

Royal Commission

Domestic, family and sexual violence Issues paper

Personal Submission



My name is [REDACTED] and this is my personal response to the Royal Commission Issues paper. I am submitting this response as a victim of sexual violence.

While I will address the questions raised in they key areas, I believe its important to raise my concern that the sexual violence aspect of this paper and Royal Commission has been heavily overshadowed by the Domestic and Family Violence response. All aspects of this paper should hold equal importance as should the victims' lived experience. Although I have not been a victim of Domestic and Family Violence, my encounter with sexual violence, and the Justice response that ensued, has left me with irreversible trauma that I now need to learn to live with. The impacts of sexual violence on the individual, families and the broader community are long-lasting and the prevalence of such heinous acts is preventable.

Providing some background and context to my story will help clarify why I hold the views I do on the key areas outlined.

March 18, 2022 my life changed. After a night out with friends I was raped by a stranger in my own home. As a woman in my forties, I had often thought about how I might react in such a situation - I imagined I would fight or scream. But in that moment, I did nothing, I froze. My body and mind did not respond in a way that I recognised or expected.

Before that day, I had never heard of a "trauma response", nor did I fully grasp how complex these reactions can be. Just hours after my assault, I engaged in consensual sex with a man I had been seeing at the time. I was overwhelmed by a need to return to normalcy, I was scared, I needed closeness, and I didn't want to be alone. These responses, as I now understand, are quite normal in the aftermath of trauma. However, they are also among the reasons the justice system chose not to proceed with my case.

I share this detail openly, despite being subject to judgement. It underscores the varied and often misunderstood nature of trauma responses, and no victim should be judged for how they respond in the aftermath of such an event.

I reported to Police the following morning and after a chaotic day of Police, CIB and CSI I met a [Yarrow Place](#) advocate in the emergency room of the Royal Adelaide Hospital for a forensic exam. My perpetrator was arrested and charged within 12 hours of reporting and my interactions with SA Police were very trauma informed and positive.

Then the DPP happened. I was requested to attend a proofing meeting and from my very first interaction the narrative shifted dramatically. The onus was now on me to justify my every move, my every breath, account for every minute and remember every detail. The victim blaming language, lack of empathy and general matter of fact interactions will be with me forever.

When I reflect on my experience with the DPP, I am now able to process how I was treated and what was said to me, in that in that moment I was in absolute shock and deep trauma. I was doing my best to simply get through the day. I didn't feel safe to speak up for myself or challenge what was being said to me. I was the most vulnerable I had ever been. Even something as simple as the DPP staff members having my file open with the perpetrator's photo in full view was not taken into account in terms of the impact on me as a victim. The fact I looked away and became teary every time the file was opened was not enough of an indication that this was triggering for me.

Some of the things said to me by DPP staff during my multiple meetings with them include:

“You didn’t ask him to stop or push him off when you woke up, he may have considered that consent”

“You don’t remember ordering Uber Eats, therefore maybe you don’t remember consenting”

“You’re very credible, but not reliable, you were too intoxicated”

“Taking antidepressants and drinking alcohol can cause gaps in memory, again maybe you don’t remember consenting”

The manipulation that took place to make me feel I would not win in front of a jury and that they were doing me a favour in not proceeding makes me feel sick when I look back now. However, in their words, and I quote, “surely I should be satisfied with the consolation that he was arrested in front of his wife”?

To have to sit in a room and be told “we all know this happened to you, and for that we are very sorry, but the defence will use all of these things and we don’t think it will be beyond a reasonable doubt” was, and still is, soul-destroying as a victim of sexual assault. This narrative perpetuates the social culture that exists of blaming the victim. Juries can be counselled on ways to interpret the law and what they should take into consideration. The DPP did not have the courage to proceed when I had put my whole world on hold and had been holding my breath for 10 months.

The failure of the legal system is one of the biggest catalysts for me speaking as a [REDACTED] advocate, along with representing my demographic and a large group of women who for various reasons don’t come forward as victims of sexual violence.

Please find my below responses to relevant key areas: Please note all responses are in relation to sexual violence.

Prevention

1. What causes domestic, family and sexual violence?

- Patriarchy & Misogyny - this is reinforced not only by societal beliefs and underlying gender stereotypes but also deeply embedded within the legal system. My experience of victim-blaming is a clear reflection of this pervasive patriarchy and misogyny.
- Pornography - Many studies have shown pornography is a significant contributor to violence against women, often promoting false expectations around sex, healthy relationships and consent.
- Consent Education - There is a lack of understanding across all age groups regarding the concept of enthusiastic consent. The notion that a lack of explicit refusal equates to consent is deeply flawed. During my meetings with the DPP, this argument was presented in various forms. The idea that being unconscious or not immediately saying “no” upon waking up could be considered consent is fundamentally at odds with my understanding of true consent.

