

## Submission 1 – Victoria's Criminal Justice System.

June, 2021.

I am a [REDACTED] survivor of multiple childhood sexual abuse. Only one of my cases proceeded to Court and I would never testify in a sexual abuse case again because of how badly the procedure was in court, but more so that lack of accountability for systemic failures when I tried to address these matters.

This is my story;

[REDACTED] I reported one of my childhood sexual abuse matters to the Police and gave my statement, a few triggers were leading up to this but the main catalyst being my son's age, he was the same age I was when abused and I could see just how young [REDACTED] was and how wrong the offence was. Possibly I would never have reported had I not had children, although the Royal Commission would have been a huge trigger.

I had experienced prior sexual abuse at school by peers at age 12 and had begun substance-abusing in the form of chroming to block all feelings. I was passing out at school, my parents sent me to a Private Psychiatric hospital, [REDACTED], this hospital was privately owned and affiliated with the Family cult. [REDACTED]

I was removed by the accused and sexually abused at her home. I was approx. 2 weeks from turning 14 and shortly after began substance-abusing again, where I was then transferred to the [REDACTED] an adult acute ward, where I experienced other forms of sexual abuse ending in forced seclusion, where I was injected with a drug and raped by two male nurses, I have the FOI records of the details of what I was injected with.

Suffice to say I am not a well-functioning adult, however, I suffer dreadfully with Complex PTSD and have daily struggles with triggers, especially during the years of media coverage on high profile cases. I have also been diagnosed with Bipolar disorder and have dreadful struggles with depression. My first suicide attempt was shortly after the rapes at 14, here I spent a week in ICU and I suffer many issues from the trauma, I had no more suicide attempts until the court case, I was 45, I then had 4 more attempts. I spent most of my adult life with disordered eating to manage the feelings and swung from peopdic anorexia and bulima and severe depression.

My goal in reporting the abuse was to get an apology from my accused as I felt this might facilitate healing and I could move forward with recovery. The accused was high profile and I did not realise that social media would be so unbelievably cruel to a victim. I was very naïve and thought the Police would question her, she would admit what she did and apologise.

Court didn't even come into the equation for me. I did not understand the legal system at all although I believe the SOCIT Police did explain it, I have struggled with comprehension, dissociation and my mental health in understanding.

My perpetrator denied the allegations and the matter proceeded to the Magistrates court [REDACTED]. Due to my fear and PTSD, I requested as per my mandated right (section 360 b of the Criminal procedure act) to use a witness protection screen rather than be placed in a small room with no support to remotely testify. The Judge was accommodating, and I received the screen and felt safe knowing the SOCIT worker (Detective) who I saw as a safe person was in the room with me and the perpetrator.

The Magistrate found the accused guilty and she was sentenced to an 18-month corrections order, placed on the sex offenders register for 7 years and also would have to move from her State to Victoria to report regularly.

Within [REDACTED] days there was an appeal, I was told of this appeal via a phone call on a Friday from the OPP solicitor. I was not asked did I have any support at all. I was told it was a Do novo case and that the first case was essentially pointless and we would be beginning from the start.

Before the accused received the verdict and every time the media ran a story, which was frequently and on channel 10, not coincidentally the channel the accused worked for at the time of the "alleged" offence in the 80's it, I was hammered on social media, called a liar, my character, mental state, my husband, children's and life was disseminated and eventually led me to wish to end my life and to this day when I read anything about this online those feelings return. My [REDACTED] year old told his school friends who in turn told their parents and all my voluntary work at the school ceased as did soup bus work and I started to rapidly lose weight and barely spoke and was only receiving assistance from my GP.

I went downstairs to see my offender was on the news stating "she would not be apologising" I immediately went into crisis, and left my home and drove into the bush a few Km from my home and attempted to end my life. I felt not believed unsupported and could not put my family through this again. I had already lost 26 kilos in 6 months and was barely speaking to my family or functioning.

I was found unconscious and woke in the local hospital. I left ASAP and received no mental health assistance.

The OPP solicitor was made aware I had attempted to take my life, there was no talk of stopping the appeal case to regain my health.

In December, [REDACTED] by this stage my weight was now 41 kilos, it was a healthy 68 Kg in the April of that year.

I asked the Barrister for the prosecution could I be provided with a witness protection screen.

I have a copy of the court transcript and I know the Prosecutor asked many times of the Judge for me to be supplied with the witness protection screen, in fact, she pointed out it was mandatory and also stated the relevant section number. He blatantly denied me that right. The Judge was Judge Geoffrey Chettle. He said

**quote” I’ve never used a screen in the 12 years I’ve been here and I don’t really want to start now”**

**Quote” I mean she’s not a child. She must be, what, 40 years old or something?**

The Barrister replies my age and the purpose of the screen in being as being for stressful situations for victims to which the Judge replies;

**Quote: “ I get all that. It’s a stressful situation for everybody.”**

The Barrister came back into the small room and looked very flustered and told me I was not allowed a screen and must go in immediately, the look on the SOCIT detectives face was that of shock, and when asked later had she ever heard of such an occurrence happening to a witness victim she said “no and she was dumbfounded”.

