

Questions

Reporting the experience of sexual violence safely

Question 1 If you are a victim survivor, did you decide to tell someone about your experience?

If you did tell someone, did you contact:

- a particular support service;
- the police;
- a health professional, a teacher, an employer; or
- a family member, friend, or some other person?

Was there sufficient information available to you to help you decide who to tell and what to do? Where did you find that information? Was the response you received adequate?

What supports did you need at that time? Were the supports adequate? How could they be improved?

If you decided not to tell someone about your experience, you may wish to share with us the reason(s) why.

I had 3 incidences of sexual abuse as a teenager. The first was in [REDACTED] and I was a teen, the perps were 3 peers, possibly 12-18 months older. I did not tell, I was so embarrassed my friend and their friend a female was the look out for teachers and also set the situation up. This left me with a lot of shame.

The second was after I turned to substance abuse and my parents put me in a [REDACTED] Psych hospital – [REDACTED].

[REDACTED] My parents were neglectful in other ways and alcoholics although one was high functioning as they had no clue the stuff that occurred in that place. I was removed by a [REDACTED] I met [REDACTED] through a friend [REDACTED] and [REDACTED] then arranged to take me back to [REDACTED] place for dinner, where [REDACTED] did feed me but then took me upstairs and sexually abused me before returning me to the [REDACTED] hospital.

The last abuse during that 18 month period was by the staff at the [REDACTED] Psych hospital where I was taken by 4 Police in the night after I stated substance abusing again. I was placed in a seclusion room, injected with Haliperidol and raped by 2 staff member after being completely disrobed. Why would I mention it when I was still trapped in there via a sectioning, that would not have been safe. [REDACTED]

[REDACTED] so why would I risk it?

I got out and simply tried to end my life at 14 with a pretty serious attempt. Who was I going to trust, neglectful parents?

The Police when they were the people that took me to the hospital?

Who could I report too? I blocked it and it showed up with eating disorders, substance abuse, exercise addiction and self harm. Now it's just illness after illness.

30 years later I reported the [REDACTED] sexual abuse to the regional Police, and it was transferred to Melbourne SOCIT. I did not feel I could access much support, the reporting led to suicidal ideation and I was scared some defence Lawyer would use that against me. I did feel supported by the Police and was asked constantly about my welfare. My accused received a guilty and I still overdosed in the bush from the stress when they told me [REDACTED] was going to appeal.

Question 2 What reforms or recommendations have been implemented in your state or territory? How are they working in practice? What is working well? What is not working well?

I am in Victoria, I know there was a Law reform as I put a submission in and I spoke to Ministers. I have no idea if any of the recommendations have been implemented, I do not work in any legal area to know.

Question 3 How can accessing the justice system and reporting be made easier for victim survivors? What would make the process of seeking information and help, and reporting, better?

Enabling CASA staff to be there with them to support. Safely so defence cannot use your vulnerability against you.

You might consider the kind of information given to victim survivors, the confidentiality of the process, and the requirements of particular groups in the community.

Question 4 Do you have other ideas for what needs to be done to ensure that victim survivors have a safe opportunity to tell someone about their experience and get appropriate support and information?

I wish I had known that what the OPP does not know cannot be passed onto the defence, I wished I had accessed my own mental health help so I stopped the urge to die because of the damn shame in talking about these things. But I did not.

Criminal justice responses to sexual violence

Police responses to reports of sexual violence

Question 5 If you are a victim survivor, did you contact the police? If so, how? What was your experience of the police response?

Yes to report, the initial blue clothes [REDACTED] on the desk needed to retire and was not super helpful, kept sending me next door to a building that seemed to have no door, I asked could he show me where to go and no luck. But a SOCIT detective came out, clearly watching my aimless confusion. The person I spoke to was clear, kind and seemed to believe my words, I was not ready at that time to make a statement. She checked some of the things I said and then asked I return and I did few weeks later. There was a little wait for the next Detective but she gave me reassurance that everything was being looked into well because she said her job was not just to believe me but get to the truth and I felt great, I am telling it and that brought me a sense of things being done right. She also did many welfare checks as I struggled closer to the trial.

Question 6 What reforms or recommendations have been implemented in your state or territory? How are they working in practice? What is working well? What is not working well?

Question 7 What are your ideas for improving police responses to reports of sexual violence? What can be done?

