



## Brisbane Rape & Incest Survivors Support Centre

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### **Re: Review by the Australian Law Reform Commission of Justice Responses to Sexual Violence in Australia**

#### **Introduction:**

The Brisbane Rape and Incest Survivor Support Centre (BRISSC) is a community-based organisation dedicated to supporting survivors of sexual violence. Since its commencement, BRISSC has provided critical services, including individual counselling, advocacy, and support, to individuals impacted by rape and incest. Our work is grounded in an intersectional feminist framework that acknowledges the pervasive effect of gender-based violence and aims to walk alongside survivors with compassion and unity. BRISSC is committed to creating a society where survivors' voices are heard, believed, supported, and provided with appropriate opportunities and resources for recovery.

Central to the feminist approach of BRISSC is the belief that victim-survivors are the experts of their own lives. We acknowledge each person's unique journey and highlight the need for the perspectives of victim-survivors as fundamental to developing effective systems and responses to sexual violence. BRISSC is committed to centring the voices of victim-survivors in practice, not just in principle, and prioritises collaborative models to better understand the barriers and opportunities impacting victim-survivors at an individual and structural level.

We, therefore, welcome the invitation to provide feedback alongside victim-survivors to the Australian Law Reform Commission as part of the enquiry into Justice Responses to Sexual Violence in Australia. We are pleased to be part of this enquiry to ensure that victim-survivors of sexual violence are afforded the right to contribute their lived experiences for a safer, more fair response to sexual violence in Australia.

#### **Our Response**

In providing this submission, BRISSC sought feedback from a number of current victim-survivors engaged in the service. Feedback was given via various methods, including focus groups, interviews, and written formats. Those involved were from a variety of backgrounds.

This submission to The Australian Law Reform Commission responds directly to two questions highlighted in the position paper.

- *Q 5. If you are a victim-survivor, did you contact the police? If so, how? What was your experience of the police response?*
- *Q 7. What are your ideas for improving police responses to reports of sexual violence? What is not working well?*



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The submission integrates direct experiences and quotes from several victim-survivors to provide insight, understanding, and recommendations for improving support systems and police responses. It aims to highlight gaps in current systems and shed light on the real-life challenges faced by victim-survivors while advocating for change at a systematic level.

### Police Responses to Sexual Violence

In Queensland, responses to sexual violence by police have been a source of significant concern for survivors and specialist services alike for many years (Queensland Sexual Assault Services, 2010). The experiences of survivors expose an unmistakable pattern of insensitive and sometimes traumatic dealings with police (Women's Safety and Justice Taskforce, 2022). Reports indicate that there is sometimes a failure to follow appropriate procedure or a demonstrated lack of empathy due to the prioritisation of formal processes over meaningful interactions with victim-survivors (Bluett-Boyd & Fileborn, 2014). Victim-survivors also bring attention to observing police biases that seem to favour perpetrators, having a negative impact on their pursuit for justice (Tidmarsh & Hamilton, 2020). Such concerns seemingly have developed into an loss of trust and confidence in the police among victim-survivors (Women's Safety and Justice Taskforce, 2022). Although we acknowledge the widespread effort taken by many in the advocacy space to drive the transformation of such responses in Queensland, victim-survivors seem to be profoundly impacted by slow and insufficient reforms (Women's Safety and Justice Taskforce, 2022; "Lived Experience," 2023).

All of the victim-survivors who spoke to BRISSC to inform this submission spoke about their coming into contact with the police. As a specialist service, BRISSC believes that we are well placed to support victim-survivors' voices to share their experiences. In doing so for the current submission, we acknowledge that the themes related to victim-survivor contact with police have remained unchanged over many decades. Those who spoke about their experience reported the following factors:

- *Police respond with a lack of sensitivity and empathy for victim-survivors*
- *Victim-survivors often experience intimidation and re-traumatisation by police and police processes*
- *Police responses are inadequate, as is the support offered to victim-survivors*
- *Barriers to trust and confidence are an issue with contacting police*
- *Police responses create legal and systematic obstacles*



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### **The following responses have been de-identified, and will be referred to as Victim-Survivor One, Victim-Survivor Two, Victim-Survivor Three and Victim-Survivor Four.**