I was completely devastated, in shock at seeing my accused and my testimony was not good. I went into a dissociative state really and was trying to hear what the Barrister was saying and the person cross-examining me, I have extreme audio sensitivities when under severe stress so I struggled to hear, comprehend and reply well and I was trying my hardest to appear “normal”. My head felt the age of 13 again, the age I was abused. It was a disaster; I was not given the optimal conditions to testify in that all other witnesses of childhood sexual abuse are and I folded.

That night my husband who was supposed to be watching me closely shut down in tiredness as he also was cross-examined and very overwhelmed, it was all over the news and I walked out of the hotel to jump in front of a train. My GP talked me out of it after speaking with her next to the station.

We stayed for the verdict. We were not in the court at the time of the verdict as the SOCIT detective advised it would be better not to be. She was aware I was not in a good place.

I could tell from her face it wasn’t good and I don’t believe I ever heard the verdict. I ran heard a lot of screaming which was coming from me and I was unconscious after trying to end my life again at the County court, my husband and sister had to work on my life while waiting a long time for an ambulance, I was taken out unconscious and even then the media waiting to take pictures and write about it.

I could have accepted a court case where I was heard and given a fair go as a witness/victim after all most sexual abuse cases historically don’t have evidence or witnesses and high profile people in the media are very good at hiring Barristers to defend and destroy victims. Those Barristers are very good at knowing how the victim's mind will be taken back to that age and struggle.

I had no struggle with my memory, with telling the absolute truth, or with my age which other people had an issue with, I know I was 2 weeks off 14 therefore 13 years of age, I understand reasonable doubt was created by clever people arguing over my age because I was NOT going to lie and state my age as 14, because a Psychiatrist

said I was in his notes. I knew my age. But I could not accept I was refused a screen.

In [REDACTED] I began by writing to the County Court, explaining my distress over not receiving a screen and Toby Hemming wrote back. The letter was dismissing but explained he reviewed the relevant court transcript. They did NOT address the fact they refused to supply a screen in any way. They simply told me I did not wish to have a support person in the room. I had my sister and husband there on the day.

My husband was a witness therefore unable to be a support person, my sister was so upset in knowing about the abuse she refused to be a support person. I wanted no one in the room because I felt acutely ashamed that woman forced me to touch her too. I felt disgusting and did not want people to hear what she had done to me either.

I concentrated on my health, my marriage ended after another suicide attempt and my children suffered also.

The then sought help from Catherine King MP [REDACTED] and she wrote to Ben Carroll MP, he replied with a fact sheet.

My accused, in the mean time wrote a memoir which I did not read however my father was incredibly distressed that I would find out and attempt suicide again. I found out the day I had to give a speech to a room full of woman. I had to tell them I had hayfever but gave that speech.

While she was advertising her book, she would say she was "fasley accused" then state how the Barrister for the prosecution "shook her hand and said the case should never have gone to court". I was stunned that this could occur, I obtained a copy of the book and along with 2 chapters detailing comments about myself there was reference to this comment.

I wrote to the OPP. I was called back on the [REDACTED] by [REDACTED] and a social worker, I explained my frustration and was told to secure that screen I should have had a medical certificate from my GP! I hung up and wrote in. I knew that was incorrect.

I then received a reply to say that was not required.

I went to the local [REDACTED] VOCAT to ask for advice and was told about the Victims Commissioner.

I called and spoke to a worker from the Victims Commissioner who explained you can formally make a complaint to the Solicitor in charge at the time this was [REDACTED]

I wrote a formal letter on [REDACTED] and shortly after a meeting was arranged. I had a Victims Commissioner representative and a VOCAT helper from [REDACTED] who helped in driving me in. There were 3 Lawyers for the OPP sitting in that room. I asked did that handshake occur and was told yes it did.

I was asked why I did not receive a witness screen and was told that Judge Chettle chose not to follow legislation.

I was told the Barrister for the Prosecution would have felt it was futile to fight for the screen.

I have a full copy of those minutes if required.

██████████ confirmed that the Barrister did not say the words in the accused memoir ██████████ "the matter should never have come to court".

My hope then given the dreadful look this gave the OPP to victims of sexual abuse that the OPP would contact my accused – a female high profile, that she would recant the words. The OPP refused to do this causing constant stress for myself and my family each and every time it was published and told on air.

I told my father about the OPP meeting via email. He died of a massive heart attack 3 days later. I believe from the stress.

