encourage it to give the matter some priority.

.
From: Tom Nankivell
Sent: 2 August 2023 09.55
To: [ANROWS CEO] via ANROWS Enquiries
Subject: Letter for Padma Raman PSM re: ANROWS statements regarding false rape allegations data

Padma Raman PSM
Chief Executive Officer, ANROWS

Dear Ms Raman

Errors in ANROWS publications on the prevalence of false sexual assault allegations

I write to draw your attention to some inaccurate statements in three important ANROWS publications: the 2017 report, *Australian's attitudes to violence against women and gender equality*; the 2021 publication, *"Chuck her on the lie detector": Investigating Australians' mistrust in women's reports of sexual assault; and the 2023 report, Attitudes Matter: The 2021 National Community Attitudes Towards Violence Against Women Survey (NCAS)*.

The three publications indicate that empirical evidence shows that false sexual assault allegations are rare. They cite as evidence a number of high-quality empirical studies and/or research publications that have referenced or drawn on them, in particular the 2016 meta-analysis of seven high-quality studies by Dr Claire Ferguson and Prof John Malouff. That analysis arrived at a weighted average prevalence estimate of 5%.

However, as Ferguson & Malouff's journal article warned, their estimate was for "confirmed" false sexual assault reports only; it did not count all false reports. This point also applies to the prevalence estimates in the high-quality studies that fed into the meta-analysis. As such, the prevalence rate estimates in the studies your publications relied on are only floor estimates. The real prevalence rate is not known, but could be many times higher than the floor estimates. I elaborate on all these points, and some other concerns I have with the presentation of the research in the three publications, in the attachment to this letter.

Unless I have erred on this matter (and I have checked my understanding previously with Professor Malouff), it follows that that the statements in your publications are mistaken. ANROWS is an influential research body and the three reports have been reported in the media and thus will have helped shape public perceptions on the matters covered. I understand that they also helped to inform the current

National Plan to End Violence against Women and Children 2022-2032. In view of this, I ask that ANROWS review the statements in the publications with a view to issuing corrections to them.

I hope that the information in the attachment is sufficient for ANROWS to understand and address my concerns. If you or your staff would like further information or wish to discuss the matter with me directly, please do not hesitate to get in touch.[12]

I look forward to your response.

Yours faithfully,

Tom Nankivell
Independent researcher

2 August 2023

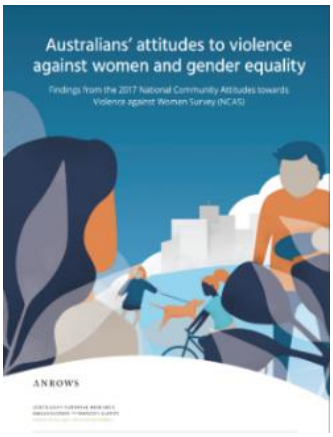
ATTACHMENT

Problems with the presentation of false allegations prevalence estimates in ANROWS publications

What do the ANROWS publications say and what are their sources?

The 2017 NCAS report

In 2017, ANROWS published the results of a survey of attitudes towards violence against women.



The prevalance rate issue was addressed in Box 8-5 on page 50. The box is titled "Knowledge that false allegations are rare: Why does it matter?" It states:

> Different rates for false allegations are cited in existing studies and these range from 1.2 percent to 10 percent of all reports to police (Ferguson & Malouff, 2016; Heenan & Murray, 2006; Kelly, 2010; Levitt & The Crown Prosecution Service Equality and Diversity Unit, 2013; Lisak, Gardinier, Nicksa et al., 2010; Lonsway, Cortina, & Magley, 2008; Patton & Snyder-Yuly, 2007; Spohn, White, & Tellis, 2014; Weiser, 2017). This clearly indicates that false allegations are not made 'often'. The rate of false allegations of sexual assault is as low, if not lower, than for other offences (Kelly, 2010).
>
> It is difficult to determine the actual rate of false allegations of sexual assault and it is probable that the actual rate is at the lower end of the range cited. This is because there is variation in how false allegations are defined (Kelly, 2010). …

As a minor preliminary point, note that while the first of the quoted paragraphs draws on an ostensibly large number of studies as the source of its 1.2–10% prevalence rate range, some of the listed articles do not include or derive estimates of a prevalence rate. For example, the Lonsway, Cortina & Magley journal article explains their development and testing of "a conceptual definition and a measurement

12 For information, I have degrees in economics and public policy and more than 30 years' experience as a governmental researcher and policy adviser. I am currently undertaking further study in gender studies, and I now operate as an independent researcher. I can be contacted at [personal contact details provided].

instrument for the mythology regarding male sexual harassment of women". And the Patton & Snyder-Yuly article examines the impact of false rape charges that an Iowa State University student brought against four Black males. Neither article contains prevalence estimates that support the statement to which they are attached in Box 8-5.[13]

I also note that the 1.2–10 % prevlance rate range cited is taken from just a selection of prevalence studies, when in fact the literature contains a much wider range of estimates, from around 1% to more than 40%.[14] While there are defensible reasons for focussing on the "high-quality" studies you have, I think it would have been more transparent had your publication acknowledged that the selected studies are just that, a selection, and given readers some sense that there are different empirical approaches and estimates to those in your preferred studies.

The 2021 'Mistrust in women' publication

In a 2021 follow-up publication on why people often mistrust women's reports of sexual assault, ANROWS presented a more definitive picture on the prevalence issue, saying that false allegations are "extremely rare". It mentioned the matter several times (the following quotes are from pages 6, 9, 10, 13 and 59 respectively):

> Contrary to the facts (Ferguson & Malouff 2016), participants perceived false allegations as being commonplace rather than extremely rare.
>
> empirical evidence tells us that false allegations of sexual assault are extremely rare (e.g. Ferguson & Malouff, 2016; Kelly, 2010; Wall & Tarczon, 2013)
>
> These attitudes sit in contrast to the empirical evidence that false allegations of sexual assault are extremely rare (Kelly, 2010; Stern, 2010; Wall & Tarczon, 2013).
>
> estimates of false allegations reported to police typically range from 1 to 10 per cent (Ferguson & Malouff, 2016; Kelly, 2010; Lisak et al., 2010; Wall & Tarczon, 2013) and researchers estimate the lower end of the range is likely to be the most accurate (Kelly, 2010).
>
> Participants' perceptions that false allegations of sexual assault are highly prevalent sits in contrast to the empirical evidence in Australia and internationally of the rarity of false allegations (Anderson & Overby, 2021; Ferguson & Malouff, 2016; Lisak et al., 2010).

On four of the above five occasions, the publication referred to the 2016 Ferguson & Malouff meta-anlaysis of seven high-quality prevalence studies as a source for its claim. On three of those occasions, it added two other references. These include Lisak et al. (2010) which, importantly, covered similar ground to the Ferguson & Malouff paper and was one of the high-quality studies that fed into their

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13 While Lonsway, Cortina & Magley at various points (eg on pages 600, 610 and 615) speak about views on whether women often exaggerate or fabricate sexual assault claims, at no point does their paper attempt to estimate the prevalence of false claims or cite others' estimates of the prevalence rate. (See Lonsway, K., Cortina, L. & Magley, V. 2008, 'Sexual Harassment Mythology: Definition, Conceptualization, and Measurement', *Sex Roles,* 58, 599.)

Patton & Snyder-Yuly also do not derive any estimates of the prevalence of false reports of their own. The closest they come is referring to a SART estimate for IOWA, for which no information on timeframe, scope or methodology is provided. Further, in briefly summarising the prevalence literature, they state: "Just as in the past, today the actual number of false accusations remains in question. Various reports list false reports of rape as low as 2% to 3%, similar to the rates of other violent crimes (Brownmiller, 1975; Katz & Mazur, 1979; National Sheriffs' Association, 2001) or as high as 40% to 50% (Kanin, 1994). The discrepancy in these statistics may simply be due to the fact that these were different studies of different populations at different times ..." Thus, the message from this paper is quite different to the one presented in the ANROWS 2017 report for which it is used as an apparently supportive reference. (See Patton, T. & Snyder-Yuly, J. 2007, 'Any Four Black Men Will Do', *Journal of Black Studies*, 37(6), 859-895.-615.)

14 See, for example, Table 1 in Rumney, P. 2006, 'False allegations of rape', *Cambridge Law Journal*, 65(1), 128-158.

meta-analysis. Your publication also referenced Kelly (2010) and Wall & Tarczon (2013) as a source on three occasions.

Again, as a preliminary point, note that not all of the references support the statements made. For example, the 2013 Wall & Tarczon paper does not state that the prevalence rate is low[15], and I can find no mention in Kelly (2010) of the view that the true rate is towards the lower end of the range cited (although I do not doubt that she may have believed this).[16]

The 2023 NCAS report

In 2023, ANROWS published the results of a further survey of attitudes towards violence against women.

The prevalence issue is mentioned on page 138 where the report uses similarly strong words to those in the 2021 publication.

In the first column on that page, the report says:

> … contrary to the fact that false allegations of sexual assault victimisation are extremely rare (Daly & Bouhours, 2010; Dewald & Lorenz, 2021; C. E. Ferguson & Malouff, 2016; Jordan, 2004b; Kelly, 2010; McMillan, 2018; O'Neal & Hayes, 2020; Venema, 2014; Waterhouse et al., 2016)

In the second column on the same page, the report states:

> … contrary to the Australian and international evidence that false allegations of sexual assault are exceedingly rare (Heenan & Murray, 2006; Kelly, 2010; Lisak et al., 2010; Spohn et al., 2014; Wall & Tarczon, 2013; Weiser, 2017).

Again, the main reference for the statements on the prevalence of false allegations appears to be Ferguson & Malouff, as most of the other references were either picked up in Ferguson & Malouff's meta-analysis of the high-quality studies[17], or summarise the results of others work rather than containing original prevalence research[18], or are intended to help substantiate an earlier point in the first quoted sentence (not included above) about police estimations and attitudes.[19]

15 Wall and Tarczon's only mention of specific prevalence rate estimates is on page 3, where they state: "Recent literature around false reports adds little in terms of arriving at a definitive figure about just how common they are. This is despite one key analysis of 10 years of reports concluding it is a figure of between 2% and 10% (Lisak et al., 2010). There is broad agreement within the literature that the often-quoted figure of false allegations being around 2% of reported sexual assault allegations is unreliable. The commentary around the origin of this figure largely discredits it as a reliable estimation due to the lack of supporting evidence and its origins as hearsay (Greer, 2000; Rumney, 2006)." Note that this is not necessarily an endorsement of the Lisak et al. (2010) estimates, and a thrust of the paper is that the prevalence rate is difficult to determine. (See Wall, L. & Tarczon, C. 2013, 'True or false? The contested terrain of false allegations', Australian Institute of Family Studies, https://aifs.gov.au/publications/true-or-false-contested-terrain-false-allegations.)

16 While not the most critical problem, the inclusion of references that do not support the statements to which they are attached has the potential to mislead readers about the level and source(s) of support for the referenced proposition, and is not sound scholarly practice. ANROWS could review what references are appropriate when revisiting the wording of its publications.

17 This was the case for the papers by Heenan & Murray, Kelly, Lisak et al., and Spohn et al.

18 This was the case for the papers by Weiser and Wall & Tarczon.

19 This appears to be the purpose of the citations to the papers by Daly & Bouhours, Dewald & Lorenz, Jordan, McMillan, O'Neal & Hayes, Venema and Waterhouse et al, and Kelly (although Kelly 2010 also references her earlier high-quality prevalence study, which again was covered by the Ferguson & Malouff meta-analysis).

What do the cited papers actually show?

I will start with the two Australian papers cited in the earlier quotes from the 2021 ANROWS 'Mistrust in women' publication: Ferguson & Malouff (2016), on which ANROWS relied most heavily, and Wall & Tarczon (2013). As noted, Ferguson & Malouff was also referenced in the 2017 and 2023 ANROWS NCAS reports.

The true rate of false sexual assault allegations is not known

Ferguson & Malouff[20] explain that the literature provides a very wide range of estimates of the prevalence rate of false allegations of sexual assault, reflecting differences in methodologies, terminology, samples and so forth, and the many inherent difficulties in determining whether sexual assault allegations are true or false. The authors (p. 1187) state:

> Given the serious difficulties with studying false rape allegations, many of the reported false report rates, both high and low, cannot be relied upon for an accurate assessment of how often false allegations occur.

