

██████████

I am petitioning for changes with policies relating to sexual assault victims/survivors and the systems that they must navigate. Using my personal experiences, of which I am not naive to think I'm the only one to be scarred by these, I am advocating change in multiple areas.

I am keen to progress with advocating in these areas but given I don't have any legal knowledge or Political status/influence I will need assistance in this.

Please find multiple areas listed below that I feel needs policy changes to protect sexual assault victims from which is a very broken and traumatic system to expose themselves to whilst trying to gain justice and healing.

I have provided an in-depth written background of the topics I wish to work on. ***I understand there are a lot of points here but please feel free to focus on the ones that are more aligned with the upcoming meeting that you have with the Australian Law Reform Commission regarding their inquiry into justice responses to SV.***

- There should be a closed court for CSA cases with the victim having influence/say on who, what family members/members of society somehow related to the case can be in the court room during the proceedings.
 - For example, in my case where my older brother was the perpetrator, even though I requested that ██████████ be removed from the court the DPP couldn't make them. The DPP (on my behalf) requested that they leave, but ██████████ chose to disrespect my wishes and stayed.
 - The victim should have more control over this, as the victim's mental health should take precedence over that of those who want to be present as witnesses to the court proceedings.
- The Silence around Incest in the conversation around sexual violence further isolating, creating stigma and shame on its victims'. This should also be a federal conversation. It's not ok just to lump it in with all the other categories of SA & DV. It needs to be highlighted and addressed in its own rights to create validation and prevention.

Especially given the high statistics of incest when we discuss SA overall. We need others (non-victims) to push this as we (incest victims), often have young kids ██████████ ██████████ that we wish to protect/shield. We wish not to be known in the public eye so that our young children don't be identified and ridiculed by their school peers/society.

- There also needs to be funding to set-up specialised incest response teams with qualified psychologists to assist family units after an incest SA disclosure. Often the family members do not react well towards the victim's disclosure and possible charges/court cases further traumatising the victim.
- The family does not know how to manage and support the victim/s in this situation especially in when the perpetrator is an older sibling. My first disclosure was at 15 and it then just got swept under the carpet by my family and everyone went on as if nothing had happened.
- Upon me raising it again with my entire family in ██████████ it did not go down well, and my mother was desperate to get details from me to make me somehow complicit in what had happened.

- Reporting with the Victorian Police (as I now reside in Victoria) to give my statement I said that I only wanted to deal with Female Officers of which didn't happen when passed on to the WA Police.

Not only did WA Police not provide me with a Female Officer, but they also passed me through multiple Male Officers, one of which made me run through everything again that was already discussed within my Statement provided to Victorian Police of which they had already forwarded on to WA Police well before he made me do this. ***This made me go through the reporting/statement process twice which obviously was additional unnecessary trauma.***

- ***Closing holes in the DPP policy which allows the DPP to heavily influence*** [REDACTED] (DPP Policy attached for your perusal). For example, strongly encouraging me to omit part of the wording in the charges to exclude "Penetration happened" stating it would not be mentioned either way, simply not saying that it did or didn't happen. Constantly reassuring me that it just won't be mentioned at all during the proceeding and that changing that won't change the results of the sentencing. Only for the perpetrators lawyer to use it within the sentencing process as quoted from the court transcript.

"... on the facts that are agree on that episode, there was no act amounting to a sexual penetration."

This has shattered me as I resisted the change so much as I wanted to stick to the absolute truth. This now resulted in false statements happening within the sentencing process. The DPP should not be allowed to heavily influence a victim to change the words, within the charges, to get the perpetrator to plead guilty and hence save resources by not going to court. They had asked me multiple times if I was prepared to take it all the way to the court and I replied to multiple times with a strong "YES".

The DPP's defence was basically that they did nothing wrong as they followed everything that was in Direction of Public Prosecutions for Western Australia: Statement of Prosecution Policy and Guidelines 2022.

If this is the case, we need to update these policies (for each state) to make sure that this situation can't happen again. I tried to do some research on these policies for each state and most of the ones that I could locate were more than 5 years old (unless superseded by ones I could not locate). These need to be reviewed and updated urgently to represent today's standards.