2. What works, or will work, to prevent domestic, family and sexual violence?

- Accountability - Due to low rates of reporting, coupled with even lower rates of trial and conviction, victims are often hesitant to come forward. The trauma inflicted by the system, combined with the minimal likelihood of a justice outcome, discourages victims to report and reinforces a belief for perpetrators they will not face consequence.
- Primary Prevention approach to education - Whole of population initiatives that target the primary drivers of sexual violence. Education, accountability and understanding at all levels.

3. What existing initiatives are directed at addressing the attitudes and systems that drive domestic, family and sexual violence? Are they effective?

- [Our Watch | Change the story and key frameworks](#) - Primary prevention
- [Homepage - Daniel Principe](#) - Championing boys into becoming good men.
- [Embolden - for women's freedom, equity, respect & safety](#)

The three organisations referenced above are making significant strides in primary prevention, early intervention and education, demonstrating considerable progress. However, I believe that government initiatives in this area have largely fallen short. There would be substantial value in collaborating with and adequately funding these organisations to drive meaningful societal change.

Response

7. What are the barriers to reporting domestic, family and sexual violence to police or seeking support from domestic, family and sexual violence services?

- Shame/Stigma - Despite progress, a significant stigma still surrounds being a victim of sexual violence. As a sole parent in my forties, I experienced feelings of shame, humiliation, and a sense of having let others down. I questioned how I could have found myself in such a situation. Working in a corporate environment, I faced further challenges when some of my peers advised me not to speak openly or publicly, warning that it could “ruin my career”. Through extensive therapy, I have managed to come to terms with some of these emotions, but it still took immense courage to come forward. Unfortunately many others, for various reasons, do not, and continue to suffer in silence.
- Rape Myths/Victim Blaming - Persistent myths and language surrounding sexual violence continue to be significant barriers to reporting. There is widespread misunderstanding about what constitutes a rape, with the belief that it must be a violent attack in a dark alley to be considered rape. Questions such as whether the victim was intoxicated or whether they might be making a false allegation further contribute to this issue. The low reporting rates or often misinterpreted as low prevalence. Additionally, victim-blaming questions, such as why the victim did not fight back, are prevalent. The language and attitudes I encountered while at the DPP were deeply traumatising and hard to believe, had I not experienced it first hand. Despite perceived progress, these myths, harmful language and deeply ingrained beliefs continue to influence society, justice and the legal system.
- Low charge/conviction rates - Women know the likelihood of a perpetrator being held to account is minimal. The trauma experienced during the legal process can

frequently outweigh the pursuit of justice, leading many to not report or engage with the system. What is the point? Without a significant increase in perpetrator accountability, these issues will continue to be barriers. Addressing these challenges is crucial to fostering a more effective, trauma informed, and victim centered system.

8. What are the elements of a best practice crisis response which will meet the needs of:
a. a victim-survivor?

- Trauma informed response from first responders - It is essential that all frontline workers who have contact with victims are trauma informed.
- Advocates at Forensic exam - during my forensic exam i was met by an advocate from [Yarrow Place](#) who was able to sit with me, explain the process and connect me with a counselor post assault. This was a service I didn't know existed, but am forever grateful that it does.

9. What are the elements of a best practice health response?

- Continuity of care - The continuity of care I have received from [Yarrow Place](#) has been exceptional. I have had the same counselor throughout my journey, who has been consistently available whenever I needed support. The stability and safety of having a dedicated space to address my trauma has been invaluable, and I am so grateful for this ongoing support.

10. What are the elements of a best practice police response?

- Trauma informed response from first responders - It is essential that all frontline workers who have contact with victims are trauma informed.
- Understanding the power imbalance - Police are often seen as law enforcers, which can heighten a victim's fear when coming forward. It is crucial for Police to recognise this dynamic and approach each victim with empathy, kindness and without judgement. This initial interaction is pivotal, as it sets the tone for the victims' experience. When victims feel heard and believed, they are more likely to continue disclosing their experiences. Conversely, any sign of judgment may lead them to withdraw. To address this, I am currently collaborating with [Yarrow Place](#) to share my lived experience with SA Police [REDACTED]. This initiative aims to enhance their understanding of the impact they can have on victims and to discuss real trauma responses and situations.