The Wall & Tarczon paper focuses on the definition of false allegations and the contextual factors surrounding them, rather than on estimates of the rate of false allegations. Nevertheless, the authors are consistent with Ferguson & Malouff in noting that "there is no definitive answer to the prevalence question" (p. 2).

The high-quality studies classify false allegations in a way that excludes many false or potentially false reports

Ferguson & Malouff point out that many studies — including the high-quality studies used in their meta-analysis — use a range of techniques to narrow down the number of allegations that are confirmed as "false". While the studies vary in their details, those techniques include:

- considering only sexual assault allegations reported to police
- classifying an allegation as false only if it is thoroughly investigated and can be shown to be false (in line with International Association of Police Chiefs' case classification rules)
- only counting false allegations that the complainant knows to be untrue.

In commenting on the ramifications, Ferguson & Malouff (p. 1187) state:

> Although limiting the sample, this is a necessary step as it prevents opening the floodgates to many equivocal cases that are suspected but not demonstrably false. It errs on the side of caution by not including cases in doubt, mistaken cases, or those claims made to anyone other than police. Use of such a conservative definition is not meant to imply that all other cases are true reports, but just that they cannot responsibly be deemed confirmed false.

It follows that the 5 per cent estimate in Ferguson & Malouff is intended as a lower bound or 'floor' estimate of false sexual assault reports to police and that it would be wrong to treat it as an estimate of the actual prevalence of false sexual assault allegations. (I have previously checked my understanding of this with Professor Malouff).

Similarly, the estimates in the high-quality studies (including Lisak et al. (2010) and Kelly et al. (2005), on which Kelly (2010) draws) are likewise floor estimates. (In a separate research paper, a colleague, John Papadimitriou, and I have described each of the high-quality studies and explained why their

20 Claire Ferguson & John Malouff, 'Assessing police classifications of sexual assault reports: A meta-analysis of false reporting rates.' *Archives of Sexual Behavior*, 45(5), 1185–1193.

prevalence estimates do not capture all the false reports in their samples. The paper, *'True or false, or somewhere between? A review of the high-quality studies on the prevalence of false sexual assault allegations'*, is available at www.ganderresearch.org.[21]*)*

Unfortunately, the ANROWS publications appears to have fallen into the trap of wrongly assuming that the low prevalence estimates of (confirmed) false allegations in Ferguson & Malouff and in the high-quality studies cover the full field of false allegations.

The actual rate could be well above the floor estimates

Ferguson & Malouff hinted that ceiling estimates might be derived by adding, to studies' floor estimates, those cases that researchers thought "suspicious" but could not prove to be false to the necessary level of confidence, and cases that were just "equivocal".

For the four studies in Ferguson & Malouff's meta-analysis that provided such data, I calculated experimental ceiling estimates that yielded with a simple unweighted average of more than 20 per cent. If taken at face value, this estimate would suggest that the actual prevalence rate could be several times higher than the 5% estimate of "confirmed" false reports from the Ferguson & Malouff meta-analysis. However, there was a large variation in the individual ceiling estimates, which together with other limitations of the studies means that, in my view, no particular store should be given to this estimate.

A key issue is that some of the studies' estimates do not account for the prospect that there may be false cases outside those classified as "unfounded" or "false" by police (which, as noted earlier, are classifications that use a high bar). For example, as Spohn, White & Tellis commented in relation to their 2014 study of "unfounded" sexual assault reports in Los Angeles in 2008:

> … our interviews with LAPD detectives revealed that some of them were reluctant to categorize a case as "unfounded", even if they believed that it was false or baseless; these detectives reported that they would clear the case by exceptional means or keep the case open. In addition, we have no way of knowing if there were false allegations that were not recognized as such and that were cleared by arrest or exceptional means. Considered together, these data limitations suggest that the rate of false reports among rapes reported to the LAPD in 2008 may be somewhat higher than 4.5%.

And in the 2005 British Home Office study by Kelly, Regan & Lovett, the authors looked for false reports only among those designated as "false" by police, thus ignoring the prospect that there would be some false reports in other categories such as "insufficient evidence", "victim withdrew" and "acquittals".

In our research paper, John Papadimitriou and I have shown that, with modest assumptions about the number of false or potentially false cases assigned to case categories other than "false", the actual prevalence rate could be several times higher than the floor estimates in the high-quality studies. For example, in relation to Kelly et al. (2005), which reported a prevalence estimate of 2.5–3%, we show that with modest assumptions the actual prevalence rate for the study's sample could approach 15%, and that less conservative assumptions would translate into a higher rate again.

We concluded as follows:

> While the high-quality studies are more rigorous than many other studies in the field, our analysis demonstrates that they have important limitations. These include the way they classify cases as false, which leaves out many false and potentially false reports. Incomplete or poor-quality data, poor interview response rates and mathematical shortcomings also weaken some of the studies.

21 Note that, in preparing our research paper, we consulted with a number of sexual violence academics and received written support for the paper, including from the lead researcher for one of the high-quality prevalence studies.

> The prevalence rate estimates in those studies are more properly seen as lower bound estimates. The actual prevalence rate could be noticeably higher than the weighted estimate of 5% calculated (but caveated) by Ferguson & Malouff (2016), or the top of the 2–10% range from Lisak et al. (2010). However, the high-quality studies provide insufficient information to pinpoint the actual prevalence rate, or to devise meaningful upper bound estimates.
>
> This reflects the inherent difficulties in separating fact from fiction in many sexual assault cases. It is doubtful that any study, largely regardless of how well it was resourced and conducted, could tightly estimate the prevalence rate.
>
> While of necessity we have used arbitrary assumptions to provide some sense of how high the actual prevalence rates for some of the studies' samples could be, they are no more arbitrary, but we contend less unrealistic, than the equivalent assumption in the studies. The assumption that underlines their estimates is that none of the cases outside those classified as false under official crime reporting classification rules are in fact false.

We also provided some suggestions for how the sexual violence literature classifies false reports and how it describes and communicates prevalence rate estimates in the future.

Possible amendments to the ANROWS publications

The 2017 NCAS report

Of the three ANROWS publications, the wording in the 2017 document (set out earlier, on page 2 of this letter) was the more cautious, and the statements about the prevalence of false allegations are made in just a box in one section. Correcting it may not have much impact for the messages in the remainder of the publication.

Regarding the first paragraph, if you are going to continue to refer to the range of estimates, I submit that it would be appropriate to:

- give a sense that there is a wide range of estimates in the literature, but that prominent academics in the sexual violence field consider that some are more reliable than others
- use the accepted range of "credible" estimates from Lisak et al. (2010) of 2–10% (noting that the 1.2% estimate your publication mentioned is not from a high-quality study)
- delete most of the other references, as they either do not support the point or are superfluous. However, you should probably continue to include a reference to Ferguson & Malouff (which picks up the one new high-quality study completed since 2010)
- state that the estimates are floor estimates of (confirmed) false reports, and that the actual prevalence rate is not known but could be markedly higher
- delete the last sentence of the paragraph, as Kelly's comparison is invalid in view of the limitations of the data on which she relies.

Regarding the second paragraph, the first clause (that it is difficult to determine the actual prevalence rate) is correct, but the second is almost certainly not. Moreover, the fact that there are variations in how false reports are defined is arguably not the main difficulty in determining the prevalence rate. The remainder of the paragraph is not wrong, although it should be recognised that the high-quality studies themselves seek to correct for the concerns listed in the paragraph — for example by independently evaluating police decisions to classify cases to particular categories. Thus, I submit that you should seek to avoid the suggestion that these sorts of considerations might be reasons to think that the (floor) prevalence estimates from the high-quality studies are themselves too high as floor estimates.

The 2021 'Mistrust in women' publication

For the statements quoted earlier (on page 3) from the 2021 publication, I submit that it would be appropriate to remove the view that "empirical evidence tells us that false allegations of sexual assault are extremely rare" and find a different formulation, perhaps one that uses the negative to indicate that, in contrast to historical rape myths, there is no evidence that women make lots of vexatious claims or that false allegations are widespread.

However, if I have understood the 2021 publication correctly, unfortunately much of its analysis is premised on the veracity of the view that false allegations are extremely rare — or at least substantially below the level that most people think, such that there is a substantial gap between people's perception of the prevalence of false allegations and the reality. However, there is no sound evidence for the view that false allegations are rare, and we cannot determine what the prevalence rate actually is. This suggests that you may need to undertake more extensive changes to the framing of the publication, and even consider retracting aspects of it, to address the problems created by that premise.

The 2023 NCAS report

I submit that it would also be appropriate to remove the equivalent wording in the 2023 report (page 4 above) — namely, that it is a fact that false allegations are "extremely rare", and that Australian and international evidence shows that they are "exceedingly rare". As set out earlier, the evidence does not show this.

Unfortunately, as with the 2021 publication, the section of the report in which these words appear relies on the veracity of the view that false allegations are indeed rare and so, again, some major revisions and/or retractions would be warranted to correct the report.

From: ANROWS
Sent: 3 August 2023 08.58
To: Tom Nankivell
Subject: FW: Letter for Padma Raman PSM re: ANROWS statements regarding false rape allegations data

Good morning Tom,

We hope this message finds you well. We want to take this opportunity to acknowledge the receipt of your communication and inform you that it has been duly forwarded to Padma and our esteemed NCAS team for thorough evaluation.

We greatly value your input, and rest assured that your message will be given the utmost attention and consideration by our expert team. Should you have any further questions or require additional assistance, please do not hesitate to contact us.

Kind regards,
[ANROWS enquiries staff]

ANROWS

AUSTRALIA'S NATIONAL RESEARCH ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

REGISTERED CHARITY

DONATE

ANROWS acknowledges the Traditional Owners of the land across Australia on which we live and work. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present and emerging. We value Aboriginal and Torres Strait Islander histories, cultures and knowledge. We are committed to standing and working with First Nations peoples.

From: Tom Nankivell
Sent: 23 August 2023 17.31
To: [ANROWS CEO] via ANROWS Enquiries
Subject: Follow-up letter for Padma Raman PSM re: ANROWS statements regarding false rape allegations data

Padma Raman PSM
Chief Executive Officer, ANROWS

Dear Ms Raman

Errors in ANROWS publications on the prevalence of false sexual assault allegations

Three weeks ago on 2 August, I wrote to you regarding some inaccurate statements contained in three important ANROWS publications: the 2017 and 2023 NCAS reports, and the 2021 publication, *"Chuck her on the lie detector*". The publications had cited various empirical studies to argue that false sexual assault allegations are rare. My letter carefully explained the nature of the errors in the ANROWS publications, including by drawing on the key sources on which ANROWS had relied, in particular a 2016 meta-analysis by Ferguson & Malouff. I asked that you review the ANROWS publications with a view to issuing corrections to them, and said that I would be happy to speak directly with you or your staff if that would be helpful.

ANROWS emailed me back on 3 August to say that my letter had been received and forwarded to you and the NCAS team for evaluation, but I have not heard anything further since then.

While I appreciate that your team will want to do a thorough evaluation, I am writing to ensure that the matter is being given some priority. This is because commentary in the media continues to rely on the same inaccurate messages that were promulgated by the ANROWS publications. For example, writing in *The Age* and the *Sydney Morning Herald* 10 days ago, Jacqueline Maley referred to the 2016 Ferguson & Malouff meta-analysis results as evidence that false complaints of sexual assault are extremely rare.[22] And a day later, ABC presenter Julia Baird expressed a similar sentiment on *The Drum*, which also linked to two of the ANROWS publications.[23] My concern is that, until ANROWS corrects the publications in question, Australian media commentators will continue to promote this false narrative from time-to-time.

In view of this, can you or relevant staff indicate to me what progress has been made in evaluating this matter and when that process is likely to be completed? As before, I remain happy to discuss this matter with your or your staff directly if that would be of assistance.

Yours faithfully,

Tom Nankivell
23 August 2023

[ANROWS Enquires sent an acknowledgement of receipt and the internal circulation of this letter on 30 August 2023.]

