

Record of events of 9th and 10th April 1994 and following

I put forward this submission to the ALRC in the hope of directing attention to procedural impediments to reporting sexual assault that have long been both apparent and ignored. Statistically the rate of successful SA convictions is 2-3% of reported matters, and current evidence suggests that only 11% of occurrences are reported. The biggest hurdle remains that victim-survivors in the majority of cases do not report. The response system therefore fails at the first hurdle. Whilst I have had no experience of the court-based response to sexual assault and the plethora of failings, from retraumatising survivors during evidence-taking and cross-examination through to manifestly inadequate sentencing on foot of acceptance of mitigating factors that ignore the experience of victim-survivors; I have had over 30 years of experience in terms of the mechanisms for and responses to reporting and the grossly unsuitable support cycle that victim-survivors experience.

For context, I am a victim-survivor of Australia's most prolific serial rapist. He was identified by police in 2022, some 37 years after he committed his first offence. He died several months before NSW Police publicly released confirmation of his culpability. I was his 6th target and 24 years old at the time. I was in my final year of tertiary study, had just met the man who would eventually become my husband and had plans to travel overseas at the end of 1994. The attack took place in April of that year.

I believed at the time that I was an intelligent and resourceful young woman who would not be easily deterred or intimidated. I lived independently, worked in the finance sector whilst studying and had sufficient confidence to speak my mind and respond to challenges. I was articulate and well-educated. In hindsight, none of those attributes were either singly or in combination sufficient to allow me to successfully negotiate the sexual assault response system.

I reported the matter immediately following the attack. It was a reflex action in a moment of severe trauma. Overriding the fear of judgement, shame and the sense of utter foolishness that I felt, I wanted this offender caught. This is not always the immediate response of sexual assault victims, who often, for a variety of complex and valid reasons that society regularly denigrates, do not take the step of reporting. Something in me pushed me to submit to the humiliating and invasive procedure of a rape kit. Something in me allowed me to endure hours waiting around in a hospital, still sitting in the same underwear that I was wearing when I was sexually assaulted, for an ill-prepared counsellor (who's questions I recall focussed on which orifices had been penetrated; a question I was fully prepared to answer for detectives gathering evidence but not for someone who was supposed to be assisting me in terms of my emotional and mental resilience) and something in me tolerated hours of questioning by detectives in order to secure a statement whilst I sat in a police station in a hospital gown with no underwear or shoes (those items having been taken for forensic examination after I had submitted for the rape kit testing). This all occurred within 8 hours of the attack. By early the following morning I was exhausted, had vomited despite eating nothing, and still I was driven back to the site of the attack, still wearing a hospital gown and no shoes or underwear, to point out the exact location to police.

Those first 8 hours were horrific. The people I had turned to, NSW Police, had inflicted almost as much trauma as the attack. Unfortunately, the following 30 years saw more negligence. Weeks after the attack I received a message from NSW Police that I could collect the clothing they had taken for forensic analysis; I sent my boyfriend to collect them as shame and embarrassment prevented me from being able to face potentially the same officers that had been present that night. There were a pair of Levi 501's that I had saved for, that I wanted back regardless of the association with the attack. When I opened the parcel handed to me by my boyfriend, I held up the jeans, only to realise in horror that the entire crotch section had been cut away. I felt alternate waves of nausea and anger, so overwhelming that they overshadowed my shame and embarrassment allowing me to confront NSW Police in person at the local station. When I did so I was told to calm down.

That was the last contact I had from NSW Police for 11 years. So much for the then-in-force Victims Charter and keeping the victim informed. Subsequent to my attack, there were multiple further attacks before I left Australia, and further attacks before I was contacted in 2005. I heard nothing at all from NSW Police and was unaware I was the victim of a serial rapist.

Fast forward to 2005 and a detective made contact because they had lost my original statement. My first question was, was the DNA sample intact? It was. On a return visit to Australia from Ireland where I was living, I met a detective assigned to Strike Force Doreen and, as far as I could recall after 11 years, once again recounted the events of that night as best I could. A few days after the attack I had contacted police to add to my statement as a small but hugely significant detail had escaped my

memory on the morning after the attack. That detail placed the rapist at the venue I was at; he had said something he could only have known if he was there, watching me. I had forgotten this in the aftermath and it could have given key leads as to his identity. Needless to say, trying to recall details of an event I had repressed 11 years later because my statement had been “lost” was enormously difficult.

In the following years, I received perhaps 2-3 calls from the same detective, advising that Strike Force Doreen was still operational and the case still open. In 2016 I received warning of a media event to highlight the number of connected cases. In 2021 I instigated contact with the detective to determine if there had been any progress and was told there wasn't any; it was like looking for a “needle in a haystack”. In September 2022 I was advised that the rapist had been posthumously identified. In the following weeks I learned that in fact a family tree had been already identified when I called looking for an update in 2021.

This experience has been 30 years of inadequate information and support. I found out 30 years later from police that I was entitled to ongoing counselling support. I found out 30 years later, from another survivor rather than NSW Police, that I was entitled to victim's compensation in the form of a recognition payment (if I had in fact lodged such a claim within the 10 years from 1994, during which time I received no contact whatsoever from police). I found out 30 years later that there were in fact 11 other confirmed victims, and a further 19 suspected victims.

Police are supposed to be the first responders to a rape incident. Police regularly encourage reporting, and to quote Detective Inspector Jayne Doherty they will “walk with you every step of the way”. Unfortunately, the response to sexual assault victims falls at the very first hurdle, that of the question of whether or not to report an incident.

This is not simply an historical experience. Online support groups and advocacy groups have been screaming into the abyss about the absence of adequate support and continue to do so. Even the sloth-like media have finally gleaned that the sexual assault response system is woefully inadequate. And now we all await a government response to an issue that has been glaringly apparent to victim-survivors for years and years.

Whilst acknowledging the many traumatic impediments to reporting, **no conviction can ever come from a matter that is not reported.**

The inquiry must provide experienced, trauma-informed support personnel (not police) to whom a victim-survivor can go to ***in the first instance***. This person is essential to help a victim-survivor navigate the official reporting process, the potential judicial process, the mental health process, the financial compensation process and the post-case recovery process. This person must be well-versed in every facet of the response network. This person must guide a victim-survivor consistently from start to finish.

Nobody should be treated with as much disregard as I was for 29 years.

Nobody should expect victims to report when this is the low bar that has been set and continues to remain disappointingly inadequate.

Thank you for considering my submission.