11. What are the elements of a best practice justice system response?

- Trauma informed response from first responders - It is essential that all frontline workers who have contact with victims are trauma informed.
- Independent Legal representation for Victims - I still recall the moment I found that I would be a witness in my own rape. The DPP were not there prosecuting for me, they were there for the best interests of the state. I had a naive belief that I would be represented, that someone would tell my story and fight for me.. I was wrong. "Independent legal representation has surfaced as a major factor in reducing secondary victimisation and high attrition rates. While often positioned as solely in the interests of the victim, it can support the state's prosecution efforts and lead to improved substantive justice outcomes." (With You We Can, 2024)

- Understanding the system -From the moment I gave my first statement, I found there was little to no information provided about the entire process, particularly the justice system. The few pamphlets I received had to be hidden in the drawer to read in secret after my children were in bed, leaving me to rely heavily on google for guidance. I consider myself fortunate to have connected with other survivors through organisations on social media; I learned far more from them than from any official information provided during the process.
- Sexual Violence Court Pilot - In response to the “2015 Law Commission report, *The Justice Response to Victims of Sexual Violence*”(Sexual Violence Court Pilot Evaluation Report | the District Court of New Zealand, n.d.) a Sexual Violence court pilot was established. In the report linked below there is evidence that this pilot has been successful, and I believe something South Australia should strongly consider. Australia has had the “Australian Law Reform Commission Issues Paper - Justice Response to Sexual Violence” in May this year I believe implementation of a reformed system within South Australia should be looked at in response to this paper.
[Sexual Violence Court Pilot Evaluation Report | The District Court of New Zealand \(districtcourts.govt.nz\)](https://www.districtcourts.govt.nz/sexual-violence-court-pilot-evaluation-report)
- Jury directions about consent - A common reason given for not proceeding with charges is that the case might not meet the “beyond a reasonable doubt” standard required for a Jury conviction. This was one of the reasons cited for dropping the charges in my case. I believe this rationale is often used as a scapegoat by the DPP to avoid pursuing cases that are not guaranteed to result in a conviction. Rape cases are inherently complex and often involve nuanced interpretations of circumstances - something juries can be guided through with proper direction. If prosecutors are waiting for the “perfect case”, they will be waiting forever.
- Witness Assistance Officers - While the practice of assigning Witness Assistance Officers (WAO’s) is already in place, I was allocated one during my time with the DPP. I remain uncertain of their intended role. My experience was limited to being greeted, escorted up the lift, and having tissues pushed across the table when I cried. Although WAO’s are supposed to support witnesses through the process, this is not my experience, and I doubt that it is an isolated case.

Recovery & Healing

13. Acknowledging that every victim-survivor will have different needs depending on their personal circumstances, are there universal needs that will arise for all victim-survivors?

- Trauma informed support - This is crucial for all survivors at every stage of the process. Unfortunately, it is not uncommon for the process itself to exacerbate the trauma experienced by victims, often leading to the need for additional and ongoing therapy. By treating victims with the respect, empathy, and understanding they deserve, we can significantly reduce the risk of further harm and support their healing journey more effectively.
- Giving victims a voice - Victims have already had their agency taken away once; it is essential to give them space to have a voice, to be heard, and to be understood. While it should not be the responsibility of the victims to fix the system, our experiences provide valuable insights into what works and what doesn't. Allowing us to contribute to the conversation can lead to more effective and compassionate approaches within the system.



14. What are the best practice approaches to supporting a victim-survivor to recover from trauma and the mental, physical, emotional and economic impacts of violence?

- Access to support - While I am able to access [Yarrow Place](#) for ongoing mental health and emotional support, this does not extend to my children. One of the missing pieces for me in the recovery and healing process has been support for my children. As I mentioned before I am a sole parent to 2 teenagers and speaking publicly about my rape and advocating for change does not come without impacts on them. Even for them to have to think about their mother being in that situation is traumatic. They are incredibly proud of me and I know they will be the next generation of change, however they are both currently in therapy, self funded by me. Not everyone is in a fortunate enough position to be able to do that, and it shouldn't be based on your economic standing as to whether your children get help or not, noting that in many cases the flow on impacts of sexual assault also impact the partners, children, parents and families of the victims too.

In reflecting what I would like to see as the result of the Royal commission, ultimately it is for a community that is safer for women and children and in order for that to happen many key areas need an overhaul. To do this I believe we need to educate our community, not just the younger generation, on enthusiastic consent, respectful relationships, patriarchy and gender bias and help everyone to understand that these issues will or are impacting someone in their lives, whether they know it or not. We need to acknowledge the positive impacts of first responders and continue to support them in the work they do. We need to improve the way the DPP interacts with victims and with other stakeholders in the prosecution process to ensure that victims are given the best chance of justice in a way which balances pragmatism with empathy. Finally, we need to have a victim-centric support model that helps survivors navigate the complex maze of post-event stakeholders, rather than leaving them to fend for themselves in what is a time of intense trauma.

These topics are uncomfortable and often taboo, however many victims want to be heard, we want to be part of the solution and not see others go through what we have had to. No one person can come up the magic bullet, it's a collective voice and shared experience that will guide South Australia to better outcomes for women and children.