22 https://www.smh.com.au/national/the-calamitous-lehrmann-trial-is-a-gift-to-metoo-critics-20230811-p5dvtl.html.
23 https://www.abc.net.au/news/programs/the-drum/2023-08-14/the-drum-monday-august-14/102729108

B2 "Holding" responses from ANROWS (November-December 2023)

I did not hear from ANROWS again until late November 2023, when I was informed by an ANROWS researcher that the agency took the matter seriously and would consider it "in the new year". In my reply, I expressed concern about the mooted timeframe for addressing the issue. ANROWS Acting CEO then wrote to me to indicate that she wished to have the new CEO's input prior to responding. I replied emphasising the need for more timely action, arguing that correcting errors in already published documents is not a matter that should be subject to the sort of "strategic"-style input that a CEO might provide. In reply, ANROWS did not address this point, but instead said that it would provide a "detailed response" to me after its new CEO commenced in the new year.

From: [ANROWS Researcher A]
Sent: 21 November 2023 08:03
To: Tom Nankivell
Cc: NCAS
Subject: RE: Letter for Padma Raman PSM re: ANROWS statements regarding false rape allegations data

Dear Tom Nankivell,

Thank you for bringing these issues to our attention. We just wanted to reassure you that we do take your concerns seriously and are considering what changes need to be made to past reports.

We will get back to you early in the new year.

Thank you for your patience.

Kind regards,

[ANROWS Researcher A]

From: Tom Nankivell
Sent: 25 November 2023 15:45
To: [ANROWS Research Officer A]
Cc: NCAS
Subject: RE: Letter for Padma Raman PSM re: ANROWS statements regarding false rape allegations data

Dear [ANROWS Researcher A],

Thanks for your email of last Tuesday.

As you know, I wrote to your (then) CEO, Ms Raman, twice back in August (on the 2nd and the 23rd) about the accuracy of several statements on the prevalence of false sexual assault allegations in three ANROWS publications. In the second of those letters, I asked that ANROWS give some priority to this matter, noting that the views expressed by ANROWS were continuing to be repeated in the media.

I appreciate that you are considering the necessary changes, although naturally I am somewhat disappointed about the timeframe. This is because the narrative that false allegations are known to be rare continues to inform many discussions in this area.

In this context, I note that ANROWS has announced the imminent release of *'Attitudes matter: The 2021 NCAS, Findings for young Australians'*. I presume the document will slice and discuss the data and from the earlier (full) 2021 NCAS report, released in March this year.

If so, there seems a risk that the new document will repeat the error in the earlier report, of presuming that any Australians who suggest that false allegations are anything but rare are necessarily ill-

informed. In saying this, let me emphasise that I am not ruling out that at least some, and possibly many, Australians (young as well as old) harbour views that are ill-informed about the prevalence of false sexual assault reports. Rather, my point is that a key part of the basis for ANROWS' view in its earlier NCAS report — namely that based on empirical evidence it is a fact that false allegations are extremely rare — is invalid, because the empirical studies do not, and cannot, tell us the true prevalence of false reports.

The release of the 'NCAS Findings for young Australians' document is scheduled for 13 December, so I presume you and the team are still putting finishing touches on it. If so, and if it covers the issue of young people's perceptions of the prevalence of false reports, I recommend that you review that material with a view to avoiding the potential pitfall I have just outlined.

I hope this alert and suggestion are useful and, as before, please feel free to contact me if that might help expedite you or your team's working through of the issues I have raised or the related literature.

Yours faithfully,
Tom Nankivell

From: [ANROWS Acting CEO] via ANROWS Enquiries
Sent: 28 November 2023 08:03
To: Tom Nankivell
Subject: Responding to your communication

Dear Mr Nankivell

Thank you for your letters to ANROWS on the 2nd August and the 23rd August and for your follow up email on the 25th November.

Padma Raman has taken up a position in Prime Minister and Cabinet and we have been recruiting for a new CEO who will commence on the 12th February.

I am emailing you now to confirm receipt of your communications and to assure you that we will respond to your emails early in 2024. However, I would like to brief the new CEO and have her input prior to responding to you.

In terms of your latest communication regarding the Young Australians report, I have taken the time to check this report and I am assured that we do not comment on the rate of false allegations. We do report on the findings from the Mistrust Subscale of the Attitudes towards Violence Against Women Scale (AVAWS).

If you have additional concerns about our work, I ask that you email enquiries directly, and I will be happy to respond on behalf of ANROWS.

Kind regards

Acting CEO, ANROWS

From: Tom Nankivell
Sent: 7 December 2023 23.25
To: [ANROWS Acting CEO] via ANROWS Enquiries
Subject: RE: Responding to your communication

Dr Jane Lloyd
A/g Chief Executive Officer
ANROWS

Delay in addressing errors in ANROWS publications on the prevalence of false sexual assault allegations

Dear Dr Lloyd

Thanks for your email of Tuesday last week, for checking the 'Young Australians' report, and for indicating why you intend to delay a response to the matters I raised until next February.

Having reflected at length on that reason, I do want to ask you to revise your approach. You said that the delay was so that you could brief your incoming CEO. I understand and agree with that reasoning for matters where the appropriate response for ANROWS entails a choice in which longer-term/strategic considerations could play a legitimate role. However, as far as I can see, that is not the case for the matter I raised – the need to correct some important errors in documents ANROWS has already published.

My experience of working in other governmental research organisations is that errors of this nature, when pointed out, would be given a high priority. For matters as important and topical as the prevalence of false sexual assault allegations, it is especially critical that official publications be promptly corrected so as to not continue to misinform the media and/or other institutions and the public. Yet waiting until next February would mean that some six months had elapsed since I first alerted ANROWS (through your predecessor CEO, Ms Raman) to the errors in its publications.

As the current CEO, even though in an acting capacity, my understanding is that it is within your powers and responsibilities to address this matter. I thus ask you to (re)consider whether there are any legitimate longer-term/strategic reasons for delaying the correction of the misleading statements I identified and, if not, have ANROWS move promptly to remedy those errors.

Yours faithfully,
Tom Nankivell

7 December 2023

From: [ANROWS Team] via ANROWS Enquires
Sent: 12 December 2023 16:26
To: Tom Nankivell
Subject: RE: Responding to your communication

Dear Mr Nankivell,

Thank you for your letter last week.

ANROWS would like to assure you that we are confident there is no misinformation in the statement we have made. However, we will consider it thoroughly in the new year and we will provide a detailed response in discussion with the incoming CEO. As an interim step, our team will be undertaking an assessment of the publications involved.

Wishing you a joyful festive season and new year period.

With kind regards, ANROWS team

B3 ANROWS states intention to make (limited) corrections (April 2024)

Having not received any further communication by mid April 2023, I wrote to ANROWS' new CEO (on 19 April) to ensure she was apprised of the issues and to ascertain the state of play.

The CEO's office responded to me (copied below) to say that the ANROWS Board and new CEO had considered the matter and decided to make some changes to two of its documents. The foreshadowed changes included acknowledging that it is difficult to determine the precise rate of false allegations and that the existing studies have limitations. Nevertheless, ANROWS said that it would maintain that evidence indicates that false allegations are rare. It presented no evidence to justify this; nor did it provide the "detailed response" to my arguments that it had earlier promised.

ANROWS said that it anticipated that the foreshadowed changes would be made "by the end of May"; that is, some five weeks later. No reason was provided for this further delay.

As it transpired, the foreshadowed changes (still) had not been implemented by mid-June. I thus wrote again to ANROWS (on 14 June; letter not included) seeking an update. ANROWS (quietly) uploaded the revised publications to its website on 21 June 2024. They are discussed in attachment C.

From: ANROWS Executive Officer & Assistant to the CEO
Sent: 24 April 2024 16:32
To: Tom Nankivell
Subject: Responding to your communication

Dear Mr Nankivell

Thank you for raising your concerns regarding the issue of the rate of false allegations of sexual assault in a few of our published reports. Dr Tessa Boyd-Caine, ANROWS CEO, has asked me to respond to you on her behalf with the decision on this matter. We appreciate that this has taken some time and we appreciate your patience.

We have now reviewed the published reports and the literature. The matter has also been reviewed by the CEO and the ANROWS Board. We believe that the evidence indicates that most allegations of sexual assault are genuine and that false allegations are rare. However, we agree that it would be useful to readers to draw greater attention to the difficulties in measuring the precise rate of false allegations. Consequently, we have decided on the following actions:

1. At the front of the ANROWS web versions of the 2021 report on Mistrust and the 2023 report on the 2021 NCAS findings for Australia, we will retrospectively add a key term on "The rate of false allegations of sexual assault". This key term will state that the evidence indicates that most allegations of sexual assault are genuine and false allegations are rare. It will also note the reasons why it is difficult to determine the precise rate of false allegations and that there are limitations to the existing studies.

2. Throughout the ANROWS web versions of both these reports, we will also change statements that false allegations are "extremely rare" to read that false allegations are "rare" or similar.

3. If relevant, future ANROWS publications will also state that determining the precise rate of false allegations of sexual assault is difficult (unless this situation changes).

We anticipate that the changes to the web versions of these reports will be made by the end of May.

Kind regards

[Executive Officer & Assistant to the CEO]

Attachment C Assessment of ANROWS' recent revisions

Assessment of ANROWS' June 2024 revisions

In August 2023 I alerted ANROWS to some inaccurate statements about the prevalence of false sexual assault allegations in three of its publications, namely its 2017 report, *Australian's attitudes to violence against women and gender equality*; its 2021 publication, *"Chuck her on the lie detector": Investigating Australians' mistrust in women's reports of sexual assault;* and its 2023 report, *Attitudes Matter: The 2021 National Community Attitudes Towards Violence Against Women Survey (NCAS).*

After several exchanges with ANROWS over the following 10 months, I noticed that ANROWS had loaded amended versions of the two latter reports onto its website at around 6pm on Friday 21 June 2024. As far as I could tell, ANROWS provided no notification of the changes on its website; nor did the documents themselves contain notices that changes to the text had been made. ANROWS did not address the problematic statements in its earlier (2017) report.

The analysis in this attachment compares the amended documents with the previous versions, and then critically examines the changes made. The analysis has been reviewed by some former colleagues who also have expertise in statistical and empirical analysis.

The changes to ANROWS' documents

The changes are broadly as ANROWS foreshadowed to me in its email of 24 April 2024, although with the addition of one new piece of empirical evidence.

In the lists of Key Terms at the front of both documents, ANROWS has included a new item that sets out its revised position on what the empirical evidence tells us about the rate of false allegations of sexual assault. It reads:

> **Rate of false allegations of sexual assault**
>
> The empirical evidence indicates that most sexual assault allegations are genuine and false allegations are rare. However, the precise rate of false allegations is difficult to establish due to inconsistent recording and classification, study limitations, and because most sexual assaults go unwitnessed (c.f. Kelly, 2010). Although estimates have varied, a meta-analysis of the higher-quality studies estimated that only 5 per cent of sexual assaults reported to police are false (Ferguson & Malouff, 2016). This figure may underestimate false reports to police as it was based on reports "confirmed" to be either false or genuine. However, estimates of false allegations also typically exclude the vast majority of genuine sexual assaults (about 9 in 10) that go unreported to police (Australian Bureau of Statistics, 2017).

At different points in the bodies of the documents, ANROWS has also made changes to the text. Those I have identified are presented in table 1. Generally speaking, the text changes weaken or soften the language used in order to convey that the rate of false allegations is less certain than ANROWS had previously represented, and that the evidence suggests that false allegations are only rare, rather than extremely rare as it had previously stated. In some cases, ANROWS has also replaced previous material with text and references that more closely align with its position as reflected in the Key Terms.