The only thing I would say if that a CSA abuse and the victim has a mental health condition [REDACTED], or a disorder or a mental health condition, Police need to cater for this and understand that making a statement brings not only a time of trauma memories back, but all the associated memories, so possibly DV childhood or vulnerability of some sort and this needs careful management.

Prosecution responses

Question 8 If you are a victim survivor, did you have contact with the ODPP? What was your experience of the ODPP response? What support, if any, was provided to you?

Question 9 What reforms or recommendations have been implemented in your state or territory? How are they working in practice? What is working well? What is not working well?

Question 10 Do you have ideas for improving ODPP responses to the prosecution of sexual violence?

The trial process

Question 11 If you are a victim survivor, did you experience any of the measures described above? If so, what was your experience?

My experience is that the OPP I dealt with [REDACTED]

[REDACTED] When I question this post court. The did not support me in any way. [REDACTED] was admittedly honest in answering the questions put to him, he spoke to the barrister (now [REDACTED]) on why she shook the accused hand, she said in hindsight it was not something she would do again, he also must have spoken to her about the screen as he already knew I was not afforded one and said sometimes the Judge means they have to make allowances which to me says the Judge was a difficult person. One quick good search and that is accurate! [REDACTED]

Question 12 Do you have views about the measures listed above? Have the measures reduced the trauma of giving evidence? Could they be improved? Have things changed? What is working well? What is not working well?

I was supplied with a witness protection screen in the first case whereby the state got a guilty verdict.

I was REFUSED a witness protection screen by Judge Geoffrey Chettle in the County Court appeal. I could not testify well and appeal was upheld. I then tried to suicide twice in the next 24 hours.

Are there other measures which have been implemented and are not listed above?

Question 13 Do you have other ideas for improving court processes for complainants when they are giving their evidence?

Follow your own legislation. The Judge did not even after the Barrister pointed out it was MANDATORY supply me with a witness protection screen. – I have the pre court transcript. I had no WAS staff near me while waiting for the second verdict, no one to assist with my mental health any by then I had lost 26 kilos in 4 months and was anorexic and very, very unwell.

It is hard to write this as I have such a level of anger about this. Have better WAS staff. Understand dissociation, trauma response and neurodiversity. Also, in [REDACTED] my accused [REDACTED] stated that the PROSECUTION Barrister, shook her hand at the end of the case and said “the case should never have gone to court”. I contacted [REDACTED] for a meeting after being linked to the Victims crime Commissioner and a person there explained just how wrong and incorrect it was to refuse me a witness protection screen.

Before the meeting, I was called by the Sexual offences OPP dept [REDACTED], they told me verbally I should have got a GP letter to have that witness screen. I then wrote in and [REDACTED] said there is no requirement for that. They tried to stop me at every step of the way from bringing this to the attention of John Cain.

I made it clear every court case and every step of the way and it was also organised with WAS persons THAT I COULD NOT REMOTELY TESTIFY AS I DISSOCIATE BADLY WHEN I DO NOT FEEL SAFE, I FELT SAFE WITH THE DETECTIVE IN THE ROOM KEEPING ME PROTECTED.

The County Court removed my ability to have a fair trial in testifying as all other victims are afforded and I failed. She walked. The media and many people on social media CRUCIFIED ME. I had other suicide attempts poor eating disorder management for years.

‘Special measures’: evidence in the form of audio-visual recordings

Question 14 If you are a victim survivor, was your interview (or interviews if more than one) with the police recorded? Was your evidence recorded in court at a pre-trial hearing?

I reported regionally, they probably have no recoding stuff here! I did not notice one, I said words and Detective typed them, old school. I would have been anxious with a camera in my face I think.

What was your experience of the recording process?

Did you see the recording(s) before they were presented by the prosecution at trial?

How did you feel about not giving evidence in person at the trial?

Question 15 Has the use of recorded evidence been implemented in your jurisdiction? If so, to what extent?

How is this working in practice? What is working well? What is not working well? What could be improved?

Do any of the matters discussed when the recommendations were made (some of which are outlined above) need further discussion in the context of the reforms having been implemented?

Are there any other issues? What do you see as the advantages and disadvantages of using recordings of the complainant's evidence at trial?

'Special measures': intermediaries and ground rules hearings

Question 16 If you are a victim survivor, was an intermediary involved to assist with communication? If so, we would like to hear your feedback.

