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The Hon Mark Dreyfus KC MP
Attorney-General
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Via Email: Michelle.Howe@ag.gov.au

5 March 2022

Dear Attorney-General,

Re: Your support to legislate protections for victims of aggravated child sexual assault and other serious crimes

Over the past months I have taken the decision to speak out publicly about the exceptionally poor police response in two States; Queensland and New South Wales, to my reports of multiple aggravated child sexual assaults.

The [Guardian Australia](#) published an in depth investigation, [A Current Affair](#) aired their own report meanwhile short and long form pieces appeared nation-wide in October and November 2022. **I have spoken out for the sole reason of creating change.**

I am “going public” with nation-wide media again in the week of International Women’s Day. I am calling on you, and your colleagues in the National Cabinet and the SCAG, to create legislation to codify;

- a police duty of care owed by police to victims of aggravated child sexual assault;
- a duty to investigate aggravated child sexual assault to a minimum set of standards; and
- an independent transparent police integrity mechanism to hold police to their duty, and the minimum set of investigatory standards.



MEMBER OF
THE LAW SOCIETY
OF NEW SOUTH WALES





My experience of exceptionally poor police response, indeed an entire lack of police response, is the norm. My experience of having the police do nothing is not the outlier. [My experience is the experience of the majority](#) of those who come forward. We are also seeing gross deficiencies in the complete inadequate police response to the murders of Aboriginal women and children and LGBTQI people. The media has covered this issue, and my case, extensively.

Next week, once again, there will be increased national media interest in my case, and the issue of police duty of care, duty to investigate and police integrity commissions.

I am seeking your urgent response, and support, in regards to the proposal for legislative reform to ensure victims of aggravated child sexual assault, and other serious crimes, have their reports investigated by police.

This is an urgent nation-wide issue. How much longer can we sit by and let our justice system fail victims so severely? Something must be done to provide confidence in our justice and police systems.

To progress this issue I am asking for you to:

- **Confirm your support for this campaign for legislative reform with an intention to develop and introduce legislation this year. Your response will be published on a campaign website that will go live on International Women's Day 8 March 2023.**
- **Participation in a cross-jurisdictional working group to share information and harmonise legislative responses co-chaired by Karen Iles.**
- **Participate in media and campaign announcements.**
- **Assist to bring this issue to the attention, and on the agenda, of the National Cabinet and the SCAG.**

My office can be contacted on office@violetco.com.au and 1300 846 538. Annalise Brown our media and PR specialist can be reached on annalise@annalisebrown.com and 0408 986 702.

Thank you in advance for your response and support.

Kind regards,

A handwritten signature in blue ink, appearing to read "Karen Iles".

Karen Iles

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Proposal

Legislative reform

The following legislative reform is needed now to align police duties and conduct with community expectations - and hold them to account to those obligations.

1. Legislation to create legally enforceable duties for police in each State and Territory to ensure that serious crimes are investigated to a minimum set of requirements (See **Appendix 1** for proposed objects and drafting considerations)
2. Legislation to create transparent independent mechanisms to receive and investigate complaints against police in each State and Territory where it is alleged a breach of their duties occur. (See **Appendix 2** for proposed objects and drafting considerations)

Other reforms to support victims of aggravated child sexual assault

There are a range of other reforms that are within the power of the Australian, State and Territory governments and departments. Some of these include:

- Independent Legal Representation for Victims
- Police to prompt victim to call a lawyer on presentation for a report
- Accreditation for solicitors and barristers representing victims of sexual assault
- Court support for victims
- National Redress Scheme and State/Territory victims services schemes
- Specialised sexual assault courts
- Specialised police for sexual assault investigations
- Victim/survivor advocate and peer-led support to navigate the justice system
- Restorative justice

Appendix 3 lists these other reforms and suggested implementation “quick wins”.

Context

Karen Iles's experience of reporting sexual assault to police and her experience of the justice system is the normal, majority experience, for women and girls reporting sexual assault in Australia. Karen is not unique or an outlier.