Changes in the bodies of the ANROWS documents

Page #	*Original text*	*Amended text*	*Main changes/Comments*
		2023 NCAS report	
138	Relatedly, studies in Australia and overseas indicate that police often vastly overestimate the prevalence of false allegations of sexual assault, and many assume that most women who do report being assaulted are lying, contrary to the fact that false allegations of sexual assault victimisation are extremely rare (Daly & Bouhours, 2010; Dewald & Lorenz, 2021; C. E. Ferguson & Malouff, 2016; Jordan, 2004b; Kelly, 2010; McMillan, 2018; O'Neal & Hayes, 2020; Venema, 2014; Waterhouse et al., 2016).	Relatedly, studies in Australia and overseas indicate that police often vastly overestimate the prevalence of false allegations of sexual assault, and many assume that most women who do report being assaulted are lying, contrary to the evidence indicating that false allegations are rare (Daly & Bouhours, 2010; Dewald & Lorenz, 2021; C. E. Ferguson & Malouff, 2016; Jordan, 2004b; Kelly, 2010; McMillan, 2018; O'Neal & Hayes, 2020; Venema, 2014; Waterhouse et al., 2016).	Weakens from 'the fact' to 'evidence indicating'. Description removed. Weakens from 'extremely rare' to 'rare'.
138	Similarly, 14 per cent of respondents agreed that many sexual assault allegations are false (S18), contrary to the Australian and international evidence that false allegations of sexual assault are exceedingly rare (Heenan & Murray, 2006; Kelly, 2010; Lisak et al., 2010; Spohn et al., 2014; Wall & Tarczon, 2013; Weiser, 2017).	Similarly, 14 per cent of respondents agreed that many sexual assault allegations are false (S18), contrary to the Australian and international evidence that false allegations of sexual assault are rare (Heenan & Murray, 2006; Kelly, 2010; Lisak et al., 2010; Spohn et al., 2014; Wall & Tarczon, 2013; Weiser, 2017).	Weakens from 'exceedingly rare' to 'rare'.
		2021 Mistrust in Women report	
6	Contrary to the facts (Ferguson & Malouff, 2016), participants perceived false allegations as being commonplace rather than extremely rare.	Participants perceived false allegations as common, contrary to the evidence indicating they are rare (Ferguson & Malouff, 2016; Lisak et al., 2010)	Weakens from 'the facts' to 'evidence indicating'. Weakens from 'extremely rare' to 'rare'. Adds Lisak et al. 2010 to the referenced studies.
7	Given the rarity of false allegations of sexual assault, the default position should be to believe women who report sexual assault. Education strategies should address myths that false allegations are a prevalent problem by highlighting the established facts about the prevalence of sexual assault, the underreporting of sexual assault to police, and the rarity of false allegations.	Given the rarity of false allegations of sexual assault, the default position should be to believe women who report sexual assault. Education strategies should address myths that false allegations are a prevalent problem by highlighting the established facts about the prevalence of sexual assault, the underreporting of sexual assault to police, and the rarity of false allegations.	No change. Fails to amend 'the established facts' to reflect ANROWS' revised position that the proposition that false allegations are rare is not a fact but rather is something that the empirical evidence indicates.
9	Although empirical evidence tells us that false allegations of sexual assault are extremely rare (e.g. Ferguson & Malouff, 2016; Kelly, 2010; Wall & Tarczon, 2013), attitudes that victims and survivors often lie about sexual assault remain pervasive (Webster et al., 2018a).	Although empirical evidence indicates that false allegations of sexual assault are rare (e.g. Ferguson & Malouff, 2016; Kelly, 2010; Wall & Tarczon, 2013), attitudes that victims and survivors often lie about sexual assault remain pervasive (Webster et al., 2018a).	Weakens from 'empirical evidence tells us' to 'empirical evidence indicates.' Weakens from 'extremely rare' to 'rare'.

1

Page #	*Original text*	*Amended text*	*Changes and comments*
10	These attitudes sit in contrast to the empirical evidence that false allegations of sexual assault are extremely rare (Kelly, 2010; Stern, 2010; Wall & Tarczon, 2013)	These attitudes sit in contrast to the empirical evidence indicating that false allegations of sexual assault are rare (Ferguson & Malouff, 2016; Lisak et al., 2010).	Weakens from 'extremely rare' to 'rare'.
13	Taken together, this research suggests that public perceptions that women lie about their experiences of rape are relatively common, in direct contrast to the evidence which shows that the actual rate of false allegations of sexual assault is very low. It is difficult to determine the true rate of false allegations due to inconsistency in recording practices and in the definition of false allegations (McMillan, 2017; Saunders, 2012; Wall & Tarczon, 2013; Wheatcroft & Walklate, 2014).	Thus, public perceptions contrast with the evidence indicating that false allegations are rare. However, the precise rate of false allegations is difficult to establish due to inconsistent recording and classification, study limitations, and because most sexual assaults go unwitnessed (c.f. Kelley, 2010).	Weakens from 'evidence which shows' to 'evidence indicating'. Modifies from 'very low' to 'rare'. Modifies from 'true rate' to 'precise rate'. Changes reasons and sources for difficulties, in line with new Key Point.
13	However, estimates of false allegations reported to police typically range from 1 to 10 per cent (Ferguson & Malouff, 2016; Kelly, 2010; Lisak et al., 2010; Wall & Tarczon, 2013) and researchers estimate the lower end of the range is likely to be the most accurate (Kelly, 2010).	Although estimates have varied, a meta-analysis of the higher-quality studies estimated that only 5 per cent of sexual assaults reported to police are false (Ferguson & Malouff, 2016). This figure may underestimate false reports to police as it was based on reports "confirmed" to be either false or genuine. However, estimates of false allegations also typically exclude the vast majority of genuine sexual assaults (about 9 in 10) that go unreported to police (Australian Bureau of Statistics, 2017).	Replaces 1-10 per cent estimates range (which I criticised in letter X) with 5% estimate Removes sources and indicates that Ferguson & Malouff's estimates are only confirmed cases. Removes incorrect statement about content of Kelly's 2010 paper. Introduces new ABS survey argument (which we discuss separately in the text, below).
13	Academic researchers tend to use a definition that labels an allegation as false when an investigation has been conducted and found that a crime did not occur. Based on this definition, a very small proportion of allegations are considered false by researchers (Kelly, 2010; Lisak et al., 2010; Saunders, 2012).	Academic researchers tend to use a definition that labels an allegation as false when an investigation has been conducted and found that a crime did not occur. Based on this definition, a small proportion of allegations are typically considered false by researchers (Kelly, 2010; Lisak et al., 2010; Saunders, 2012)	Weakens from 'very small' to 'small'. Qualifies slightly by adding 'typically'.
65	Participants' perceptions that false allegations of sexual assault are highly prevalent sits in contrast to the empirical evidence in Australia and internationally of the rarity of false allegations (Anderson & Overby, 2021; Ferguson & Malouff, 2016; Lisak et al., 2010).	Participants' perceptions that false allegations of sexual assault are highly prevalent sits in contrast to the empirical evidence in Australia and internationally of the rarity of false allegations (Anderson & Overby, 2021; Ferguson & Malouff, 2016; Lisak et al., 2010).	No change. (Note that my letter of 2 August 2023 to ANROWS wrongly indicated that this passage appeared on page 59 of the document).

Critiquing ANROWS' amended position

ANROWS has usefully acknowledged some of the hurdles to estimating the rate of false sexual assault allegations and that existing studies have limitations. It has also corrected some minor errors that had been identified in two of its documents. These are steps in the right direction.

Nevertheless, ANROWS' revised position (as reflected most clearly in the Key Terms of both documents) also includes several false or misleading statements and imputations, in particular that:

- the 2016 Ferguson & Malouff meta-analysis estimated that only 5 percent of sexual assaults reported to police are false
- the rate of false allegations of sexual assault outside those allegations reported to police can be determined with the help of estimates contained in the 2017 ABS Personal Safety Survey
- the key limitation of the empirical evidence is not that it is unable to establish the rate of false allegations, but that it is unable to do so "precisely"
- empirical evidence indicates that false sexual assault allegations are rare.

Below I explain why none of these points is correct, and point to other problematic aspects of the ANROWS documents that the recent changes have not addressed.

False allegations to police: what does Ferguson & Malouff's 5% estimate show?

Contrary to the revised ANROWS position, at no point in their meta-analysis did Ferguson & Malouff estimate, state or imply that "**only** 5% of sexual assaults reported to police are false" (emphasis added). As my original (2 August 2023) letter to ANROWS explained, Ferguson & Malouff explicitly cautioned that their estimate was for "confirmed" false sexual assault reports only and did not count the potentially many more false reports that were suspicious or ambiguous, but for which there was insufficient evidence to confirm that they were false.

Each time Ferguson & Malouff referred to the 5% estimate in their paper, the authors took care to indicate that the estimate was for "confirmed" false reports.[24] The revised ANROWS position concedes only that the true rate of false reports "may" be higher than 5% on account of the high-quality studies' inclusion of only confirmed false reports. In fact, Ferguson & Malouff stated:

> The meta-analysis of seven relevant studies shows that confirmed false allegations of sexual assault made to police occur at a significant rate. The total false reporting rate, including both confirmed and equivocal cases, **would be greater than the 5% rate** found here. (page 1185; emphasis added)

As explained in our April 2023 research paper (referenced in footnote 2) and conveyed to ANROWS, the estimates in the high-quality prevalence studies are essentially just floor estimates. Our paper examined in more detail the seven studies captured in the Ferguson & Malouff meta-analysis. It showed that the actual rate of false reports in those studies' samples, while unable to be determined with any certainty, could easily be several times higher than the estimates which fed into the 5% estimate for confirmed cases.

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24 Apart from the mention quoted in the text (on page 1185 of Ferguson & Malouff's journal article), the authors mentioned the 5% estimate (or the range of estimates from the high-quality studies that were the basis of the 5% estimate) on only the following four occasions: (1) "The meta-analytic false report rate of about 5% indicates that a small but significant number of sexual assault reports made to police are confirmed to be false." (page 1189); (2) "Out of the seven studies identified in the literature that assessed investigative classifications, rates of confirmed false reports ranged from 2.1 to 10.3 %." (page1188); (3) "All of these rates are higher than the 5% confirmed false allegation rate found here for sexual assault more broadly." (page 1191); and (4) "These conservative findings show that confirmed false reports of sexual assault occur at a rate of at least 5%, meaning thousands of people are falsely accused annually around the world ..." (page 1192).

The upshot is that the revised ANROWS position characterises the 5% prevalence estimate from the Ferguson & Malouff meta-analysis in a misleading way, and fails to recognise that the rate of false sexual assault reports is unknown but could be far greater than the ANROWS publications originally indicated.

False allegations more broadly: does the ABS survey shed any light?

Whereas the original versions of the two ANROWS documents relied solely on estimates from the high-quality prevalence studies to justify the claim that empirical evidence tells us that false allegations are (extremely) rare, the revised ANROWS position adds a point drawn from the 2017 ABS Personal Safety Survey (PSS). That PSS includes statistics on self-reported sexual assaults. These dwarf the number of sexual assault allegations made to police. After conceding that the Ferguson & Malouff 5% estimate may underestimate false allegations made to police, ANROWS states "However, estimates of false allegations also typically exclude the vast majority of genuine sexual assaults (about 9 in 10) that go unreported to police (Australian Bureau of Statistics, 2017)."

ANROWS has not explained the mechanism by which it believes that this latter observation supports its contention that empirical evidence indicates that most sexual assault allegations are genuine and that false allegations are rare. However, ANROWS appears to have presumed that:

- all the sexual assaults self-reported to the ABS represent genuine allegations
- the only false sexual assault allegations (or the only false allegations that need to be considered) are those reported to police.

Building on such assumptions, the proposition ANROWS seems to be advancing is that the total number of false sexual assault allegations (when taken to be those false allegations made to police) must be very small relative to the total number of sexual assault allegations (when taken to be reflected in the ABS survey statistics on self-reported sexual assaults). As box 2 explains, this comparison lacks a rigorous basis and is deeply misleading.

2

The logical fallacy in ANROWS position

In rigorous analyses, the prevalence rate of an item of interest is assessed using an appropriately-comparable reference group or population. So, for example, if estimating the prevalence rate of Australians who exceed 175cm (almost 5 feet 9) in height, one would compare a measure or estimate of the number of Australians taller than 175cm (the numerator) against a measure of the total Australian population (the denominator).

Applying this same approach to the false sexual assault allegations issue:

- if estimating the prevalence of allegations made to police that are false, one would compare a measure or estimate of the number of false allegations made to police against a measure or estimate of the total number of allegations made to police
- if estimating the prevalence of all allegations (whether made to police or not) that are false, one would compare a measure or estimate of the number of all false allegations against a measure or estimate of all allegations.