I even questioned if the lawyer was allowed to state this given, we/I had never agreed to the fact there was no penetration, but the DPP said that it was allowed as he used it in the context of sentencing. Regardless, if he was allowed to legally use it in this context the DPP should have told me this and I would never have agreed to the wording changes in the charges.

- ***Work orders as sentencing penalties should be able to cross jurisdictions/states.*** Since the incidents occurred in [REDACTED] WA and my perpetrator reside in [REDACTED] the court and police system are unable to order the [REDACTED] police to carry out a work order and hence the only option they could give within the sentencing was to impose a fine. I had stated to the DPP that I didn't like this as a penalty as I feel it puts it into the category of a speeding/drink driving charge of which my perpetrator has received plenty of over his years.
- ***The Victims of Crime Compensation process only allows for a capped amount and varies from state to state. These should be the same nationally*** as they currently vary dramatically and are also restricted based on when the crime happened. Trauma has no time limit on it so

why should crimes that happened many years ago get less money than more recent crimes. The victims are still struggling with the results of the abuse years after and over those years their related therapy/healthy costs also increase with inflation over time so why cap this based on the time of the event/s.

- ***Given the Victims of Crime Compensation is not sufficient for many traumas we need to make it easier for victims to take their perpetrator to court for civil compensation claims. Perpetrators that have been officially charged should have their rights to financial privacy waived.***

Currently unless your sexual assault occurred within an institution/redress scheme it is almost impossible to take perpetrators to civil court due to the fact we often don't have the resources and hence approach the **No Win/No Fees lawyers** who won't take on cases unless there is obvious guaranteed money in it for them.

It is virtually impossible to prove this unless the perpetrator has his earnings compulsorily listed in a Company's Annual Yearly Report. My perpetrator owns multiple properties and maybe more than we know but we are unable to access national/state government land management services to find out exactly how many properties and exact addresses. We are also unable to find out from banks how much the mortgage to equity ratio there is with each property. He owns 1, maybe 2 businesses but we know nothing of the financial status of these.

Despite all of these we were told that the lawyer won't take it on as it's a borderline case as it isn't clear if there is enough money available or not to take the case on. We even had one lawyer state the following:

"It's not like he owns a mansion in Mosman Park." So, although my perpetrator has multiple assets because it isn't so openly visual, I can't get the case to proceed as a civil case.

He has no partner/wife that would be on any of these assets and would also have shares. But I can't get a No Win/No Fee lawyer to take it on because there isn't more visibility to the overall assets available to pull from.

This obviously comes down to privacy but shouldn't an officially charged perpetrator have his rights to financial privacy waived so that lawyers can access this information.

The lawyers we spoke to were relying on us to supply them this information. But this information is impossible and/or dangerous to attempt when you are estranged from family due to the sexual assault events.

I feel once criminal charges have been made lawyers in these fields should be able to access information relating to any shares, properties, and businesses (mortgage vs equity/profits) held, via government land management/taxes, banking institutions, and the ATO.

- More funding needed to encourage more students to choose psychology and psychiatry given the lack of providers versus demand.
- More funding for lower socio-economic people to get no-gap fee mental health services.

- Funding for dysfunctional family unit and couples therapy as a prevention before CSA/SA and/or DV happens. I came from a very dysfunctional family unit which increased my risk for CSA & DV. As far as I know Psychology funding is only available for individuals.
- The need to increase Mental Health Care Plan enabling Medicare rebates back up to 20 sessions.

No trauma can be helped within only 10 sessions. 10 sessions leave those with complex trauma in a very dangerous position of having opened the wounds without having the time and funding to process anything. Sometimes just finding a right fit/therapist takes multiple sessions.

When accessing the 10 sessions in early 2019 I ran out of my 10 sessions within 2 months and ended up suicidal leading to hospitalisation as the wounds were split open and I was left without support because I had no Medicare rebate appointments left. This is a very ineffective and dangerous policy we have that restricts it to just 10 sessions.

I hope that you can provide some constructive assistance in these matters.

Kind regards

[REDACTED]

[REDACTED]