Victim-Survivor One shared her experience with the police which highlights many issues in the system. She said that after escaping a three-year extremely abusive relationship, she has been victimised multiple times by police, the very authorities tasked with protecting victim-survivors. "When I first reported sexual violence in 2018, the officer ended up 'having a tug' while I was speaking. I am still trying to get that sorted." She shared that the irony of being part of this opportunity to give feedback about her contact with police is that she almost missed out because she was rushing to complete a statement that the police were supposed to help her with. "They are accusing me of not working with them, yet they told me to make the statement independently, saying it is more comfortable to do it from home. "Why should I have to think about this in my beautiful home?" She emphasised the need for safer police stations and additional locations to report such crimes. She also discussed that police advised her to contact services like Beyond Blue or BRISSC, which made her feel palmed off and unsupported. She also talked about the systematic invalidation and lack of follow-up from police. She explained that the police cannot seem to liaise appropriately; the primary witness to her crime is now living in another country and willing to provide evidence, but police won't utilise this. She explained that when expressing her level of frustration and distress around this with police, they pathologised her situation to position their failings as a mental health issue. Her ordeal underlines the need for systematic change and more empathetic, effective responses from police.

Victim-Survivor Two's experience with police exposes specific systematic barriers particular to victim-survivors from non-English speaking backgrounds (NESB). She explained that the police did not initially believe her claims, which she felt was partly because her perpetrator was a resident with better English skills. She explained that police did not use an interpreter or make any allowances or adjustments for her to explain her experience of violence. She shared that she was distressed about how her case was dismissed and felt that, ultimately, police sided with the perpetrator. "They asked to see bruises and marks, and when I could not show them, they told me I was lying", she recounts. She shared that she believes cultural stigma and isolation compounded her struggles, as she had not been in Australia long enough to make many social connections. This experience occurred during COVID-19, and she was forced to leave her home she shared with the perpetrator with nowhere to go and no support. She explained that it was only through the intervention of organisations like BRISSC did she receive the appropriate assistance to communicate further with the police. She explained that she spent time with a support worker from the service writing her statement to the police, only to later have it dismissed due to lack of evidence. She shared her confusion around how police left her with the impression they would seek a statement from her sister, whom she had previously spoken to about the rape. Police later told her that they would not take a statement from her sister because of concerns about government backlash for her sister. She



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said that police shared that Australian police did not interact with the Middle Eastern Country. "It was exhausting and demanding to keep repeating myself to police, to be told it was just "he said, she said," she explains. Language barriers, cultural pressures to stay silent, and the cost of taking time out from her employment to deal with the police further complicated her journey. This story highlights the need for trauma-informed, culturally sensitive, and accessible support systems for NESB women, emphasising that the current police responses often exacerbate rather than alleviate the trauma of sexual violence survivors. Furthermore, it presents a large gap in the lack of police who are trained to access and work with interpreters. Police told the woman that this is not a requirement for members of the police force.

Victim-Survivor Three shared that her experience relating to the responses from police continues to impact her as a survivor of sexual violence profoundly. She said that despite repeatedly seeking help, she encountered disbelief, negligence, and outright hostility from those she reported to. "I was told just to block him and take responsibility for my own life," she recalls, highlighting the dismissive attitude of officers. After enduring multiple forms of abuse, including childhood sexual assault, intimate partner violence, and domestic and family violence, the woman's attempts to report were met with systemic failures. She shared that it came to light that the police destroyed critical evidence, including DNA swabs and CCTV footage. These failings caused further distress and a lack of trust in the police. "They did not care then, and they do not care now," she states, feeling targeted and invalidated. She shared that she feels that even after seeking the support of BRISSC and going to the media, the police's response remained insufficient and evasive. She described that the lack of trauma-informed care and support from the police has left her feeling isolated and re-traumatised, with her mental health severely impacted. She stresses the need for an independent body to handle police conduct and complaints, as current practices fail to hold officers accountable. "The system is perpetrator-centric, not victim or trauma-informed," she asserts and says that there needs to be substantial reforms and implementation of clear recommendations from the Commission of Inquiry into police responses. Her story underscores the urgent need for a victim-centric approach that prioritises survivors' well-being and justice rather than perpetuating their trauma.