The ABC investigation [Rough justice: How police are failing survivors of sexual assault \(2020\)](#) has data for each State, Territory and postcode - with the exception of NT who refused to provide data to the ABC.

- More than 140,000 sexual assaults were reported to Australian police in the 10 years to 2017
- Just under 42,600 or 30 per cent of sexual assault reports led to an arrest, summons, formal caution or other legal action.
- The other 50,800 investigations – more than 35 percent of reported sexual assaults – remain unsolved.
- **In NSW, only one in 10 reports since 2009 has led to legal action.**
- In Karen Iles postcode Darlinghurst, Sydney 2010 73.8% of reports are “unsolved” and only 8.8% result in legal action.

If we take the figure that approximately only 10% of victims report to police we can assume that potentially 1,400,000 sexual assaults occurred in the 10 years to 2017. This means that of the 42,600 where legal action eventuated equate to a tiny handful of perpetrators being held accountable for rape and sexual assault. **By extrapolation this equates to only 3 percent of sexual assaults resulting in consequences for the perpetrator in the form of an arrest, summons, formal caution or other legal action.**

If this picture was occurring with other serious crimes there would be a nation-wide outrage.

To change our legal and justice response to sexual assault, and in doing so inspire prevention, we must create confidence, consistency, accountability and transparency, in the police and Justice responses to reports of sexual assault.

The impetus for change now

Approximately only 10% of the 20% of Australian women (1 in 5 Australian women have been sexually assaulted) who have been sexually assaulted report to police. Of them only a select few ever see the inside of a courtroom - their ability to access justice is prevented by poor police responses.

There are a number of recent and high profile cases that demonstrate the abject and systemic failings of our police forces to respond to, and investigate, serious crimes (see **Appendix 4**).

Police are the gatekeepers to our justice system. Police determine what they do or do not investigate and how they investigate, based on legally unenforceable operating procedures, and their own culture and unconscious biases that can be misogynist, racist and homophobic.

When police fail in their public duty, at no fault whatsoever of the victim/survivor, they damage confidence in our justice system, prevent access to justice for victim/survivors and their families (in civil as well as criminal proceedings), and psychologically damage victim/survivors.

Police failure to investigate = Perpetrators not held to account and victims unable to access justice

Statistically, men who rape and sexually assault women and girls, will not be:

- interviewed by police
- charged with an offence/s
- prosecuted
- convicted
- or if convicted, face a custodial sentence

This sends a strong message that if you rape and/or sexually assault a child or a woman - you will get away with it. You will not go to jail. You will not be held to account. High profile cases demonstrate to our society a lack of accountability of police action and perpetrator behaviour. These cases, such as Karen's, send the message to victims "why bother".

We have to change this picture and build confidence in our police and justice system.

Training and culture change for police - can not go far enough or quickly enough

There have been reviews into police culture. Culture change is important and should occur in parallel to these proposals.

Unfortunately, police have been unable to solve this issue of their culture getting in the way of fair and even handed justice. Legislation is required to enshrine community expectations and to bring about change.

The 2022 Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence¹ report found that QLD Police

“Despite the initial protestations of the Commissioner of police and the President of the police Union of Employees, **the Commission has found clear evidence of a culture where attitudes of misogyny, sexism and racism** are allowed to be expressed, and at times acted upon, largely unchecked. Where complaints in relation to such treatment are brushed aside or dealt with in the most minor of ways and those who complain are the ones who are shunned and punished. It is hardly surprising that these attitudes are reflected then in the way that those police who hold them respond to victim-survivors. It is a failure of the leadership of the organisation that this situation has been allowed to continue over many years unchecked.”²

Judge Deborah Richards

Unfortunately, we do not have contemporary and recent evidence about police responses to sexual violence or serious crimes against marginalised members of our community such as Aboriginal and Torres Strait Islander people, LGBTQI and others. As such - we extend the understanding of police culture diligently uncovered in Queensland, and in 2023 the United Kingdom³, to all jurisdictions in Australia based on the ecosystems of misogyny, racism and homophobia that exist in our Country.

