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## Queensland providing 'green light' to perpetrators of sexual violence, experts say

**Women's groups urge reform to police and legal system in state they say has murky consent laws and inadequate support services**

**Ben Smee**

Thu 2 Aug 2018 15:31 AEST

Queensland provides “an absolute green light” to perpetrators of sexual violence, women’s and survivors’ support groups say, as they call for urgent reform to a system they say is governed by murky consent laws, untrained police and inadequate support services.

Leona Berrie from the Sexual Assault Network called for an inquiry into all aspects of sexual violence.

“In the Queensland context we’re really sitting in a policy vacuum,” Berrie said. “We don’t have a strategy, we don’t have oversight.”

The call follows a Guardian Australia report on Thursday which revealed police had shredded the rape statement of a woman known as Lyla - having not previously spoken to her or investigated her claim - then later told her they couldn't "wave a magic wand and fix all of your problems".

The chief executive officer of the Women's Legal Service Queensland, Angela Lynch, said the issue of how violence against women is dealt with was not going away, and that survivors were finding their voice.

"Vulnerable women are saying this system is not responding to their need and the end result is an absolute green light to perpetrators of sexual violence in Queensland. If you're interested in a safe community and you're truly interested in preventing violence against women and their children, this issue cannot be ignored."

The women's legal service coordinated a recent letter-writing campaign. Almost 800 women contacted the premier, Anastacia Palaszczuk, calling for broad reforms to the police and legal system to better support survivors of sexual assault. They have not yet received a response.

### **Going backwards**

In the age of #MeToo, Queensland is going backwards. Crime statistics show reports of sexual assault increasing.

Police recorded more than 2,000 complaints of rape or attempted rape in the last financial year. On a per-capita basis, the number of complaints has increased about 50% in six years.

The police clearance rate for cases (a case is considered cleared when a person is charged or a complaint is withdrawn) is at its lowest recorded level in more than a decade. In 2016/17 - the most recent available data - 28% of rape complaints in Queensland had not been finalised by police.

In June, the state attorney general, Yvette D'Ath, wrote to women's groups asking them for information and case studies related to the "mistake of fact" defence, one of Queensland's archaic statutes that has escaped reform for decades in what was once a socially conservative state.

The defence, written into the criminal code 109 years ago, effectively allows a consensual sex act if one party is of the honest, but mistaken, belief the encounter was consensual. The law makes prosecutions difficult in cases where consent is challenged.

### **'Frighteningly common'**

Angela Lynch said the experience of Lyla was "frighteningly common".

"We have concerns in relation to the way the whole sexual violence system in Queensland operates, but the gatekeepers of that service are the police service. They decide whether something is investigated or dismissed out of hand.

"We've had feedback from our clients that talks about concerning practices and attitudes from police to these issues. Victims have told us they've made a complaint to [the police] and when they've gone back they were told it was never recorded.

"There are issues about never getting phone calls back, issues of having to relay highly sensitive details of trauma at the front desk of a police station.

“Even having male police officers conducting the interviews is really troubling.”

Lynch said police were not helped by difficulties prosecuting cases.

“Of course we recognise that police have their own frustrations with a legal system that is in many ways unresponsive to the realities of sexual violence, and that shapes how police make decisions about what matters proceed and don't proceed.

“[But] it's absolutely no excuse to be so dismissive of sexual violence complainants and to not interact with them in a professional way.

“The system is fairly slow in responding but fairly quick in relation to deleting the complaint.”

Berrie said the initial response from police could cloud the entire process for a complainant. She said it was often “pot luck” whether police on duty would be capable of dealing with sexual violence offences.

“The training and understanding of that person taking that statement will vary significantly, especially when you turn up outside of some of the urban centres.

“We know it's a difficult crime to prosecute for a lot of reasons, but procedural justice matters. People need to know they've been heard and taken seriously.”

In a statement on Tuesday, the Queensland minister for women and for the prevention of domestic and family violence, Di Farmer, announced a further \$12m to “underpin the next stage of this government's commitment to ending sexual violence in this state”.

Farmer said in her statement the government was developing “interagency guidelines” to help guide the response to people who have experienced sexual assault.

*. In Australia, the national rape and domestic violence hotline is 1800 RESPECT (737 732) and the crisis support service Lifeline is on 13 11 14. In the UK, Samaritans can be contacted on 116 123. In the US, the suicide prevention lifeline is 1-800-273-8255. Other international helplines can be found at [www.befrienders.org](http://www.befrienders.org)*

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