Victim-Survivor Four shared that her experience with police had been nothing but disappointing. She shared that there were many failures in their response to numerous acts of sexual and physical violence. She discussed that after being physically assaulted by her perpetrator, the police at the station seemed to show little to no concern for her safety, merely asking if the perpetrator had weapons. She said they looked up the perpetrator's name but did nothing else on this particular occasion. Other interactions she shared were equally dismissive and traumatic; during a later phone conversation she described how she felt the officer was more interested in discrediting her evidence and even had the conversation on speaker for others to hear. She shared that she felt her privacy had been violated in this



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instance. After the call she discussed how two young constables later visited her at her home. She shared that their inexperience was obvious and left her feeling unsupported. Despite seeking help from another police station and speaking to a detective, the woman shared that she was informed that most cases never make it to court, which she said felt like a tactic and an acknowledgement that the system is stacked against women. “They were too busy to talk to me,” was a common refrain, even as she faced ongoing harassment and intimidation from the perpetrator. “Ultimately, my case was not pursued, leaving me feeling unimportant and let down by a system that prioritised this high-profile perpetrator over justice for victim-survivors.”

### Key Recommendations to Improve Police Responses

1. **Prioritise Trauma-Informed Training:** Police in Queensland should engage in mandatory, comprehensive training in trauma-informed care, on a yearly basis, to better understand and respond to the needs and impacts of sexual violence for victim-survivors. This training should include foundational skills which focus on the importance of empathy, sensitivity and the psychological impacts of trauma in relation to sexual violence
2. **Independent Complaint Body:** Establishing an independent body to ensure that victim-survivors feel safe to make complaints and have them investigated fairly. This body should have the power to investigate and hand down disciplinary actions without police interference to ensure accountability and transparency.
3. **Case Management System:** Introduce a case management system of dedicated professional works who are available to victim-survivors from the moment they report an act of sexual violence. This should include following through to the court process if needed. Providing continuity would reduce the need for victim-survivors to repeatedly recount their experiences. It would also allow for appropriate and consistent emotional and practical support.
4. **Cultural Responsiveness Training:** Provide specialist training for police on culturally responsive practice for working with NESB and First Nations communities. This would include educating police around cultural barriers, language differences, accessing and working with interpreters and other unique challenges faced by immigrant and First Nations women. This training should be co-designed with community members and relevant community leaders.
5. **Increase Reporting Locations:** Create a larger number of alternative safe and accessible locations for victim-survivors to report sexual violence, beyond police



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stations. These locations should be designed with the privacy and safety of victim-survivors in mind.

6. **Strengthen Evidence Handling:** Implement strict protocols for collecting evidence and preventing loss and destruction. This includes processes around regular audits and strict penalties for officers who mishandle evidence.
7. **Victim-Centric Approach:** Shift the focus from an evidence based, perpetrator-centric approach to a victim-centric one. This means the well-being and needs of the victim-survivors will be prioritised to minimised harm during the investigation process.
8. **Follow-up Communication:** Prioritise regular and consistent communication with victim-survivors about their case status and next steps. This would help build relationship, trust and keep victim-survivors informed throughout the process.

### Summary and Conclusion

The current response to victim-survivors from the Queensland police is plagued with systematic issues that only exacerbate already traumatic experiences. Stories like those that have been shared in this submission reveal an obvious culture of disbelief, neglect and victimisation which uncovers the critical need for a widespread reform. Implementing trauma-informed education, an independent body and introducing a specialist case manager system are all critical steps toward improving police responses and victim-survivor outcomes. Additionally, culturally specific training, increased locations for reporting and stringent evidence handling processes are not only needed but necessary to ensuring that victim-survivors are afforded the respect and dignity they deserve. By shifting to a model where victim-survivors are put at the centre, communications are enhanced and police prioritise building relationships with victim-survivors, trust can be rebuilt. These changes are key and essential to creating a system that is just and truly supports and protects survivors of sexual violence while ensuring their voices lead the way for systematic change.





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