

## ISSUES PAPER - JUSTICE RESPONSES TO SEXUAL VIOLENCE

Submission made by Olivia Camera on the 23rd of May, 2024

[REDACTED]  
[REDACTED]

### My story.

I'd like to briefly introduce myself before I move on to describe my lived experience. I'm a 34 year old identifying female, recently diagnosed neurodiverse (AuDHD), mother of a 5 year old gremlin, dog lover, instrumentalist, well educated laboratory technician, and currently in a hetero relationship (I identify as queer though).

Since the sexual trauma happened around the age [REDACTED] I've also been diagnosed with PTSD, generalised anxiety, depression, and borderline eating disorder. It's definitely been a ride. Apologies if my story is a bit all over the place, it's how I've felt since it happened.

[REDACTED] . [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] The police prosecutor decided my case could not be decided that he was guilty beyond reasonable doubt and he was not charged. When he was arrested (arrested by appointment) for questioning, he made a no comment interview, and then got to leave the police station and get on with his life.

I've since applied for VOCAT last year, this year I was awarded 30 free counselling sessions with my therapist and I'm waiting to see the remainder of the results from that application. I've submitted all my medication costs for depression, all my psychologist fees, suggestions for therapies that could assist me (yoga/gym membership for a year, a year's worth of music lessons) to help me cope and live my life.

Since he raped me, I told 2 friends about a year and a half later [REDACTED]  
[REDACTED] I don't think they believed me. [REDACTED]  
[REDACTED] .

After I told those two friends and was met with that reaction I didn't tell anyone except for [REDACTED]  
[REDACTED] I was ashamed, angry, depressed, traumatised to name a few emotions. Ashamed that I let it happen to me. Angry he could just go on living his life and not take responsibility for his actions and not face any consequences. Depressed in that I no longer had any self worth and believed no one else would believe me if I shared this with them. And traumatised as I kept reliving the experience in the form of flashbacks, nightmares, and triggers [REDACTED]  
[REDACTED]  
[REDACTED]

My lack of self worth and suicidal ideation during Covid is what finally pushed me to start seeing [REDACTED]  
[REDACTED] my psychologist. I told her my story and for the first time in a long time felt valued, heard, and most importantly, believed. She helped me, and [REDACTED] a CASA House councillor, gather the courage to

eventually report my story to the police. Without them both I would still be languishing in self-loathing and depression or have potentially ended my life.

I met with a lovely detective who took my statement [REDACTED] She was understanding, personable, and empathetic, and asked me a lot of really hard questions. As the assault occurred in a different jurisdiction, she had to pass my case to [REDACTED] where my case was assigned to [REDACTED], another stand out detective. They treated me as a victim survivor and with a trauma informed approach.

Sadly, due to a lack of physical evidence, and the pre-text phone call not being an iron clad admission of guilt, the Sergeant and prosecutor decided not to pursue my case in court. I was left with filing for VOCAT (which I did), and the option of a civil suit where the verdict is passed down on a balance of probabilities. I was left feeling alone, traumatised all over again, and that the justice system had not only failed me, but also cheated me and let my abuser go free without consequence. I was not going to be able to tell my story in court, and he would not be forced to answer for his actions.

I looked into a civil trial, do you know how many firms there are in Melbourne that were willing to take me on? Only one that I could find that was no win, no fee and they never bothered to call me back. I found a fantastic firm in NSW that would have been happy to take me on and specialise in sexual assault however their legal fees alone were \$100,000 at a rough estimate. This could have potentially been blown out to \$200,000 if I lost the case and would have to pay for the defendants legal costs. Every other firm I got in contact with only wanted to represent accusers because they are easier cases to win. It's humiliating. Every firm website I came across in my search had an FAQ on what to do if the police were arresting you for sexual assault. Not one law firm except the one in Sydney, looked to be in favour of representing victims.

While I have a house and have the option to draw down on the loan to pay for these legal costs, I also have a son to consider, and a cost of living crisis. I would lose my house. A lot more women don't even have this option. In terms of if I won the case, I don't want any money for myself, I just want him to face consequences, I would love for this to be in the form of community service, a donation to a women's shelter or to CASA house, or early intervention for DV.

The only mildly comforting fact is if he is accused again by someone else, the police are keeping my case on file for the next 70 years. The downside to this is it means a) he's re-offended b) someone else has to go through what I did c) the victim might not even report to the police. I hate the fact that I'm potentially waiting for someone else to get hurt to be able to see justice for myself, I don't wish it on anyone.

I am left lost. I want to be able to publicly tell my story in a court room, or potentially Open Door (restorative justice program at RMIT that my current therapist has suggested to me).

In regards to the questions on the paperwork, I'd like to briefly address those directly below for ease of access in conjunction with my story.

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.

Yes I told two friends a year and a half after I was sexually assaulted. I had no support system around me when it happened, if I did perhaps I would have gone to the police at the time. I did not go looking for information at the time it happened because I had emotionally shut down. For a long time, 8 years approximately, I did not tell anyone else for fear of not being believed.

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?

I would have been more likely to report my sexual assault earlier if I knew the end result would have been better. I know the statistics of how sexual assaults are under reported in the first place, and following on from that just how many men actually get arrested for questioning, and if successful actually charged with his crimes. I feel it's grossly unfair I had to suffer through making an incredibly detailed statement, go through a pre-text phone call (I had a panic attack right before I had to make the call), only for the pre-text phone call to not even be used as evidence when he was questioned, and the fact he could make a no comment interview because he didn't want to incriminate himself. It's absolutely fucked.

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?

Honestly, the best service I encountered was with CASA House. I can not speak more highly of them, and would recommend they receive more funding for more services. When I self referred I was told it could be potentially a 3-6 month waitlist to see them for counselling sessions.

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 I did, later than I would have liked but I can't change the past. Both detectives I dealt with [REDACTED] [REDACTED] were fantastic. The higher ups not so much as my case followed the majority of others and was not pursued any further.

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

Absolutely the law needs to change and offenders should be made to answer questions in regards to allegations made against them.

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?

Only to be told my case was being dropped and I should make an application with VOCAT. No further support was offered except a "sorry".

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

Refer to my answer for Q7.

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?

This is an avenue that I am looking into, Open Door, the RMIT restorative justice project. In theory I feel it's a good idea, however I'd like my evidence that the police has to be made available if I was going to do this for me to gain any form of closure on what I experienced.

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

Absolutely financial funding for me to pursue a civil trial would have changed everything. I was absolutely emotionally ready to go to court and tell my story. My family is considered upper middle class, yet \$100,000 for just my legal fees alone is very much out of reach for me let alone someone who is financially worse off than me.

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

More funding made available to legal firms for representing victims of sexual violence. Like I mentioned earlier, 99% of the firms I looked at only wanted to represent offenders because they're easy wins.

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?

I did make an application through VOCAT with the assistance of my psychologist and a solicitor, [REDACTED] who is paid for by the state. I am extremely thankful that [REDACTED] services in making this application are free making it accessible for myself. The actual application itself wasn't so bad or strenuous.

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

The option to tell my story in court would have been great. I understand there is a huge backlog of cases however and this would further drag out the waitlist.

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?

I absolutely think there needs to be more transparency around the ODDP and the statistics around the number of cases they choose to prosecute and those they don't and the reason why.