

## queensland courts law

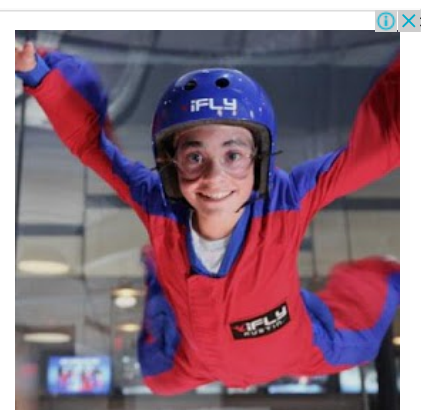
# Queensland is Australia's worst state for sexual abuse survivors to find justice

Queensland has been identified as Australia's worst state for rape and sexual assault survivors to seek justice with lenient sentences being handed down by the courts.

Nina Funnell

 DECEMBER 13, 2018 12:47PM

Sexual assault survivor Bri Lee is calling for a review of sexual assault laws in Queensland. iStock Source:istock



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According to the letter, Queensland's system of dealing with sexual abuse and assault lags behind the rest of the country and a complete overhaul was needed — including a three tier review of police, the Director of Public Prosecutions (DPP) and the courts.

The open letter was written by award-winning author and survivor, Bri Lee, who has detailed her own experience navigating the “archaic” Queensland justice system in her best selling novel, *Eggshell Skull*.

“The hardest thing for me was that my case dragged on for two whole years and in that entire time I felt like I had no control over what was happening. I was often the last person to know about important updates,” Ms Lee said.

“If you've been abused as a child or assaulted as an adult, Queensland is one of the unluckiest places to find yourself trying to get justice.

“We don't have a dedicated and trained specialist section of the police service like other states. We make survivors repeat and repeat and repeat their attacks instead of using recordings like other states.

“We have the most archaic legislation around consent with the ‘mistake of fact’ defence allowing defendants to use their own drunkenness to secure acquittals.

“It does not surprise me at all that so many people withdraw their matters before they get to court — it hangs over your life and can be unbearable.”



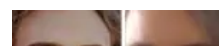
Bri Lee in Brisbane. Picture: Paul Harris Source: Supplied

In Queensland an estimated 30,000 sexual assaults occur each year, yet in 2017, just 4751 sex crimes were officially reported to police. Around half that number proceeded to trial (2446 cases) but of them, only 835 resulted in a guilty verdict.

This means that less than one in five victims who report to police achieve a conviction in Queensland.

Ms Lee's open letter calling for a review has been formally endorsed by a coalition of leading academics from six universities across Queensland, NSW and Victoria, including Professor Heather Douglas (University of Queensland), Professor Jonathan Crowe (Bond University), Professor Catharine Lumby (Macquarie University), Associate Professor Anastasia Powell (RMIT), Dr Bianca Fileborn (UNSW), Dr Asher Flynn (Monash University), Dr Nicola Henry (RMIT) and Scientia Associate Professor Michael Salter (UNSW)

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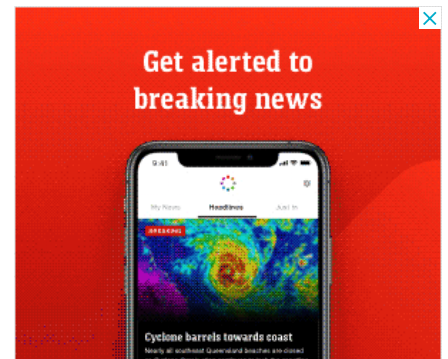
Queensland are reporting ongoing barriers and a culture of disbelief" adding that "Queensland is trailing behind".

Professor of Law at Bond University, Jonathan Crowe, agrees: "Queensland lags well behind other Australian states in the way it defines consent in rape law ... This is not about radical reform — it's about bringing our laws into the 21st century."

Ms Lee has released the open-letter today on her 27th birthday, as today also marks the one year anniversary since her own trial.

"I got guilty verdicts and that makes me one of the lucky ones. Many people can't even convince the police to investigate or the DPP to prosecute," she told news.com.au.

"Seeing so many high-profile academics from across the nation come together to support this call makes me feel like maybe I've turned the worst thing that was done to me into something I can be proud of — something that might help other people."



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Advocate Saxon Mullins is backing a call for tougher sexual assault laws. *Source:news.com.au*

Tracey Spicer wants an overhaul of Queensland's system that handles sexual abuse cases. *Source:Supplied*

## SEXUAL ABUSE SURVIVOR SNUBBED

The Queensland Attorney General has snubbed Ms Lee, who was announced as a finalist for Victorian Premier's Literary Awards last night.

"Unfortunately, due to other working commitments, the Attorney-General is unable to meet with you at this time" said a staff member in a letter sent to Ms Lee this week, adding that "the Queensland Criminal Code (already) contains a

comprehensive range of sexual offences carrying substantial penalties including the offence of rape which has a maximum penalty of life imprisonment."

But an investigation by news.com.au has found that Queensland courts routinely hand down some of the most lenient sentences for rape and sexual assault in the country.

Of the 835 perpetrators found guilty of sex offences in Queensland in 2017, roughly half — 44 per cent — were released straight back on to the streets with a mere slap on the wrist, such as a fine, a community service order or a suspended sentence.





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Nina Funnell was a signatory to the letter written by Bri Lee. Source:Supplied

In 2017, for example, James Cook University staff member, Douglas Steele admitted to raping an unconscious 20-year-old indigenous student. Despite pleading guilty, Steele was sentenced to just 17 weeks in jail.

His victim dropped out of her degree.

In an even more obscene case in 2007, nine men and boys pleaded guilty to sexually assaulting a 10-year-old girl in Queensland's north.

Yet despite admitting to gang raping the child, not one of the offenders was given a prison sentence.

Advocates say that cases such as these offer victims little incentive to report.

"Imagine going through the ordeal of rape, then reporting it to police, going through cross examination, and finally getting a conviction, only to then be told that the perpetrator is getting a suspended sentence," says Sharna Bremner from End Rape On Campus Australia.

"The courts routinely offer convicted rapists a 'first time freebie'. Alternatively if a person rapes multiple victims, the courts often allow them to serve their sentences concurrently — so they are effectively rewarded with a 'bulk discount'."

Ms Lee says the time for change is now.

"Every year that passes sees thousands more survivors disrespected and let down by the current system. Justice should be available for all of us, regardless of the jurisdiction in which we live."



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Sexual assault survivor Bri Lee is calling for a review of sexual assault laws in Queensland. Picture: Paul Harris Source: Supplied

*Nina Funnell is a Walkley Award winning journalist, public sexual assault advocate and a signatory to the letter written by Bri Lee | [@ninafunnell](#)*



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