We were due to have a follow-up meeting but I was then arranging a funeral and ██████████ was preparing to leave for his new role as ██████████. A worker from the Victims Commissioners Office filled in to assist with this. I was told a number of things would occur via a phone conversation and then an email, my accused name – ██████████ was to be named in the letter, an apology from the OPP that a screen was not provided and also reference to the fact the prosecutor who was to be unnamed denying that the relevant portions of the book in that the prosecutor said the words the accused stated.

Approx ██████ months later after many, many calls to ██████████ I received the Court transcript and eventually the letter, it was nothing as I had been told.

I received the transcript. I was told the office had done all the enquiries they could (dismissed), told they could not see the handshake on the footage so they were not going to deny or confirm.

██████████ had asked and spoken to the Crown Prosecutor – ██████████ – Now Judge ██████████ she did not say those words, she said something like have a nice life, would she do it again in hindsight, probably not". This was told to me by the Victims commissioner helper as told to her by ██████████. I am still unsure about the handshake and don't understand given ██████████ still worked for the OPP at the time I complained how difficult it would have been for ██████████ the DPP to ask her.

This was a small thing for the OPP, for me it was invalidating and proves childhood sexual abuse victims are not believed, are not valued, perpetrators mean more than an actual victim of their high profile, I felt and still feel unworthy of living in this world.

I wrote to the Chief Judges Chambers to Chief Justice Kidd ██████████ detailing what had occurred regarding the screen with a Judge in the County Court Geoffrey Chettle (retired) and also regarding the comments from the Barrister who was now a County Court Judge in his courts (County) ██████████ who may or may

not have shook my accused hand and made invalidating comments about the abuse that did occur to me.

I received a reply from [REDACTED] [REDACTED] interestingly to an old email that I no longer use. I was not the email I sent the attached letter from, I do not believe Justice Kidd even viewed this letter or was aware of what occurred in his County Court.

In November, [REDACTED] I decided to go straight to Judge [REDACTED] firstly to thank her for trying to secure the witness protection screen for me, and then to ask if the handshake occurred and also if an exchange was had. Again within weeks an email, again sent to my old email, not the email I sent to the attached letter to was sent completely dismissing everything I wrote, again written by [REDACTED] and I do not believe this was seen by Judge [REDACTED].

The letter states "It would be inappropriate or a sitting judge Her Honour to comment on cases in which she acted as a Prosecutor".

I then spoke to Minister Stuart Grimley who advocates strongly for sexual abuse survivors, he agreed to assist with a letter to the then Attorney General – Jill Hennessy the letter was sent on the 17<sup>th</sup> Feb, 2020.

It mentioned an audio was requested in late November from the OPP, which I had still not received 3months later, I then received this in the March.

That whilst the handshake confirmed by [REDACTED] and the Crown Prosecutor that did not occur and also the words spoken, I requested that it be retracted from my accused memoir as it paints a dreadful picture of the OPP that its prosecutors would side with perpetrators.

Nothing was heard for **8 months**. I ended up sending Ms Hennessy a copy of the transcript and extra detail and my own additional letter, I received no reply ever.

Stuart received a reply stating "it is inappropriate for Ms Hennessy to comment on the courts and OPP. The Andrews Gov is committed to addressing the needs of victims...accepted IN PRINCIPLE the recommendations recommended by the Institutional Royal Commission."

Something about Witness assistance service.

She then notes the screen was denied because of miscommunication because of the Judge and Barrister? I had just sent her a copy of the transcript and there was absolutely no miscommunication. She didn't bother to read it.

She gave details of where I could get a copy of the transcript that Stuart had told her had been ordered and that I received and had updated her with.

The letter was disappointing, I realised at that point every single person who should have been accountable and just apologised, couldn't. I gave up. My children lost their mother in 2015, never got her back, I am a completely different person who is unable to work much, I have constant suicidal ideation since 2015, severe anxiety, and depression 10 months of every year.

My children now believe there is no justice. There is no point reporting any crime, Judges cannot follow legislation, and when things go wrong, no one owns up to this. I have come to terms, accepted and forgiven the same sex accused, who simply used me as a 13 year old stepping stone. I understand now that it would have been difficult for her to be bisexual and high profile in the 80's. I forgive her crime but not her narcissistic attitude afterwards in placing her victim in her book and not apologizing and owning up to what she did. I did not lie.

I cannot forgive the "justice" system for destroying me, I do believe eventually I will complete suicide because of how this systemic failure has gone for me.

I did apply to Victims of Crime for counselling sessions only, these were granted twice, I was not able to find a specialised EMDR counsellor which the public Psychiatrist recommended for me as I was told I was so affected this was the gold standard treatment for my CPTSD. I finally found Counsellor some sessions had been used up in doing the report.

