

## 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;

Yes- 1800 Respect

- the police;

Yes, 2 months after the assault because the man was stalking me.

- a health professional, a teacher, an employer;

I spoke to a health clinic and they later wrote a "Character reference" for the man.

- a family member, friend, or some other person? Yes, my partner at the time.

**Was there sufficient information available to you to help you decide who to tell and what to do?**

Once I contacted the police they were very helpful.

**Where did you find that information?** N/A

**Was the response you received adequate?**

1800 Respect were not helpful at all. The police put me into contact with SARC who were also not helpful and told me it was my fault I was raped because of what I was wearing (running shorts and a tee shirt) [REDACTED]

**What supports did you need at that time?** More counselling about the steps involved and support through logistics (police report, doctors etc), financial.

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

I took 2 months to tell police because [REDACTED] told me I was "a tainted peice of shit" after I told him what had happened, and I felt so ashamed. [REDACTED]  
[REDACTED] I was told nobody would believe me and it would "make trouble" if I reported.

**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?

N/A

**Question 3 How can accessing the justice system and reporting be made easier for victim survivors?**

Less time between making the report and the court case.

**What would make the process of seeking information and help, and reporting, better?**

More logistical assistance- understanding what happens next.

**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?**

Counselling supplied before, during and after the reporting.

**Question 5 If you are a victim survivor, did you contact the police?**

Yes

**If so, how?**

Initially via phone, then in person.

**What was your experience of the police response?**

Very helpful and supportive.

**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? N/A**

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

My experience with the police was very positive, however more logistical help and explanations of what happens next would have been helpful.

**2. Prosecution responses**

**Question 8 If you are a victim survivor, did you have contact with the ODPP?**

Yes

**What was your experience of the ODPP response?**

Very supportive and trauma informed.

**What support, if any, was provided to**

I was referred to Witness Assistance for support with court processes.

**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? N/A**

#### **Question 10**

##### **Do you have ideas for improving ODPP responses to the prosecution of sexual violence?**

More information for victims on how the court process happens. If I had known how traumatic it is, I would never have made a report.

More protection for victim throughout court case- physical and psychological.

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

No, I did not. The way the Prosecutor Lawyers worked with me was very kind and supportive, but I did not receive any support outside the court.

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

No- the trauma of giving evidence in the Northern Territory is horrific. There are no rights for victims, there is no privacy and there is no support or financial assistance for the amount of time taken out of your work (I had to take many weeks off work for meeting with the prosecutors, police and the amount of time in court- this meant I could not afford to take time off after the court case to deal with the trauma)

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

Cross examination should not be allowed. It should be a closed court and the court notes should not be published online. Courts should try to stick to the allocated date for trial as much as possible. Do not have "open courts" for anyone to attend trials.

#### **4. '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? Yes**

##### **Was your evidence recorded in court at a pre-trial hearing?**

No

##### **What was your experience of the recording process?**

The police recorded my statements. It was helpful because it made it easier to speak rather than stopping and waiting for the police to type.

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

I had to watch my statement before giving evidence, and it was used applications to the court that I did not attend.

##### **How did you feel about not giving evidence in person at the trial? N/A**

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

I was given the option to do this but was told it would be better to attend.

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

6. 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? Yes**

**Do you have views about that research?**

I think it is very valid and should be spoken about and shared more. I think judges and all criminal lawyers should receive more training in it.

**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)?**

Yes- it would be very helpful for jurors who are not aware.

**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? N/A**

**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)?**

Judge-alone trials would lessen the feeling of shame and that you are trying to convince 12 strangers that what happened to you is true.

## **7. Judge-alone trials**

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

I think this is a good idea- jurors will always have biases that will influence their decisions. As a victim it is very intimidating to give evidence with a jury.

## **8. Cross-examination and the law of evidence**

**Question 22 If you are a victim survivor, what was your experience of cross-examination?**

It was horrific and I am still traumatised by it. It was degrading, aggressive and humiliating. The lawyer used evidence completely unrelated to the case and tried to trick me. He laughed at me and spoke very aggressively. He would roll his eyes at me, laugh with the defendant at me- to the point the judge gave him multiple warnings. I was raped [REDACTED]

**Did the prosecution object to questions asked by defence counsel?**

Yes- they said some things were unrelated to the case and objected to me being spoken to so disrespectfully.

**Did the judge intervene to stop defence counsel asking questions?**

Yes- the judge also said some questions were not relevant and told the lawyer to stop intimidating me.

**Question 23 Are the legislative provisions adequate to protect complainants during cross-examination?**

Absolutely not- the way victims are treated is disgusting.

**If not, how could they be improved?**

Mandatory trauma training, rules against how they are allowed to speak to victims, not being allowed to try to trick victims- [REDACTED]

**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?**

Yes

## **9. Interpreters**

**Question 25 If you are a victim survivor, did you need an interpreter in the court room?** No

**Are there problems in regional areas?** Yes- long wait times for trials.

## **10. 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?** N/A - when I was told this could happen I did not want counselling until after the trial.

They downloaded all my messages for my phone to use as evidence for the jury.

## **11. Types of evidence**

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

Yes

12/05/2024

Hannah Robbins

To whom it may concern,

For the past 6 years, I have been going through the process of the Supreme Court of the Northern Territory. This process has been ongoing, deeply traumatizing and humiliating.

I went to the police in March 2019 after I was raped in December 2018. I told the police I did not want to go to court or press charges but wanted this man to leave me alone (as he had continued to follow and intimidate me. The police told me that by disclosing what had happened, they would have to charge the man. This man had a history of violent physical and sexual behavior towards women. Once he was arrested the matter went to trial in the Supreme Court 1 year later because of the backlog of cases and the man choose to plead not guilty. The man stayed in Prison throughout this time. I was very scared of going to court and did not want to go, but I have very supportive detectives and Witness Assistance Officers who worked with me. The trial was scheduled and rescheduled 3 times, each time I would be briefed, meet with the prosecutions lawyers, and have to travel 3 hours to the court. When the trial finally took place the Defence lawyer cross examined me for 6 hours. Throughout the trial I had to sit less than 1 metre from the man who raped me, who glared at me throughout the trial. The lawyer continually tried to trip up my story, he gave me incorrect information (such as maps showing the site I was raped and accusing me that it was the wrong place) He told me that it is impossible to be raped in a standing position, and that I was raped because I had been running in a place I was not supposed to and the rapist was "warning" me. I had to speak about my vagina, sexual experiences, and the most private, horrific experiences in front of 12 strangers (the jury), a Judge, assistants, and lawyers. The lawyer laughed at me when I became upset and throughout the trial he spoke very aggressively (to the point that the judge told him to stop) [REDACTED] (who had told me not to tell the police what had happened and called me a "tainted piece of shit" afterwards) was waiting outside the courtroom [REDACTED] Afterwards my story was on the news, newspaper, radio and online without my permission. They did not reveal my name but referred to points that would make it clear who I was. The man was found guilty by the Jury, and he was sentenced to 9 years in Prison. He is still in Prison now, however I am still contacted each time he applies for parole, and am asked to give a statement about if I think he should be released. I am told by his friends and family that he still plans to hurt me when he gets out. He is supposed to be receiving counselling in Prison for his behaviour, yet I get none.

I walked away from the court more traumatized than I was from being raped, he gets mental health support for the next 9 years, and I get nothing- I went back to my job as a teacher the day after court finished and continued to work full-time.

I hope my experience helps you change this process- it is horrific, degrading, traumatizing and I would never report to the police again after this experience. I am happy to be contacted for any further information you require.

Hannah Robbins