In contrast, the revised ANROWS position invites its readers to compare an estimate of the false allegations made to police with an estimate of all allegations. ANROWS' imputation that this comparison demonstrates that false allegations are rare is akin to claiming that because only a limited number of people in a particular Australian town are taller than 175cm, but we know that there are many more Australians in total, Australians taller than 175cm must be rare.

A key problem for ANROWS' revised position is that, if expanding consideration to all sexual assault allegations, including those allegations not reported to police, there is no basis to ignore the category of false sexual assault allegations that likewise are not reported to police. Just as with many genuine sexual assault allegations, so too there will be a number of false sexual assault allegations told only to family members and/or friends, or members of peer groups such as fellow students or work colleagues, or counsellors etc, without reaching the police. The ABS PSS does not address this matter.[25] However, in their discussion of the high-quality prevalence studies, Ferguson & Malouff acknowledged that the studies' estimates of false allegations were conservative and that there would be "potentially many more false report cases existing but not being proven or **reported to someone other than police"** (page 1187; emphasis added). Moreover, they added:

> It is arguable that reports made to someone other than police (such as to college or university staff) would involve a higher false allegation rate, since they are easily made, there are fewer consequences, and sometimes greater benefits for the accuser. (page 1186)

If this argument holds, it means that the rate of all false allegations (including those reported to police and those not made to police) would in fact be higher than the rate of false allegations reported to police. In turn, the rate of genuine allegations would be lower when considering all sexual assault allegations rather than just the subset of sexual assault allegations made to police.

While there could also be views the other way, the key point for assessing ANROWS' revised position is that neither ANROWS, nor to my knowledge any other body, has presented any robust empirical evidence on this matter; and it is not obvious how such evidence could be readily obtained. That is, just as we cannot gauge with reasonable certainty the broad number or share of allegations reported to police that are false, so we cannot ascertain the broad number or share of allegations not reported to police that are false.

In summary, ANROWS has introduced an additional statistical source in an effort to bolster its earlier expressed position, but the ABS PSS does not address or help to address the issue of the prevalence of false allegations. The data in the PSS has valid uses for illuminating other aspects of sexual violence. However, the way that ANROWS has attempted to utilise the PSS data is not fit for the current purpose.

Implications for estimating the prevalence of false allegations

In view of the above, and contrary to the imputation in ANROWS' revised position, the problem is not one of being unable to estimate "precisely" the false allegations prevalence rate. Rather, the problem is that the empirical evidence does not enable estimation of the prevalence rate within a useful and meaningful range. The high-quality prevalence studies provide only floor estimates of false reports to police and, as our research paper shows, there is no robust basis for estimating meaningful ceiling estimates from the information in those studies, let alone the actual rate. Nor is there a robust basis for making equivalent estimates for all false allegations — the ABS sexual assault survey data referenced by ANROWS certainly does not enable this. This invalidates ANROWS' revised position that the empirical evidence indicates that false allegations are rare. (In turn, it also invalidates ANROWS claim

25 The ABS PSS is based on respondents' own claims to have been sexually assaulted or threatened with sexual assault. The latest (2022) PSS found that 22% of women reported having experienced such sexual violence since age 15. While there would seem to be little incentive (albeit also little risk) for respondents to fabricate claims in the context of an anonymised survey, whether those claims are genuine and/or the incidents respondents have in mind would qualify as sexual assault under the law is not independently tested. To the extent that some of the claims would not pass these tests, the PSS statistics would tend to overstate the number of people subject to sexual assault. Nevertheless, they provide one measure of the possible magnitude of the problem of sexual assault, as well as other information on related variables of interest (see https://www.abs.gov.au/statistics/detailed-methodology-information/concepts-sources-methods/personal-safety-survey-user-guide/2021-22/violence-prevalence#data-uses). These include the share of recent incidents that are reported to police. However, the PSS provides no data on whether respondents have been subject to false sexual assault allegations, whether reported to police or not.

that the empirical evidence indicates that most sexual assault allegations are genuine unless, by "most", ANROW simply means a majority.[26])

Other problems left uncorrected

The two ANROWS publications used the conclusion that the empirical evidence shows that false allegations are rare/extremely rare to help justify several other positions. For example, on page 138 of the 2023 NCAS report, ANROWS cites several studies that rely on that position to argue that police "vastly overestimate" the prevalence of false allegations (see extract in table 1). And on page 7 of the Mistrust in Women report, ANROWS said:

> Given the rarity of false allegations of sexual assault, the default position should be to believe women who report sexual assault. Education strategies should address myths that false allegations are a prevalent problem by highlighting the established facts about the prevalence of sexual assault, the underreporting of sexual assault to police, and the rarity of false allegations.

By maintaining the position that empirical evidence indicates that false allegations are rare, ANROWS has ostensibly obviated the need to revise these positions and policy suggestions.[27] As I indicated in my 2 August 2023 letter, ANROWS should recognise that the empirical evidence on false allegation does not support these positions. The flaws in ANROWS recent revisions mean that this remains the case. ANROWS should have retracted the positions and policy suggestions or, if/where warranted, modified the justification provided for them.

Concluding comment

The expected course of action for agencies like ANROWS that are notified of important potential errors is to quickly investigate and, where errors are found, acknowledge and correct them. Failure to do so risks the credibility of the agency (at least if its failure becomes widely known), as well as deceiving users of the agencies' outputs. Thus, agencies should respond promptly and in good faith.

In contrast, ANROWS appears to have responded to my concerns in a defensive manner. Among other things:

- the process entailed a series of unexplained or poorly-justified delays and took some 10 months
- a senior official moved to preclude direct discussions between me and the agency's research staff
- ANROWS failed to provide a promised "detailed response" to my concerns
- ANROWS did not issue a notification when the recent revisions were made.

How ANROWS should respond to my concerns was also considered by its Board, providing an opportunity for more 'strategic' input on the matter.

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26 ANROWS revised position is that "[T]he empirical evidence indicates that most sexual assault allegations are genuine and false allegations are rare." One interpretation of this statement is that, by "most", ANROWS means the share of sexual assault allegations that is not "rare". The empirical evidence does not substantiate this position. However, if by "most" ANROWS means a majority, the statement would be more defensible (although, to avoid ambiguity, it would be preferable that ANROWS actually used the term "majority"). This is because, although the actual prevalence of genuine allegations (like the prevalence of false allegations) cannot be determined with much precision, almost all prevalence studies put the rate of false allegations at less than half (see, for example, Romney 2006 (referenced in the research paper mentioned in footnote 2)).

27 In relation to the quote from page 7 of the 2021 report, no changes were made to this text in the amended version of the publications. However, given that ANROWS has now accepted that it is not "a fact" that false allegations are rare, it should at least have revised the text to remove the imputation that this is an "established fact".

Against this background, the errors and logical flaws in the revisions ANROWS made, together with the non-transparent way in which it loaded them on its website, raises questions about the agency's rigour and reliability. The shortcomings in ANROWS revised position should have been apparent to statistically-competent staff within the agency itself. A possible explanation for ANROWS's decision to publish the revisions is that they were really an attempt to "muddy the waters", and/or to be able to demonstrate that ANROWS had been responsive to my concerns while ostensibly having cause to hold largely to the agency's original position. They do not appear to reflect a genuine effort to grapple with the issues and evidence, or to remedy the misinformation the agency's publications had generated.

Attachment D Compendium of correspondence with the AIFS regarding its 2024 replacement publication

In late 2024, the AIFS released *Understanding adult sexual assault matters: Insights from research and practice,* which was effectively a replacement for the 2017 publication it had (quietly) removed from its website in late 2022 after I had pointed out errors in it claims about the prevalence of false sexual assault allegations.

Commencing in September 2025, I corresponded with the AIFS regarding false and misleading statements contained in the replacement publication. An overview of the publication's position on false allegations and my exchanges with the AIFS follows, followed by copies of the correspondence, as per the table below.

Overview

The AIFS released '*Understanding adult sexual assault matters: Insights from research and practice'* on 9 December 2024.

Compared to the AIFS' 2017 document, the 2024 publication made less extreme claims on the prevalence issue, stating that false allegations are "not common" rather than that the rate is "very low", and it did not repeat the earlier claim that "the overwhelming majority of sexual offence reports are true". Nevertheless, it still cited the 5 per cent prevalence estimate from the 2016 Ferguson & Malouff meta-analysis, and it added some observations on the barriers that can deter people from making false reports that it said mean "it is not logical to assume that women would often lie about sexual assault".

While the AIFS' 2024 publication was more craftily-worded than its 2017 document, it failed to clearly explain that the Ferguson & Malouff estimate is only a floor estimate and does not provide evidence on the actual number or rate of false reports. Nor did it show how the existence of barriers to false reporting mean that false allegations must be uncommon. The intent appeared to be to give readers the impression that these items were evidence that false allegations are not common despite them being, at best, no more than suggestive of that possibility.

The AIFS publication also claimed that it is wrong to assume that people make sexual assault allegations for ulterior motives, such as revenge. No evidence or argument was offered in relation to this claim, and examples in the literature show that it was clearly false.

In September 2025, I wrote to the head of the AIFS explaining these errors and shortcomings and indicating why the way the document was phrased would likely mislead its readers about the matters covered.

In its November 2025 reply, the AIFS committed to make just two changes to its document. The reply avoided directly engaging with my arguments, and in my view the two changes are clearly inadequate to correct the misleading impression the publication would leave on readers. The AIFS' intent appeared to have been to make the document less obviously wrong, rather than to ensure that what it says is clear, rigorously justified and not misleading. The document continues to maintain, with substantiating evidence, that false allegations are not common. Unfortunately for people interested in this issue, while it is *possible* that false allegation are uncommon, the prevalence of false sexual assault allegations is not, and cannot be, known or estimated with reasonable certainty.

Although the head of the AIFS had indicated that she did not intend to make any further changes to the document, I wrote back in late December 2025 to formally draw her attention to the various shortcomings in the AIFS response, and to provide the organisation with another opportunity to come clean on the matter. It has not done so.

(31 March 2026)

D1 Initial letters to the AIFS (September-October 2025)

Liz Neville
Director
Australian Institute of Family Studies
c/- enquiries@aifs.gov.au

16 September 2025

Dear Ms Neville

Estimates of the prevalence of false sexual assault reports

I am writing regarding aspects of the AIFS' December 2024 publication, *Understanding adult sexual assault matters: Insights from research and practice*.

The publication is framed as an educational resource, having been developed to "support police, lawyers and judicial officers to implement evidence-based best practice…" (p. 3). Like its 2017 predecessor publication (see below), its messages are likely to also influence and be drawn on by other bodies advocating on women's safety, the media and the broader public. It is thus important that the publication's insights and conclusions be justified with robust and clearly-explained evidence and reasoning.

However, in relation to 'Insight 10' (pp. 39-40) on false sexual assault reports, my analysis shows that the publication does not properly explain the meaning of the prevalence estimates it cites and reaches unjustified conclusions.

In this letter, after outlining my credentials and previous work on the prevalence of false sexual assault reports, I set out two main claims made in Insight 10 and explain why the material in that section does not substantiate those claims. The letter finishes with some possible amendments to address the problems identified.

About me and my work on false allegations

I reside in Canberra and recently retired from the Australian public service after a 30-plus year career, much of it with the Productivity Commission. From there I have extensive experience in interpreting statistics and critiquing empirical research. I hold degrees in economics and public policy and my academic studies have included a range of gender studies and critical criminology subjects. Together with some former colleagues, I now undertake independent research and engage on selected gender issues.

It was my critique of the AIFS' 2017 publication, *Challenging Misconceptions on Sexual Offending*, that led to your predecessor's decision to remove the document from the AIFS and APO websites. I had shown that what the document said about the prevalence of false sexual assault allegations misconstrued the meaning of the empirical estimates in the academic literature. That 2017 publication had stated:

> The rate of false allegations of sexual assault is **very low**.
>
> Studies estimate 5% of rape allegations are false (meta-analysis of seven studies in Western countries: Ferguson & Malouff, 2016). Therefore, the overwhelming majority of sexual offence reports are true.