When I applied for extra sessions in 2021 I was told no more sessions for a variety of reasons, at the time of writing this submission a Notice of Variation hearing is due to go ahead for VOCAT on September 15, [REDACTED]. Not holding into much faith.

[REDACTED]  
[REDACTED]

## Submission 2 Victoria's Criminal Justice System.

I have a [REDACTED] year AVO which is due to expire in late [REDACTED].

There had been a breach in I believe early [REDACTED] which went to court and was dealt with and I was not required, there was a fine given I believe.

In December [REDACTED], I received an email from the person on the AVO, who again breached, some very personal details were written which led me to believe it was certainly the accused that wrote them.

I reported the breach to the Police along with some text breaches and another couple of emails from sometime prior. I now know I should have reported them immediately, but I had experienced a time I took a lot of breaches into the Police station a year prior and was told to come back the next day as I had so much that it would take awhile, and they didn't feel that the accused would harm me...

I reported to the [REDACTED] police station and the informant then moved to the Daylesford Police station and subsequently went on maternity leave at some stage later.

During the course of awaiting for the matter to go to court, I attempted numerous times to find out where the case was at but things were a little challenging by the fact, I no longer had an informant working at the time, and covid was changing the duties of Police so it was hard in lockdowns to get ahold of the correct member relevant to the case. I was given some updated information by the acting Sergeant because during the course I had asked the [REDACTED] Prosecutor about the matter was told there was only one email breach which left me quite confused.

I was explained some had expired, which made sense although wish at the time of reporting this had been explained to me.

I understood the delay of court due to covid and when we eventually had a date set for a special mention it was not until [REDACTED]

I was told by the prosecutor that at the contest hearing set for July [REDACTED] that I would be required to give evidence and be cross examined.

The accused knew very well that the last time I had been cross examined in a court that I had been refused a witness protection screen by the Judge and that this had affected me greatly. Due to the conditions and complexity of that court case I ended up attempting suicide at the court. He would have known it would be traumatising for me to go into a courtroom again and I had been told prior it was unlikely in the years before that a cross exam would be necessary due to the fact it was a simple email breach.

After confirmation there wouldn't be a case as it is "the accused's right to cross examine the witness" I set about finding a safe way for me to testify and not completely derail the years of work I had done on my mental health since the [REDACTED] childhood sexual abuse case, with the help of Orange door and my Psychologist

clinician we set about a plan to remotely testify, bringing in the manager of Centrecare who liaised and got permission from the court.

I then felt far less anxiety about this and could prepare myself for the day.

On the [REDACTED] I received an email to attend a consumer representative workshop for the same date as the contest hearing so thought I would call the Magistrates court and ask if they knew the time I would be required.

I was told there was no longer a case as “the Police withdrew the charges”.

I asked why and was told, “check with the Prosecutor”.

I could not get through on the phone, and immediately became incredibly distressed.

I tried to call my clinician to try and talk out my distress but felt worthless and ended up trying to take my life in distress. I had many other high stress things going on in my life at the time such as grief and feeling not at all safe from the accused and I am in no way saying this was the only tipping point, but it was a catalyst for feeling absolutely no hope.

She ended up calling for a welfare check and trying to get the Police to check on me and I felt they were people who had caused this, so I wasn't engaging. It was difficult to trust anyone but eventually I felt safe to go home.

[REDACTED] days later I was given the information on what had occurred from the Prosecutors Office.

I called the prosecutors office in [REDACTED] and everyone I spoke to was incredibly apologetic, surprised at what had occurred and immediately set about that day in trying to get the charges reinstated. They could not be as by now some 18 months later of course once withdrawn the statute of limitations was expired!

The accused had some time earlier contacted the Police Commissioner until they contacted the [REDACTED] Prosecutor to look into his emails, they re looked into the brief as asked (demanded) by the accused and decided that the charges were to remain and this was going to court – the person that decided this was the member I spoke with. So, the accused simply went to the rank higher than he had spoken too, arranged a matter conference without his legal council showed a paper to the prosecutor [REDACTED] alleging he had been “hacked “and with that the matter is dropped.

6 weeks before my phone call.

No one informed the victim, myself.

Had they bothered too, I could have explained why I believe it was him behind the email, there was some fairly personal information in there, no other person would know.

I cannot believe an accused can simply have a chat to the Prosecutor and when told its still going to court go a rank higher until he gets his own way and then zero victim

management from the prosecutor who makes the decision to withdraw the charges.  
The is incomprehensible to me.

No one informed any of the services who had gone to great lengths to ensure I was safe from the accused but also felt safe from my own severe anxiety and PTSD.

I have sent a letter of complaint to the prosecutor and in fact the prosecutor who completely failed me is now on [REDACTED] leave, all I spoke were incredibly helpful and understanding.

[REDACTED]

[REDACTED]