

From: [REDACTED]
To: [Justice Responses ALRC](#)
Subject: Judicial Response to Sexual Violence Commission
Date: Friday, 24 May 2024 8:44:24 PM

To The Commissioner

Here are my answers in response to the guides given. I have to ask that my name is not made public, but I am OK with the details being public.

In short, I was gang-raped in 1978, I did not report it until 2010, it went through the courts in NSW in 2013/2014 and an appeal in 2015. I do have to take into consideration that only one person involved was imprisoned, one was found not guilty, one had his case thrown out, another had been too ill to stand trial twice, so I discontinued that trial, and another, I also discontinued.

I have answered questions with the corresponding numbers.

1. I called police to report the crime in 2010 or 2011 after realising I was suffering from PTSD.

2. I was attacked in NSW and currently live in Tasmania. I am not fully aware of current reforms in NSW.

3. 'How-to' access information and reporting to police, hospital or sexual assault service should start with age appropriate sessions in all schools as part of the curriculum. This should include talks from professionals, such as police, doctors at the emergency section in hospitals, lawyers who deal with sexual assault cases, and sexual assault support workers. If students have the information they need, and have met people working in those areas, they might feel more confident about reporting that important initial police report. It might even encourage students to continue their studies in those areas.

4. Information should be displayed on public transport, in shopping malls, at sporting grounds, in schools, public swimming pools and beaches and other places where large crowds gather.

5. I contacted police. They treated me with concern and dignity over quite a lengthy process to make the report and following up on the investigation.

6. I am not certain of reforms that have taken place in NSW.

7. Continual training and up-dating is needed, with up to date responses methods to exact as much information from the victim without causing further trauma.

8. My case was split into separate trials, the outcome being that, while two males admitted in part to being involved, others were continuing to state their innocence. I would have preferred a bit more clarity around that. I could have ended up facing 5 trials.

9. I am not aware of reforms since 2015 when I was last involved with the courts in NSW. I do know there have been reforms to Victims compensation.

10. Gang rape or sexual assault with multiple offenders is such a difficult situation. The client should be made aware of all the different scenarios that could take place when courts are involved.

11. I was assisted by a liaison officer, and a support person, one lawyer who assisted Crown Counsel, they had closed courts and they videoed parts of the testimony and cross-examination to be used in future trials.

12.

13. Having my case split into several cases, it would have been better to have one lawyer appointed for me through all cases. ODPD prosecutors are working with police and there were three different prosecutors throughout the trials. I was considered evidence and left, for the most part, without my own legal assistance. I was afforded a sexual assault privilege lawyer for just 15 minutes in the first trial. At one stage the crown prosecutor in the third trial went against the advice of the crown prosecutor in the first trial, and allowed some of my medical records be shown in court. I was left struggling with that decision. I fully believe that when a victim is accused of not telling the truth, they have been accused of a crime, ergo, they should be appointed a legal representative.

14. I know little of the police recordings, except that they were recording. I was not shown any. I was allowed to sit in court to watch a video from the previous trials.

15. Yes in NSW I believe as with my case. When there are likely to be multiple court cases with multiple offenders, the victim should be able to view videos made in the courts before each trial. I got to the third trial and started to wonder which trial I had mentioned this or that in. It's not appropriate to watch it in the court room with a defendant glaring at you. It makes one nervous and is a distraction.

16. I don't know if I had an intermediary. I had a liaison officer. There was one lawyer who worked with the Crown Prosecutors.

17. I think intermediaries could be helpful for children.

18. I have a little knowledge of trauma related amnesia. As the investigation and subsequent trial progressed, it became obvious that parts of the night were hidden to me. There was a vague area, that was revealed with one sentence in the third trial. I realised that more assaults were carried out that night.

19. Every person in the courtroom should be given advice to counter misinformation, especially, what is bouncing around on social media. Jurors, judges, lawyers, assistants.

20.as above.

21. I, personally, think juries are not useful in sexual assault trials anymore. The advent of social media is playing a big role in dispersing misinformation, too many jurors would be swayed. Weaker persons can be controlled. People with their own personal beliefs, faiths and biased people can be difficult to take in correct information, and that can end up destroying a case. A judge or a panel of three judges for the most serious cases would be more appropriate in 2024.

Privacy should be strengthened to further encourage people to report.

22. I was asked by the defence lawyer "You just had five penises inside you and you did not see a doctor?". I wanted to tell him that he just answered his own question. Although he did not question if I was dumped into the back of a car, he asked why I did not get out of the car after the first attack, I was petrified, that is why. Crown prosecutor did object, but that question should never have been asked. It was done solely to obtain my medical

records.

23. Defence counsels must be made more aware of what is appropriate.

24. YES. Relevance is important. How long it took to report is not the issue. Whether or not it happened is.

25. N/A

26. N/A

27. YES

28. I was afforded a sexual assault privilege lawyer for just 15 minutes of the first trial. Victims need to be legally represented throughout all trials, especially in gang rape cases, and where privacy is a concern.

29. I'm not certain of this point.

30. I've no experience here.

31. N/A

32.

33. I think specialist courts would be a great idea and I also support specialist training for judges. It would not create a problem if there are enough specialist judges and lawyers trained.

34. N/A

35. N/A

36. The one male sent to jail admitted in part, which is not a complete admission of guilt. Three others plead not guilty.

37. N/A

38. N/A

39. N/A

40. I did make a victim impact statement which I read out at sentencing. I think it allowed the accused, as well as everyone else in the courtroom to actually hear me, to understand me.

41.

42. No.

43. The appeals process went OK, although, there was one short moment when I felt like the prosecutor was out of line. Can't remember what for, now.

44. NO

45. I have no experience with restorative justice. Best to ask someone who has experience.

46.

47.

48.

49.

50. N/A

51. N/A

52. YES . I applied for compensation.

55. I was caught up in the middle of changes to compensation in NSW. On the 7th May 2013, they introduced changes to compensation laws in parliament. In a cruel twist to victims, they made it retrospective. My application was received by Victims Services on 15th May, 2013, before the law was passed in parliament and before it was assented into legislation on 3rd June, 2013. My application was held over until July 15th 2013, and I was not told it was being assessed under the new Recognition payments until the 28th August, 2013. This was seen as yet another attack on victims. I received just \$11,000. Plus the small amounts for court appearances.

I would rather see amounts restored, and some assurance that applications will never be held over to suit government legislation.

In NSW and across the country, amounts should be the same in each state and territory and most states should increase the amounts awarded.

56. I would like to see a board implemented in each state. This board should be elected with victims of crime survivors and they should help shape the way we deal with sexual assault cases and victim survivors. They can help shape the recommendations from this Commission into how the judicial system responds to sexual assaults.

Thank you for your time.

With Kind Regards

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[REDACTED]

To:

[Justice Responses ALRC](#)

Subject:

Submission addendum

Date:

Saturday, 25 May 2024 12:31:27 PM

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To The Commissioner.

I managed to send my submission for the JRSV yesterday, but I missed a chance of further expressing why I think juries should be scrapped for sexual assault cases in answer to question 21. My case was split into a possible 5 cases. That would have meant I would face a total of 60 jury members, while the accused would most likely, only face up to 12. It would mean trying to convince 60 people that I was telling the truth. It only takes one misinformed or biased member, and that might affect future trials. A panel of specialised judges in my case would have been more appropriate and less traumatic.

I've included my details again, I do hope this extra information is useful and can be added to my submission. Gang rape cases are a difficult enough situation, if we can make it easier for victims, it will be less traumatic. I would like to say that the number of was also traumatic, but I understand why that has to be.

With Kind regards.

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