The change required goes beyond, and in addition to, training and culture change initiatives.

¹ <https://www.qpsdfvinquiry.qld.gov.au/>

² A Call for Change. Report (2022) Commission of Inquiry into Queensland police Service responses to domestic and family violence at page 11.

³ <https://www.abc.net.au/news/2023-02-19/can-london-police-ever-earn-back-trust/101987434>

The change required should enable legal remedies for victim/survivors who have been denied access to justice (criminal, and often by default civil) and have suffered re-traumatisation and distress due to instances of gross police mishandling.

Transformational culture change takes time. It is difficult work. To-date programs in these areas (over the past few decades) have not created lasting or widespread change. Training and culture change initiatives alone, won't drive structural and cultural change in the short or medium term. Accountability and consequences for poor policing are needed to reinforce training and culture change. Victim/survivors are being re-traumatised by poor police responses, and are prevented from accessing justice, now. We need urgent reforms.

“A systemic cultural problem exists within the Police force that has to change. This has to change through the introduction of strict rules that have to be adhered to, which are codified by senior management and real consequences that occur in the event of inaction.”

“Unfortunately, this is a national problem, one we are seeing all too frequently particularly with those who are the most vulnerable in our society. “

Glenn Davies, former Head of the Victoria Police Sexual Crimes Squad

Consent legislation and education - enforcement is needed

Legislation and education programs about consent are a good step. However, the large-scale problems with our justice system are in the area of enforcement.

90% of victims do not report to police - confidence that police will “do something” is low - and proven by countless case studies. This must be remedied if legislation regarding consent is to ever be applied.

Nation-wide and State/Territory problem

Poor and/or absent police responses, and police conduct that re-traumatises victims, is a nationwide problem. It goes beyond victims of aggravated child sexual assault and extends to other victims of sexual assault, domestic violence, murders and violence against Aboriginal and Torres Strait Islander women and children and members of our LGBTQI communities.

Case studies

Instances of the gross failings of police in their (moral not legal) duty to investigate serious crimes are commonplace. The **below** list is a small snapshot to demonstrate how widespread this issue is. Sources relating to each case study are found in **Appendix 4**.

1. **Karen Iles** - multiple aggravated childhood sexual assaults in QLD and NSW - failure of police to investigate - destruction of evidence
2. [Name withheld] Victorian case - sexual assault and domestic violence - failure of police to keep victim safe - leaking information to perpetrator
3. [Name withheld] QLD case - aggravated sexual assault QLD - failure of police to investigate - destruction of evidence
4. [Names withheld] Multiple victim/survivors of sexual assaults and domestic violence - QLD police destruction of evidence
5. **Mona Smith** (16) and **Jacinta 'Cindy' Smith** (15) - Aboriginal girls - death near Bourke - sexual assaults - police investigations.
6. **Mark Anthony Haines** (17) - Aboriginal boy - death and police investigation.
7. **Scott Johnson and dozens of other murders and bashings of gay men in Sydney** - police involvement - police culture - failure to investigate (Note - current Commission of Inquiry in NSW into police conduct in these (inadequate) investigations)
8. **Lynette Dawson** - domestic violence - death - (lack of adequate) police investigation stalled justice.
9. **Sandrine Jourdan** - disappearance / murder (2012) - failings in police response
10. **Lynette Daley** - sexual assault and murder - Aboriginal woman - failings of justice system
11. **Stacey Thorne** - murder of Aboriginal woman - police investigation and compromised evidence
12. **Tina Greer** - coroner criticised police failings to investigate - failure to interview partner who was known to police (domestic violence)
13. **Brittany Higgins** - ACT police accused of hindering prosecution and leaking information.