If an intermediary was not involved, do you think an intermediary would have been helpful? If so, in what way?

Question 17 Has an intermediary scheme been implemented in your state or territory? How is it working in practice? What is working well? What is not working well? How could it be improved? Have any of the issues described above arisen?

If an intermediary scheme has not been implemented in your state or territory, do you know why? Do you think such a scheme would be helpful? If so, what do you think the scheme should involve?

Do you have any ideas generally about the use of intermediaries in the criminal justice system?

Assessment of the credibility and reliability of complainants

Question 18 Are you aware of the research about memory and responsive behaviour in the context of sexual violence trauma? Do you have views about that research?

Do you have views about whether prosecutors should call expert evidence about that research (that is, about how people recall traumatic events and/ or about how victim survivors of sexual violence typically respond)?

Is that expert evidence being called in your jurisdiction? If so, how is it working? If it is not being called, do you know why not?

The wording of this question is from a person with a degree, you want ANY lived experience to reply with average intelligence – we get raped too, maybe rephrase. I am aware of the trauma caused by CSA, I am aware MY MEMORIES were accurate, I remembered things I never said in the statement. I had reasonable doubt because a child Psychiatrist testified. He worked at a hospital, forgot

So I question anyone

believing that [REDACTED] “doctor” over my memories when I had clear reasons for believing and knowing I was just weeks off turning 14 and know already 14 when the abuse occurred.

Question 19 What is your view about the usefulness of jury directions in countering myths and misconceptions described by the research discussed above?

Do you have a view on whether the jury directions in your jurisdiction are sufficient? Could they be more extensive?

How are the directions in Victoria under the Jury Directions Act 2015 (Vic) working in practice? Can they be improved?

Question 20 Do you have a view about the other recommendations that have been made (educative videos, mixed juries, judge-alone trials, and education and training)?

Do you have other ideas for reform based on research which suggests the evidence of complainants is assessed according to myths and misconceptions about memory and responsive behaviour?

Judge-alone trials

Question 21 What is your view about a trial by judge alone in relation to sexual offending?

I had a kind Judge who saw through the [REDACTED] the accused laid out in the Magist. Court case. Guilty verdict.

Then I had a cantankerous, misogynistic Judge – [REDACTED] who refused to follow legislation. A jury surely could not have made things worse.

Cross-examination and the law of evidence

Question 22 If you are a victim survivor, what was your experience of cross-examination? Did the prosecution object to questions asked by defence counsel? Did the judge intervene to stop defence counsel asking questions?

Yes, the first Judge got annoyed at the defence for faffing around and not being direct in questions.

I do not recall the Prosecution doing a lot. Waste of money there.

My experience was at the beginning of first case the defence repeatedly saying he could not see me – I had a screen for that one and then when I adjusted [REDACTED] leaned forward to try and unnerve me but I was fast and I felt confident and Police said I did a really good job in testifying.

Next case Denovo appeal, the way the OPP told me was callous, basically said the first means nothing and we all have to go through the entire case again. The KNEW I had tried to

end my life and no care for my mental health but then my name was not [REDACTED] They said it was called a DENOVO appeal.

Question 23 Are the legislative provisions adequate to protect complainants during cross-examination? If not, how could they be improved? Should they be harmonised?

Question 24 Should cross-examination that reflects myths and misconceptions about sexual violence, such as the belief that a 'rape victim' would be expected to complain at the first reasonable opportunity be restricted on the ground that it is irrelevant or on any other ground?

I do not even understand that question, my schooling ended with sexual abuse. Of course it is irrelevant, Judges know this, juries should, although it never surprises me how ignorant people can be and 100% defence lawyer are trained to hyperfocus on making a victims feel as [REDACTED] as possible!

Interpreters

Question 25 If you are a victim survivor, did you need an interpreter in the court room? Was one made available? We would like to hear your feedback.

No I did not, but I was neurodivergent, had serious mental health issues and a form of dyslexia and was incredibly overwhelmed and no not help there.

Question 26 Have changes been made to interpreting services for complainants over the last five years? Does there continue to be a problem with availability, training and accreditation?

Are there problems in regional areas?

Are the available interpreters culturally and linguistically appropriate and diverse, particularly for complainants who are Aboriginal and Torres Strait Islander people?

Is the unavailability of interpreting causing difficulties and challenges for courts to ensure pre-trial recordings and trials commence as listed?