As I explained, the 5 per cent estimate from the 2016 Ferguson & Malouff meta-analysis was a floor estimate, pertaining only to *confirmed* false reports, as were the estimates in the "high quality"

prevalence studies from which the 5 per cent figure was derived. My own research (conducted with another former Productivity Commission researcher, John Papadimitriou) has shown that while it is not possible to pinpoint the actual prevalence rate from the information in the high-quality studies, the true rate could be **many times higher** than the estimates of confirmed cases. Thus, while in our view a majority of sexual assault reports are likely to be true, the empirical studies relied on by the AIFS provide no basis to conclude that false allegations are rare or even uncommon. Unfortunately, for people interested in this issue, the prevalence of false sexual assault allegations is not, and cannot be, known or estimated with reasonable certainty.

After many interactions with AIFS staff to arrive at replacement wording that would accurately reflect what the evidence does and does not show, the then AIFS Director, Dr Stone, decided in December 2022 to withdraw the publication. (The AIFS was not alone in misconstruing the prevalence study estimates: many other governmental or "grey literature" publications, along with peer-reviewed journal articles and books by academics and lawyers, and numerous media pieces, have also erred in this way. That said, some of these other publications have relied on the description from the 2017 AIFS publication.)

What are Insight 10's key claims?

Insight 10 of the new publication is two pages long: the first is reproduced in box 1 overleaf.

The section's main conclusion or claim, which appears in the title and the first sentence, is that "false allegations of sexual assault are not common". This claim is also reflected in the grey-shaded box (headed 'The false assumption'), which tells readers that the (close to) inverse view that "people often make false allegations of sexual assault" is mistaken.

The false assumption box also contains a second claim, namely that it is also wrong to assume that "people make sexual assault allegations for ulterior motives, such as revenge".

Assessing the substantiation offered for the main claim

The section offers two types of potential substantiation for its claim that false sexual assault allegations are not common: empirical estimates of the prevalence of false allegations; and arguments about disincentives facing prospective false complainants. (The section also discusses some possible reasons why people may perceive that false allegations are common, and the second page offers some advice and guidance for police, but these matters do not bear on whether, in actuality, false allegations are common or not.)

Description and framing of the prevalence estimates from the 2016 meta-analysis

The section starts by describing the estimate from the 2016 Ferguson & Malouff meta-analysis in the following terms:

> Research has estimated that only approximately 5 per cent of reports made to police are confirmed false (acknowledging, however, that some reports discussed in this research were suspected but not demonstrably false)".

By including the term "confirmed" and the bracketed words in this description, it is more accurate and technically defensible than the equivalent statement from the 2017 publication.

INSIGHT 10 False allegations of sexual assault are not common

False allegations of sexual assault are not common.

Research has estimated that only approximately 5% of reports made to police are confirmed false (acknowledging, however, that some reports discussed in this research were suspected but not demonstrably false).[359] Despite this, false allegations are perceived as common.[360] This perception may be partly because most allegations of sexual assault do not proceed through the justice system or reach a guilty conviction.[361] Laypeople may not understand that when a case is discontinued or does not reach a guilty conviction, this does not necessarily mean it was based on a false allegation. Rather, it means that the evidence available to support the case was not able to establish the elements of the alleged offence beyond a reasonable doubt.

This perception may also be influenced by negative attitudes and beliefs that construct women as liars.[362] In its report on the findings on the 2021 National Community Attitudes towards Violence against Women Survey published in 2023, Australia's National Research Organisation for Women's Safety (ANROWS) indicated that 'a minority of respondents endorsed: hostile gendered stereotypes of women as malicious, vengeful and untrustworthy', agreeing with false assumptions about women commonly making false allegations of sexual assault.[363]

✗ THE FALSE ASSUMPTION

'People often make false allegations of sexual assault.'[364]

'People make allegations of sexual assault for ulterior motives, such as revenge.'[365]

✓ THE REALITY

Australian researchers have said that '[g]iven the serious difficulties with studying false rape allegations, many of the reported false report rates, both high and low, cannot be relied upon for an accurate assessment of how often false allegations occur'.[366] However, based on a meta-analysis of 7 studies published in Australia, Canada, the UK and the USA between 1999 and 2014, these researchers estimated only approximately 5% of reports of sexual assault made to police are confirmed false.[367]

The fact that most allegations of sexual assault do not proceed to a conviction may create a misconception that these allegations are not substantiated.[368] This misconception overlooks the fact that if a police officer or prosecutor decides that a case is not strong enough to proceed through court, or if a jury (or judge) finds an accused person 'not guilty' in court, this does not necessarily mean that the complainant's allegation was 'false'. For example, an Australian study of cases referred for prosecution indicated that prosecutors withdrew some cases even though they believed that the complainants were telling the truth.[369] This reflects that sexual assault cases may be withdrawn, or not proceed, for reasons that have nothing to do with whether the alleged facts are true, and instead may reflect numerous barriers to criminal justice (see Insight 11).

The negative perception of women as particularly likely to lie is a stereotype that reflects societal biases rather than any sound evidence.[370] Further, it is not logical to assume that women would often lie about allegations of sexual assault, given that such a lie would expose them to some of the challenging experiences in the justice system discussed in Insight 11. There are many disincentives that are more likely than not to discourage people from making false allegations. For example:

- Most complainants who have pursued justice through the criminal justice process have expressed feeling it did them more harm than good.[371]
- Sexual assault is met with greater doubt, scepticism and minimisation than other crimes.[372]
- Victims and survivors who disclose are viewed with distrust and even disrespect.[373]
- The process of making and following through with a complaint is not easy.[374]

However, the section does not clearly indicate that the meta-analysis' 5 per cent figure is only a floor estimate or that the actual prevalence rate could be significantly higher. Indeed, several facets of the framing and phraseology used in the section risk leaving readers with a false impression of what the estimate pertains to and implies:

- The wording in parentheses in the above-quoted sentence is ambiguous. That is, it is not immediately clear whether the words "some reports discussed in this research" refer to reports already counted among the 5 per cent of reports classed as false, or reports outside that group. Some readers will assume the former, which will in turn lead them to wrongly think that the "true" prevalence rate is less than 5 per cent.[28]
- Even where readers infer from that wording that there could be more false allegations than counted in the 5 per cent estimate, the use of parenthesis and the term "acknowledging" will signal to many that they should take the point about suspected but not demonstrated false allegations to be a minor qualification; not something that could significantly alter the (5 per cent) prevalence estimate.
- Similarly, the section says that "only" approximately 5 per cent of allegations are confirmed false, and this is framed as evidence that false allegations of sexual assault are not common. Further, in the next sentence the AIFS says "**Despite this**, false allegations are perceived as common" (emphasis added). This formulation suggests that the two points are in tension and that the perception described in the latter sentence is somehow inconsistent with the estimates described in the former sentence.

  However, it is entirely consistent for false allegations to be common and for a floor estimate of the rate of false allegations to be low, just as, for example, there is nothing inconsistent in a floor estimate of the prevalence of a virus (based on clinically tested and confirmed cases) being much lower than the actual prevalence of the virus within the community. Thus, the use of the terms "only" and "Despite this" gives a misleading impression that the perception that false allegations are common is contradicted by the evidence from the study the AIFS cited. It is not.

The discussion of the same estimates in the opening paragraph of the box titled "The reality" is also potentially misleading. It is framed as an antidote to "The false assumption" presented immediately above it, that people often make false allegations. Further, while the first sentence in the box cautions that many estimates are unreliable indicators of how often false allegations occur, the use of the term "However," to preface the 5 per cent estimate could wrongly lead many readers to assume that the 5 per cent estimate does not have the same reliability problem.

In sum, the meta-analysis cited by the AIFS provides no evidence that false allegations are not common, yet the way its 5 per cent estimate is described and framed in the publication strongly risks leading readers to the view that it supports or substantiates that claim.

Arguments about disincentives to make false sexual assault allegations

While not direct evidence of the prevalence of false allegations, the section also argues that it is unlikely that people would often make false sexual assault allegations. In the box titled "The reality", the AIFS asserts:

> [I]t is not logical to assume that women would often lie about allegations of sexual assault, given that such a lie would expose them to some of the challenging experiences in the justice system discussed in Insight 11. There are many disincentives that are more likely than not to discourage people from making false allegations.

28 To help test whether readers could be confused by the first sentence and particularly the words in parentheses, I sent a simple survey to around twenty contacts from a range of occupational backgrounds (although most had tertiary qualifications). The majority of the fifteen respondents interpreted the words as meaning that the prevalence rate was no less and possibly more than approximately 5 per cent. However, several took the opposite meaning or were not certain of the meaning. This together with other comments from those surveyed suggests that the words are indeed unclear or ambiguous.

Some aspects of this view have obvious merit. For example, there is no logical basis to assume that women do often lie about sexual assault; our own research suggests that, at most, this should be held open only as a possibility. There is also no doubt that the disincentives mentioned in the publication would make people less likely to lodge false allegations with the police, and that some, and possibly many, prospective false complainants would desist as a result.

However, we do not and cannot know the number of prospective false complaints, on which those disincentives might bear. That means that, even allowing for a sizeable 'discouragement effect', it is not possible to determine how many individuals would still proceed to make false reports.

That would depend on the particulars of prospective false complainants and their circumstances, as well as their thought processes and motivations. Some might seek to rationally calculate the expected pros and cons for them of making a false report. The academic literature has identified a range of motives that have driven actual false reports of sexual assault, including material and particularly emotional gain, including for revenge (see footnote 2). That some people have made false reports for these reasons suggests that, in such cases, those motives and any other upsides were sufficient to outweigh the various disincentives and downsides they expected and considered. Of course, other false complainants might make the choice in a less calculating or rational manner. A number of the cases covered in the literature involved complainants who were experiencing mental health issues or who literally "did not know" why they made the false allegation. In these cases, it is questionable whether a rational appraisal of the types of disincentives mentioned in the publication would have played much part.

Once it is acknowledged that at least some people will make false sexual assault reports to the police, notwithstanding the apparent disincentives, the question becomes one of gauging prevalence. Our research has shown that while the prevalence rate cannot be determined with any certainty, it cannot be ruled out that false allegations are reasonably common. AIFS staff and other women's safety experts and advocates have long asserted that false sexual assault allegations are rare or, as in the recent publication, at least 'not common'. The latter formulation also cannot be ruled out *as a possibility*. However, like the prevalence estimates discussed earlier, the arguments in the publication do not substantiate that claim.

Assessing the substantiation offered for the second claim

The second claim (contained in the box headed 'The false assumption') is that is wrong to assume that "People make allegations of sexual assault for ulterior motives, such as revenge".

The section does not provide any evidence or argument to substantiate this claim. Indeed, outside of the statement of the claim itself, the topic is not mentioned anywhere in the section. (I have also checked the references listed in footnote 365, which is tagged to the claim. They all illustrate that the assumption is sometimes made, but I did not see any evidence or argument in those references that the assumption is false.)

This is not surprising because there have been many cases where sexual assault allegations were found to have been fabricated for ulterior motives.[29]

29 For example, in a large scale 2005 study of complaint attrition in the United Kingdom, Liz Kelly and her colleagues (p. 48) said that there were a number of cases where the complainant had later admitted that she fabricated the allegation, with the motives as recorded by police being to exact revenge, often on ex-partners, or to 'cover up' consensual sex with others from husbands, partners or parents. False complaints were also levelled to cover up activity where the complainant was being investigated for theft or fraud.

A more recent (2018) analysis by André de Zutter and colleagues of motives for confirmed false reports in the Netherlands found that complainants had admitted to making their allegation for reasons including: as an alibi, to gain sympathy or attention, for revenge, to alleviate shame or regret over a consensual sexual encounter, and for material gain. A number of the false complainants also indicated they "did not know' (as distinct from being unable or unwilling to articulate) the reason they made the allegation, and some of the allegations were attributed to mental issues.

While it should not be assumed that ulterior motives are the predominant driver of sexual assault allegations, the publication's surprisingly categorical claim — which, as worded, implies that ulterior motives *never* play a role — is clearly wrong.

