

# The Guardian

## If you've been abused as a child, Queensland is the unluckiest state to be in

*Bri Lee*

We're dealing with people's lives and basic rights to justice - it shouldn't matter which state or territory we're in

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**T**hursday is my 27th birthday and that means it's been exactly one year since my trial. When the jury found the defendant "guilty" on both counts of "indecent treatment of a child" I cried and cried. He'd fought the allegations for two years, hired a solicitor and barrister, and gave evidence of his innocence at trial. They don't call us "survivors" for nothing: those two years subjected me to relentless humiliations and devastations. There were multiple occasions I almost withdrew my complaint, feeling like I couldn't possibly go on.

Despite all that, I am one of the lucky ones. Not just lucky to get the right verdict but lucky that the prosecutors even decided to run my case, and before that, lucky the police even decided to investigate.

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.

None of this should be about “luck”. We’re dealing with people’s lives and basic rights to justice - it shouldn’t matter which state or territory we’re in. We cannot keep letting survivors fall through the cracks. There is absolutely no excuse for the delays in review and reform in this state.

The ABS recently reported the number of official sexual assault victims increased by 8% across Australia from 2016, reaching an eight-year high in 2017. In Queensland 4,751 victims of sex crimes were reported in the 2016-2017 year, yet only 835 offenders were proven guilty in that year (either by pleading or after trial). That suggests there’s a less than a one in five chance of a guilty verdict for people who make official complaints. I told you I was lucky.

Children and young people between 10 and 19 are the most at-risk group, 70% of reported sex offending happens in a residential or domestic setting, and over two-thirds of survivors knew the defendant. These are the hardest cases to prosecute because they don’t fit the “rape myths” of a stranger jumping out of the bushes at night, and the abysmal statistics reflect that.

I have been advocating on these issues for months and seen no movement. Plenty of others have been fighting for updates for years and seen no improvement. Now I’ve written a two-page letter to the attorney-general, Yvette D’Ath, requesting an inquiry into the state of sex crime responses in Queensland.

Eighteen prominent academics, organisations, and advocates have signed on. I appeared on WIN News in July speaking about these issues, and the reporter for the segment announced that the attorney-general “looked forward to hearing [my] thoughts” on the matter. I then emailed their office on 8 July to follow-up on this and received no response.

I sent this letter to the attorney-general, the premier, and the minister for child safety, youth and women and minister for the prevention of domestic and family violence, and heard nothing back. The only responsive and supportive person I’ve found has been my local MP Grace Grace.

Most of the issues in this letter were also identified in the criminal justice report recommendations of the royal commission. None of it is radical but it would mean a monumental difference to the thousands of people sexually abused and assaulted in Queensland every year. I also think it would help the police, prosecutors and judiciary to have the system running more smoothly and adequately resourced.

In the mean time the Queensland leader of the opposition, Deb Frecklington, called for a review after a particularly shocking case was reported on by the Courier-Mail in October in which I spoke about these issues. “We need an inquiry that takes a good look at our current laws, including issues around sexual consent,” she said. It is unusual, to say the least, that the Liberal National party are making statements like this when the current Labor government will not.

New South Wales announced their review of consent laws more than six months ago after the Four Corners report into the appeal against the conviction of Luke Lazarus. The survivor from that case, Saxon Mullins, is one of the signatories to this letter. Queensland lags so far behind, though, we need an inquiry into the procedural responses at all three stages: police, prosecution and courts.

## Signatories to the letter:

Professor of law at Bond University, Dr Jonathan Crowe

Professor of law at University of Queensland, Dr Heather Douglas

Postdoctoral research fellow at Griffith University Institute of Criminology, Dr Robyn Holder

Lecturer in criminology at University of New South Wales, Dr Bianca Fileborn

Senior lecturer in criminology at Monash University, Dr Asher Flynn

Dr Nicola Henry is associate professor and principal research fellow in the Centre for Global Research at RMIT University

Associate professor of criminology and justice studies at RMIT University, Dr Anastasia Powell

Scientia associate professor at University of New South Wales, Dr Michael Salter

Professor of media and cultural studies at Macquarie University, Dr Catharine Lumby

Survivor and advocate, Saxon Mullins

Survivor and advocate, Nina Funnell

Author, broadcaster and advocate, Tracey Spicer

CEO of Women's Legal Service Queensland, Angela Lynch

Directors of End Rape On Campus Australia, Sharna Bremner and Anna Hush

CEO of Beyond Abuse, Steve Fisher

Managing partner of Marque Lawyers, Michael Bradley

Executive officer of Rape and Domestic Violence Services Australia, Karen Willis

Manager of Women With Intellectual & Learning Disabilities (WWILD), Leona Berrie

I would like to thank Nina Funnell and Jonathan Crowe in particular for their support and help in advocating on these issues, and I'd like to let the Queensland government know that I will not stop until better justice is done.

Bri Lee is the author of Eggshell Skull.

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