Personal information

Question 27 If you are a victim survivor, were the records of your counselling or other therapeutic interventions sought prior to or during trial?

The defence and the OPP tried to access my [REDACTED] records. They both failed. I was told where they were about 3 years post court case by chance. They could not access as by chance the hospital closed [REDACTED] and then when my local regional hospital requested [REDACTED] ...and did not record it. I got them via a FOI.

Question 28 Are the legislative provisions adequate to protect the disclosure and use of a complainant's personal information obtained during counselling or other therapeutic intervention? How are they working in practice? Should they be harmonised?

Is there a need for complainants to be separately legally represented in court when submissions are made about the disclosure of the material and the application of the legislative provisions?

Types of evidence

Question 29 Have legislative reforms to the admissibility and use of complaint evidence been effective? Are there problems associated with that evidence? Is this an area in which the laws should be harmonised? If so, how should they be harmonised?

Should evidence of more than one complaint be admissible? Should complaint evidence be admissible as evidence of what is asserted by the complainant and/or to assess credibility?

Should complaint evidence be admissible at all? Does it perpetuate myths about responsive behaviour to sexual violence trauma (by expecting complainants of sexual violence to complain at some stage and placing weight on what was said)?

Question 30 Should there be legislative reform to the admissibility and use of distress evidence?

Is this an area which calls for legislative intervention and harmonisation? If so, how should they be harmonised? Should distress evidence be admissible at all?

Question 31 Are there further reforms to be considered to tendency and coincidence or discreditable conduct evidence in addition to the Evidence (Tendency and Coincidence) Model Provisions released by the Royal Commission into Institutional Responses to Child Sexual Abuse?

Question 32 Are there any other evidence issues relating to sexual violence trials that we should consider, including whether there should be harmonisation?

Specialisation and training of judges and counsel

Question 33 Do you have views about the creation of specialist courts, sections, or lists?

Do you support specialised training for judges who conduct sexual offence cases? What issues should that training address?

Do you support some form of special accreditation for lawyers who appear in sexual offence cases? Would this reduce the number of lawyers available to appear in such cases and contribute to delays in hearing such cases?

Delay

Question 34 If you are a victim survivor, what were the delays you experienced? What was the impact of those delays upon you and/or your family and friends?

We had no support. Both were witnesses. Both parents had to be in court. Husband a [REDACTED] and that took some scheduling. We had to leave kids with neighbour, I have [REDACTED], she has no kids – everyone hoping for a quick trial there!!

Just the usual faffing about and delays all defence use in delaying. Mostly around the Committal Hearing.

Question 35 What are the causes of delay in your state or territory? Do you wish to comment on the past recommendations (as outlined above) and whether they have been or should be implemented in your state or territory?

What are your ideas for reducing delays? Can there be a national approach to reducing some aspects of the delay?

Guilty pleas

Question 36 If you are a victim survivor, did the offender plead guilty? Did the offender plead guilty as charged, or was there negotiation with the ODPP? We would like to hear about your experience of that process.

No, the lying accused continued to lie the entire case. About [REDACTED] and about abusing.

Question 37 Have any recent changes in sentencing laws had an impact upon the preparedness of accused persons to plead guilty to sexual violence offences?

Question 38 Are sentencing indication hearings (or their equivalent) effective in terms of resulting in guilty pleas? Can the process be improved? Are there other ways in which guilty pleas may be encouraged?

Sentencing

Question 39 Are there aspects of sentencing practices and outcomes which may be harmonised across jurisdictions?

Question 40 If you are a victim survivor, what was your experience of the sentencing process? What aspect(s) of the sentencing process were important to you?

I was told to go home as they did not know when sentencing would occur. I was told within hours of testifying I must write a VIS and I NEVER got to read it out as I was 150 km away back home...

Did you make a Victim Impact Statement? If so, how did you find that process? What could be improved?

I testified, then was cross examined same day. I was then told to do this VIS, I had been told not to do prior as defence could use it, I am neurodivergent I took that literally and do generally as told. Which then meant my husband had to drive 3 hour plus round trip to get my notes and at 11 pm I was writing a VIS exhausted.

Question 41 Have there been recent changes to the role of victims of sexual violence in the sentencing process in your jurisdiction? Are Victim Impact Statements given appropriate consideration by the sentencing judge?

Are there further improvements to be made? Should victims have independent legal representation during sentencing submissions?