Possible corrections and amendments to address the problems identified

In considering how to remediate the problems identified above, it is first necessary to consider the relevant informational role of the section.

As mentioned earlier, the publication indicates that it is intended primarily as an educational resource for police and others in the criminal justice system. Like its predecessor publication, it is part of an effort by bodies advocating for women's safety to expose and debunk various "rape myths" that for many years have worked to hamper bringing perpetrators to justice and to dissuade victims from reporting and being believed. It is important and appropriate for the AIFS to use robust evidence and argument to help address genuine rape myths, including any misconceptions about false sexual assault allegations.

However, just as injustices can arise if people in the criminal justice system or in the broader community overestimate the prevalence of false reports, so they can arise if people underestimate it. Rather than complainants facing undue distrust and disbelief, that prospect would switch to those accused of sexual assault, who, contrary to the AIFS' interpretation of the prevalence estimates, could potentially include a large number of innocent people. This could work to diminish their personal standing and mental health, as well as weakening the effectiveness of their legal defences, with a heightened risk of false arrest and charge, and even in some cases wrongful conviction. That is not an appropriate outcome for a governmental publication.

What should be the aim is to provide clear, evidence-based information that provides justice system officials, juries and the broader community with an impartial picture of what is known — and what is not known — about the prevalence of false sexual assault reports.

Against this background, I submit that the AIFS should issue corrections to the publication that, at a minimum:

- remove the claim that false allegations of sexual assault are not common
- acknowledge that the 5 per cent estimate from the 2016 meta-analysis is a minimum estimate of the prevalence of false sexual assault reports and that the actual prevalence is unknown but could be significantly higher[30]
- acknowledge that the second claim, about ulterior motives, is false and remove it from the document.

There are other forms of words that the AIFS could use in place of the current claims. I suggested a number of formulations in my interactions with AIFS staff about the 2017 publication. For example, it would be valid to say that "There is no evidence that demonstrates that false reports of sexual assault are common" or "There is no evidence that women often make vexatious reports of sexual offences", provided that the text does not rule out these possibilities and that the uncertainties involved in estimating the prevalence of false reports are also mentioned.

[30] As mentioned earlier, our research shows that the true rate could be many times higher than the estimates of confirmed cases reflected in the 5 per cent estimate from the 2016 Ferguson & Malouff meta-analysis. It is notable that Ferguson & Malouff themselves observed that several other studies in the literature had yielded prevalence rate estimates substantially higher than the 5 per cent estimate for confirmed false reports, likely because those other studies also count many of the suspected or ambiguous false reports that are excluded by the strict, conservative classification of "confirmed" false reports. That said, other studies have also been criticised on various grounds. For example, Kanin's widely-referenced 1994 study used the prospect of polygraphing, which carries the risk of false retractions, which could have inappropriately inflated its prevalence rate estimate. Ferguson & Malouff indicated that "Kanin's result may be more aptly called a rate of ''possible'' false allegations." (p. 1190) This highlights again that, while it is likely that a majority of sexual assault allegations are true, the prevalence of false sexual assault reports is not, and cannot be, known or estimated with reasonable certainty.

Importantly, such revisions should not necessitate much if any change to the guidance and practical advice for police that the document provides on how to treat and interact with complainants. It will still be best practice for police to receive and investigate complaints with an open mind, to show that they take sexual assault allegations seriously, and to be sensitive to the needs and potential trauma of complainants.

Further contact

I hope that the information in this letter will be sufficient for the AIFS to respond to my concerns. However, if you or your staff would like further information or wish to discuss the matter with me directly, please do not hesitate to get in touch.

I look forward to your response.

Yours faithfully,

Tom Nankivell
Independent researcher
Canberra

Liz Neville
Director
Australian Institute of Family Studies
c/- enquiries@aifs.gov.au

21 October 2025

Dear Ms Neville

Corrections to AIFS statements on the prevalence of false sexual assault reports

My letter to you of 16 September

Five weeks ago I wrote to you regarding some statements in the AIFS' December 2024 publication, *Understanding adult sexual assault matters: Insights from research and practice*. My letter explained that your publication had used prevalence estimates in a misleading manner to maintain that false sexual assault reports are not common, and that it had also incorrectly indicated that ulterior motives such as revenge do not play a role in sexual assault allegations. I argued that it is important that you correct the statements, especially given the aim and potential influence of the AIFS publication.

I have not heard back from you or your staff on this matter, so I am seeking an update on whether the AIFS has made any progress in addressing the issues I raised and when a response can be expected.

Recent Senate Committee questions to AIFS

Relatedly, my attention was drawn recently to your appearance at a Senate Community Affairs Legislation Committee hearing of 10 October, during which Senator Malcolm Roberts asked you about the AIFS' response to my earlier critique of the AIFS September 2017 publication on the same issue.[31] That publication was called *Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners*. It clearly misconstrued the meaning of the 5% prevalence estimate it cited, and drew demonstrably false conclusions. I first wrote to the AIFS about the errors in June 2021. As Senator Roberts indicated, after I had spent 18 months working with AIFS staff to the point of agreement on the errors and on acceptable replacement text, your predecessor decided to simply remove the publication from your and the APO's website, without any notification or acknowledgement of the error.

You indicated to Senator Roberts that you were unaware of this matter. You may not have recalled, but I had covered the matter at some length in my letter to you of 16 September (in the section headed "About me and my work on false allegations"). For additional information, this document (available at the ganderresearch.org website, along with other relevant research on the false allegations prevalence issue) describes in more detail what happened, and includes summaries and a selection of the main correspondence between myself and AIFS staff. (That document does not contain all of the correspondence I exchanged with AIFS staff. I would be happy to furnish you with a more complete record of that correspondence, if it would assist you or your current staff to understand this history and to respond to Senator Roberts' questions).

31 During his questions, Senator Roberts seemed to suggest that the AIFS paper in question was published in 2021, but I think he was thinking of the timing on my initial critique of the paper, rather than its publication date. I have not previously communicated with Senator Roberts and was unaware that he was going to raise our work in the Senate Committee, but I shall write to him now to clarify this and some other aspects of our research.

Next steps?

Given the long delay, I ask that you move reasonably speedily to correct the December 2024 publication. As noted in my 16 September letter, its false and misleading messages have the potential to cause harm for many innocent people. This is not an appropriate outcome for a governmental publication. In line with the AIFS' mission statement, the publication needs to provide justice system officials, juries and the broader community with an *impartial* picture of what is known — and what is not known — about the prevalence of false sexual assault reports. I provided some suggestions as to how you could achieve this in my earlier letter, and I again stand ready to engage with you or your staff to help find appropriate wording.

This moment also provides an opportunity for the AIFS to now formally acknowledge and correct the error in the 2017 AIFS document by publishing a notification on the AIFS website. Doing so remains important to help correct the false impression created by that and similar documents which, as I have indicated in the past, have clearly helped to influence perceptions on the prevalence matter. I understand from speaking with a senior AIFS official that the then Director's decision about removing the document and the reasons given were surprising. Whatever the explanation for that course of action, the failure to issue a notification and correction did not exhibit the integrity and transparency expected of a governmental research body. There is a now an opportunity for the AIFS under your leadership to set the record straight on this matter.

I want to emphasise again that correcting what these documents say about the prevalence of false sexual assault allegations should not necessitate much if any change to the guidance and practical advice for police and justice system officials that the AIFS provides. For example, it will still be best practice for police to receive and investigate complaints with an open mind, to show that they take sexual assault allegations seriously, and to be sensitive to the needs and potential trauma of complainants.

Further contact

I hope that the information in this letter will be sufficient for the AIFS to respond to my concerns. If you or your staff would like further information or wish to discuss the matter with me directly, please do not hesitate to get in touch.

I look forward to your response.

Yours faithfully,

Tom Nankivell
Independent researcher
Canberra

D2 The AIFS response (November 2025)

Australian Government
Australian Institute of Family Studies

AIFS

20 November 2025

Mr Tom Nankivell
Independent researcher
Canberra
tomn7375@outlook.com

Dear Mr Nankivell

Feedback on aspects of the AIFS publication *Understanding adult sexual assault matters: Insights from research and Practice* (2024).

Thank you for your correspondence of 16 September and 21 October in relation to the AIFS publication *Understanding adult sexual assault matters: Insights from research and Practice (2024)*.

Firstly, I wish to apologise for the delay in responding to your original correspondence of 16 September which unfortunately was only brought to my attention when your second correspondence of 21 October was being processed. I understand you were advised of this oversight by way of email on 21 October, and I thank you for your understanding of the delay that this created in responding to you.

A response to the matters raised in both sets of correspondence is contained within.

As you may be aware, the publication to which you refer was commissioned by the Australian Government Attorney-General's Department to counteract the inappropriate influence that false assumptions and stereotypes surrounding sexual assault can have in the justice system, including preventing victims and survivors of sexual assault from seeking justice.

The resource itself features 13 key insights that examine false assumptions or stereotypes about sexual assault. I note your concern relates specifically to false allegations of sexual assault (Insight 10).

I understand you undertake independent research on selected gender issues, and I appreciate you making me aware of your previous interactions with AIFS regarding a 2017 resource on this same topic. As you point out, Senator Malcolm Roberts raised this matter with me at a Senate Community Affairs Legislation Committee hearing of 10 October, however I was not aware of the history at this time.

As a research institute, I would like to assure you that we conduct our work in accordance with the Australian Code for Responsible Research, and we take our obligations seriously.

Consistent with our obligations under the Code, please find attached an internal peer review assessing your claims regarding that section of the publication.

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The Australian Institute of Family Studies acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to lands and waters. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past and present.

On the basis of the assessment, **and in consultation with the Australian Government Attorney-General's Department, two changes have been made** to the version of the report that appears on the AIFS website.

Aside from these amendments, we will not be making any further changes to the statements from the publication that you refer to in your correspondence.

Further explanation is provided in the attached Internal Peer Review assessment.

I sincerely thank you for bringing your concerns about this aspect of the resource to my attention, and for your attention to the evidence base on the important topic of sexual assault.

If you have further questions about this matter, please contact the AIFS enquiries team via email at enquiries@aifs.gov.au.

Yours sincerely

Liz Neville
Director (Agency Head)
Australian Institute of Family Studies

Attachment A: Internal Peer Review Assessment

Attachment A

Internal Peer Review Assessment

It is acknowledged that sexual assault is a sensitive area of research and that discussions on this issue can evoke strong views, including concerns about both false allegations and concerns about the underreporting of experiences of sexual assault. It is also important to acknowledge that reliable and peer reviewed data regarding false allegations is limited and that particular attention is required in the reporting of the available data to mitigate the risk that statements will be misconstrued.

In this context, and after careful consideration of your correspondence and of the referenced AIFS publication, it is acknowledged that the word 'only' should be removed from the first sentence referencing the Ferguson and Malouff study appearing at Insight 10 of the publication so that it would now read:

> 'Research has estimated that approximately 5% of reports made to police are confirmed false...'

In relation to the statement at Insight 10 (p 39) in the Text box entitled 'The False Assumption' that 'People make allegations of sexual assault for ulterior motives, such as revenge', we state that the authors intent was not to suggest by this statement that people *never* make allegations for ulterior motives. The false assumption is that allegations of sexual assault are, *as a matter of course*, made for ulterior motives, such as revenge.

To ensure this is clearly communicated in the Insight 10, the insertion of the word 'often' is proposed in the sentence so that the text contained in the false assumption text box would read:

> 'People often make allegations of sexual assault for ulterior motives, such as revenge'.

Aside from these amendments, no further changes to the statements from the publication that you refer to in your correspondence are deemed necessary as these statements are accurate, evidence-based and valid in the methodological framework applied. Specifically, it is noted as follows:

- The best available peer-reviewed research is that confirmed false allegations are not common. Our reference to the Ferguson and Malouff study at Insight 10 (p 39) states that the figure referenced from this study is an 'estimate' of reports made to police that are confirmed false. The authors took a number of measures to avoid employing definitive language, including using the phrase 'not common' rather than 'uncommon' in the headings for Insight 10.
- In addition to employing the terms 'approximate' and 'estimate' when referencing the Ferguson and Malouff study, the authors explicitly acknowledge 'that some reports discussed in this research were suspected but not demonstrably false' and quoted Ferguson and Malouff's statement that: *'given the serious difficulties with studying false rape allegations, many of the reported false report rates, both high and low, cannot be relied upon for an accurate assessment of how often false allegations occur'* (p 39).

- Based on the available peer reviewed evidence, it would not be appropriate to suggest that the prevalence rate of false reports 'could be *significantly* higher' as you request, when considered in the broader context of the available evidence in relation to the experience and reporting of sexual assault, including:
    - Data on the prevalence of sexual assault and reports to police from the 2021-22 Personal Safety Survey:
        - An estimated 2.2 million women aged 18 years and over (22%) have experienced sexual violence since the age of 15 (ABS, 2023)
        - Data on female victim-survivors' most recent incident of sexual assault by a male in the last 10 years indicates that 'the police were contacted in relation to 8.3% of sexual assaults' and that '7.7% of victim survivors contacted the police themselves' (AIHW, 2025 citing ABS, 2023).
    - Data relating to barriers to reporting: In addition to the citations included in the AIFS publication, data on reasons why the police were not contacted after the most recent incident of sexual assault based on the PSS 2021-22 and cited by the AIHW (AIHW, 2025, citing ABS, PSS 2021-22) included:
        - 'Felt they could deal with it themselves'
        - 'Did not regard the incident as a serious offence'
        - 'Felt ashamed or embarrassed' (see also for example: Victorian Law Reform Commission, 2021; Kennedy & Prock, 2018)
        - 'Did not think there was anything the police could do'
        - 'Did not know or think the incident was a crime' (see also for example: Canan, Kaplan & Jozkowsi, 2023; Helps et al., 2023, Victorian Law Reform Commission, 2021; Women's Safety and Justice Taskforce, 2022; Chung et al, 2018)
        - 'Felt they would not be believed' (see also for example: Salerno, Ferraro and Jung, 2022; Ali et al., 2019; Minter, Carlisle & Coumarelos, 2021; Tinsley, Young & Baylis, 2021; Victorian Law Reform Commission, 2021; Women's Safety and Justice Taskforce, 2022)
        - 'Fear of the person responsible' (see also for example: Chung et al, 2018; Lovatt & Honorato, 2019; McGilloway, Smith & Galvin, 2020; Mitra-Kahn, Newbigin & Hardefelt, 2016)
        - 'Did not trust the police' (see also lack of trust in reporting and justice options (See also for example: Lovatt & Honorato, 2019; Victorian Law Reform Commission, 2021; Women's Safety and Justice Taskforce, 2022)
        - 'Fear of legal processes'

        (AIHW, 2025, citing ABS, PSS 2021-22)

At no point in the AIFS publication do the authors appear to be suggesting the number of false complaints on which disincentives of this nature might bear, or that the cited evidence of confirmed false reports is anything other than an estimate, or that people *never* make allegations of sexual assault for ulterior motives, such as revenge.

An internal reviewer, who possesses subject matter expertise and had no involvement in the project, was engaged to conduct this review.

D3 Rejoinder to the AIFS (December 2025)

Liz Neville
Director
Australian Institute of Family Studies
c/- enquiries@aifs.gov.au

19 December 2025

Dear Ms Neville,

Shortcomings in the AIFS' corrections regarding false sexual assault allegations

I refer to your response of 20 November to my correspondence about false and misleading statements in two AIFS publications concerning the prevalence of false sexual assault allegations.

Your response indicated that, aside from two minor amendments to your December 2024 publication, you will not be taking further action. You also addressed why you said you were unaware of the earlier 2017 AIFS publication — the one that AIFS quietly removed from the web, after I had pointed out the errors in it — when asked about it in a recent Senate hearing. And you said that I could write to your enquiries staff if I have any questions about your response.

I do not have questions, but I do have concerns about the explanations your response (and particularly the internal review you attached) gave, and failed to give, for not taking more comprehensive and effective action to rectify the misinformation that the AIFS has disseminated on this matter. The internal review seems to have tried only to make your 2024 publication less obviously wrong, rather than to ensure that what it says is clear, rigorously justified and not misleading. It continues to assert, without substantiating evidence, that false sexual assault allegations are not common. You have also again failed to issue a public notification of the withdrawal of your (frequently-cited) earlier publication and of the falsehoods it contained. You said that you adhere to the Australian Code for Responsible Research, but it has become difficult to see how the AIFS's responses to my attempts to have it publicly acknowledge and correct its false and misleading statements reflect the principles of honesty, integrity, rigour and transparency expected of a governmental research agency.

Notwithstanding your framing of the AIFS's position as a *fait accompli*, I am formally drawing your attention to the various shortcomings in the response you sent, which I have set out in the attachment to this letter. This is to provide the AIFS with another opportunity to come clean on this matter.

Tom Nankivell
Independent researcher
Canberra

Attachment: Analysis of the AIFS response

The 2024 publication

Insight 10 of the AIFS' December 2024 publication, *'Understanding adult sexual assault matters: Insights from research and practice',* pertains to false sexual assault allegations.

My letter of 16 September 2025 pointed out that the publication casts itself as setting out "evidence-based best practice" for justice system officials, but it provides no substantiating evidence for two of the claims presented in Insight 10. My letter developed several detailed arguments as to why the section is misleading and why the two claims are baseless.

The AIFS' internal review (provided as a 2 page attachment to Ms Neville's response of 20 November 2025) does not engage directly with any of the arguments from my letter but rather takes the form of "We have considered your arguments and decided to do X but do not see it as appropriate to do Y." It also lists some general contextual considerations (for example, about the number of alleged sexual assaults not reported to police) that the AIFS saw as relevant to its decisions, albeit without explaining how those considerations justify or help justify the decisions.

The internal review recommended two minor changes to the document (which have since been implemented by AIFS), but rejected or did not discuss the more significant corrections I had called for.

Has the AIFS done enough to correct its main claim?

The publication's main claim in Insight 10 was that: "False allegations of sexual assault are not common". The publication sought to justify this using a 2016 Ferguson & Malouff meta-analysis — that estimated that around 5 per cent of allegations made to police are confirmed false — and a discussion of disincentives for making false allegations.

My letter of 16 September to Ms Neville detailed why neither of these items justified the main claim.

The internal review makes several points about the wording used in the publication to describe the Ferguson & Malouff 5 per cent estimate. It emphasises, for example, that the publication employed the terms "approximate" and "estimate" when referencing the Ferguson & Malouff study. However, and to be clear, my letter raised no concern about the description of the Ferguson & Malouff estimate as an estimate, or to the presentation of such an estimate in the publication.

Rather, my concern was that the section in which the estimate appeared was framed and worded to give the impression that the 5 per cent estimate for *confirmed* false reports supports the conclusion that false sexual assault allegations are not common. It does not. It is a floor estimate and gives no sense of the actual level of all (confirmed plus unconfirmed) false sexual assault reports, for the reasons explained in my original letter and linked research.

In this respect, the internal review's one concession was to remove the word "only" before presenting the 5 per cent figure, but this is clearly inadequate to dispel the impression created in the publication. All the other elements of the section that render it likely to mislead readers, which I pointed out in my letter, remain. These include the words "acknowledging", "Despite this" and "However", and the ambiguous words within the brackets (see my 16 September letter), and the absence of an explicit statement that the 5 per cent estimate is a floor estimate and that the actual prevalence rate is unknown. Indeed, by continuing to state that false allegations are not common, the publication misleadingly implies that the prevalence of false allegations *is* known (at least, with sufficient precision to say that it is not common).

Do the AIFS' broader contextual considerations justify its main claim?

The internal review states:

> Based on the available peer reviewed evidence, it would not be appropriate to suggest that the prevalence rate of false reports 'could be significantly higher' as you request, when considered in the broader context of the available evidence in relation to the experience and reporting of sexual assault, including:
>
> - Data on the prevalence of sexual assault and reports to police …
> - Data relating to barriers to reporting…

Regarding the first point, the internal review does not explain how the well-known point that only a small share of sexual assault allegations are reported *to police* makes it inappropriate to suggest that that the prevalence rate could be significantly higher than the floor estimate of reports taken from the Ferguson & Malouff meta-analysis. Presumably though, the AIFS' logic is along the lines that, whatever the share of sexual assault reports to police that is false, the number must be small when compared to the overall number of sexual assault allegations (including those reported to police and those not so reported). What this line of argument fails to take into account is that there will also be false allegations of sexual assault that are also not reported to police, but rather are made only to family and friends, or to members of peer groups such as fellow students or work colleagues, or to educators, doctors or therapists and so forth. Ferguson & Malouff said that, when taking into account these unreported false allegations, the prevalence rate may well be <u>higher</u> than when considering the rate of false allegations among only those reported to the police. Thus, the evidence cited by the internal review that a large number of sexual assault allegations are not reported to police does <u>not</u> save the AIFS' claim that false sexual assault allegations are not common.

Regarding the second point, the internal review provides a list of additional barriers to reporting, and additional peer-reviewed sources, to those mentioned in the publication. However, and to be clear, my letter did not dispute that there may be significant barriers to reporting and that some, and possibly many, prospective false complainants would desist as a result. Rather, my point was that partly because we have no way of knowing the number of prospective false complaints, on which such disincentives might bear, it is not possible to determine how many individuals would still proceed to make false reports in the face of such discouragements. Given that we know that at least some people <u>do</u> proceed to lodge false reports with police, notwithstanding the various disincentives, the question becomes an empirical one. The internal review does not address this, and instead simply adds more barriers and sources to the list of disincentives. This does not advance the argument.

As the 2023 research paper by John Papadimitriou and myself noted, the academic literature contains a wide-range of prevalence estimates of false sexual assault allegations, from less than 2 per cent to 40 per cent or more. While there is little doubt in our view that a majority of sexual assault allegations are true, and while it is *possible* that false allegations are "not common", the AIFS has not produced any evidence that shows they are not common. As I mentioned in my original letter, unfortunately for people interested in this issue, the prevalence of false sexual assault allegations is not, and cannot be, known or estimated with reasonable certainty. This key truth remains absent from the publication.

Is there any evidence for the revised secondary claim that it is wrong to assume that people often make allegations of sexual assault for ulterior motives?

In the original version of the publication, AIFS had stated that it is wrong to assume that "People make allegations of sexual assault for ulterior motives, such as revenge". I pointed out that the section does not provide any evidence or argument to substantiate this claim, and also noted that there have been many cases where sexual assault allegations were found to have been fabricated for ulterior motives.

The AIFS has now qualified the statement slightly, by including the word "often" before "make allegations of sexual assault for ulterior motives". However, while making the statement less absolute

makes it less obviously wrong, the AIFS has still not provided any evidence for this claim. It remains an unsupported assertion, or 'article-of-faith', in what purports to be an evidence-based publication from a governmental research body.

The 2017 publication

Neither the internal review or Ms Neville's covering response letter mentioned the AIFS 2017 publication, *'Challenging misconceptions about sexual offending: Creating an evidence-based resource for police and legal practitioners'*. It was the publication that Ms Neville's predecessor had elected to remove from the AIFS' and the APO's websites, without any public notification, after I had pointed out clear errors in it (albeit after some 18 months and more than 50 interactions with AIFS staff on the matter).

To right that wrong, I had invited Ms Neville to publish a formal notification of the document's withdrawal, together with an acknowledgement of the errors it contained, on the AIFS website. The failure to do so means that the AIFS has still not publicly acknowledged the errors it contained.

This means that many people who read the 2017 AIFS publication (or who read or heard one of the many reports that drew on it) will retain the false understanding they gained from it, that studies show that false sexual assault allegations are very low and that the overwhelming majority of allegations are therefore true.[32]

I have explained in previous correspondence with the AIFS the harms that the spread of this false understanding may create for many innocent people. Regardless of those particular harms, it is proper and expected practice for governmental research bodies to issue public notifications when they have made errors in a publication and/or withdrawn it due to such errors.

32 Even for people who read, heard or in other ways learned of the AIFS' 2017 position and later read the 2024 AIFS publication, it would be difficult to detect much if any shift between the positions in the publications, given the 2024 publication's failure to clearly convey that the 5 per cent estimate is a floor estimate and that the actual prevalence rate is unknown but potentially materially higher.