Question 42 Do you have ideas for improving the sentencing process in matters involving sexual violence offences?

Appellate proceedings

Question 43 If you are a victim survivor, what was your experience of the appeal process?

In responding, you may wish to consider the following:

What information or support did you receive about the appeals process and its possible outcomes? If you received some information or support, how useful did you find it?

What information or support did you receive about the decision made on the appeal? If you received some information or support, how useful did you find it?

What impact did the appeals process have on you?

If the appeal resulted in a re-trial, were you consulted about whether the prosecution should proceed with a re-trial?

Question 44 What are your ideas for improving the appeals process in matters involving sexual violence offences?

The appeal was a Denovo. I was told on a Fri late by [REDACTED] I would have to testify again and all evidence pointless. I walked downstairs, saw the news saying my case would be in court again [REDACTED] and I promptly grabbed a drink all my medication, drove to the bush and lost consciousness after I tried to end my life, woke in the hospital.

The OPP knew this occurred as the Police also knew and no one STOPPED IT.

So after being refused a witness protection screen, I tried again after testifying to throw myself under a Melbourne train and a call from my GP stopped me, then on Verdict I overdosed in the Country Court on OTC codeine and Valium, and then again the following day. Your court nearly killed me.

Civil proceedings and other justice responses

Restorative justice

Question 45 If you are a victim survivor, how do you feel about restorative justice? Is it an important option to have? If so, what do you think should be the approach to restorative justice in responding to sexual violence?

I only wanted [REDACTED] to apologise and admit what [REDACTED] did so [REDACTED] could explain why me. I could not care less if [REDACTED] went to jail.

Question 46 What reforms have been implemented in your state or territory? How are they working in practice? How could they be improved? Have things changed? What is working well? What is not working well?

Question 47 What are your ideas for implementing restorative justice as a way of responding to sexual violence?

Civil litigation

Question 48 Which of the measures listed above are likely to most improve civil justice responses to sexual violence?

Question 49 Apart from those listed above, are there other recent reforms and developments which the ALRC should consider? Are there further reforms that should be considered?

Workplace laws

Question 50 If you are a victim survivor who experienced sexual violence in connection with a workplace, which factors led you to take legal action, or not take legal action, regarding the violence?

Question 51 What provisions or processes would best facilitate the use of civil proceedings in this context?

Compensation schemes

Question 52 If you are a victim survivor, did you apply for compensation? If not, why not? If so, how did you find the experience of applying for compensation?

\$5,000 for expense's used to manage my anorexia. Then 20 sessions of counselling. I would not have ever taken a cent for that [REDACTED]

Question 53 What changes to compensation schemes would best promote just outcomes for victim survivors of sexual violence?

Victims' charters

Question 54 If you are a victim survivor, how do you feel about Victims' Charters? Are they important to you? If so, what do you think should be included in the Charter?

A witness protection screen is in the charter. You refused it. You do not follow a charter, or legislation. You actively let witnesses attempt suicide and do not care. I think nothing of your charter as ALL the OPP did when called out on this was try and backpeddle.

Question 55 Have reforms been implemented in your State or Territory? If so, how are they working in practice? How could they be improved? Have things changed? What is working well? What is not working well?

Question 56 What are your ideas for ensuring victim survivors' rights are identified and respected by the criminal justice system? What can be done?

Educate your OPP and Barristers and Judges on the affects of trauma. I will NEVER EVER testify as a witness in a court again. I will never sit on a jury nor will my adult children who are so biased against your system because it nearly killed me.

I do not trust Lawyers, I definitely do not trust Judges and I will never trust the system.

If you put my 2 male offenders in front of me that raped me from the [REDACTED] and said please testify we believe you and have their names and details, I would not do it, not for all the \$\$ in the world would I step into that witness stand again.

I hope someone there understands how much the process damaged me and my family. My kids as adults are still trying to process my suicide attempts. This week it has been [REDACTED] years since that middle episode of sexual abuse. [REDACTED] years since court. I have done [REDACTED] other submissions to Royal Commissions, Victorian Law Reform and the Victims of Crime inquiry. I have kept every letter and the timeline of the [REDACTED] I had to beg to assist in even getting a court transcript.

No one has apologised for not even being able to follow their own legislation, not the OPP, County Court, not the judge that refused the screen or the Barrister that shook the accused hand.

I will never testify, report or be a witness again.