Benefits

The reforms to legislate a police duty of care, police duty to investigate to a set of minimum standards, and independent transparent police accountability mechanisms will have the following benefits:

- Confidence in the police to handle sexual violence investigations - increase reporting and ability for the justice system to respond to alleged sexual violence.
- Establishing predictability in police responses will give greater confidence in police and the justice system.
- Supporting police to understand their duty to “do no harm” to victim/survivors and how they can best investigate serious crimes.
- Support culture change within police.
- Provide redress for victim/survivors who have been grossly harmed by police failings in their duty of care and duty to investigate to a minimum standard.
- Reduction in re-traumatisation, and minimising of complex post-traumatic stress, of victim/survivors as a result of inappropriate justice responses. This has a far reaching impact into health, economic participation, wellbeing, educational attainment, addiction, re-victimisation aspects of victim/survivor’s, and their families.
- Increase charges and prosecutions of accused perpetrators of sexual violence and serious crime - increasing access to justice in our community and creating equality and fairness in the application of the law.

Strategic alignment with Government priorities

This proposal aligns with, and compliments, Commonwealth, State and Territory agreements, plans, inquiries and aspirations. The Federal Attorney-General Work Plan to Strengthen Criminal Justice Responses to Sexual Assault includes an [Annual Environmental Scan](#).

A table outlining specific key Commonwealth, State and Territory agreements, plans and initiatives - and how this proposal for legislative reform can be included and compliment those reforms is contained in Appendix 5.

The table highlights “quick wins” for each government - including the Australian Government.

Existing measures to strengthen criminal justice responses to sexual assault in these frameworks by and large:

- Omit police responses to reports
- Omit police duty of care to victim/survivors
- Omit legally enforceable minimum standards of investigation
- Do not focus on the “enforcement” gap - what the law is and how the police respond
- Omit independent, transparent, police integrity and conduct mechanisms

And instead existing measures by and large focus on reforms that have not shifted the rates of sexual assault, or the consequences and accountability for perpetrators:

- Reforms in court - impacting only a very small proportion of 1 in 5 Australian women who have been sexually assaulted (who are often a particular “type” of victim)
- Increasing reporting pathways - reports which are then by and large not investigated by police
- Training and culture measures for police - for decades these initiatives have failed to produce any wide-spread or sustainable change
- Legislation to define sexual assault - which then is by and large not enforced by police

With all of these frameworks - there is an elephant in the room. Compelling police to investigate aggravated child sexual assault, and potentially other serious crimes, is urgently needed to:

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- build confidence and predictability in the justice system response
- Hold perpetrators accountable for sexual assault
- Enable victim/survivors to have a “shot” at accessing justice by getting through the “police hurdle”.

Campaign overview

Karen Iles is running a public campaign for nation-wide reform.

In the week of International Women’s Day the campaign will again be in the national media spotlight.

Supporters

Karen has support from a range of sectors and stakeholders. In addition to Karen Iles, campaign spokespeople include:

Sector / issue	Spokesperson and organisation
Legal reform	George Newhouse, Principal Solicitor the National Justice Project
Research and evidence for reform	Padma Raman, CEO ANROWS
Policing evidence and reform	Glenn Davies, Former Head of the Sexual Crimes Squad, Victorian police
Sexual assault and women’s safety	Katherine Berney, CEO National Women’s Safety Alliance Renee Carr, Fair Agenda Nina Funnell, Journalist and author Lula Dembele, National Plan to Eliminate Violence Against Women and Girls Advisory Committee and Independent Collective of Survivors.
Victim/survivors and their families	Case studies of a number of victim/survivors and their families are included in Appendix 4

Karen is supported by many in the sexual assault, legal and justice sectors. She is well known and has secured support, through consultation, for this campaign. A comprehensive list of supporters can be found on the soon to be launched campaign website.



Media

This campaign, and Karen's experience of the police response in two States to her reports of aggravated child sexual assault, has been covered extensively in October and November 2022. A list of some of the media from this time is contained in **Appendix 6**.

Karen's experience and injustice was front page on the [Guardian Australia](#), and the lead story about Australia, in the Guardian global edition, for 24 hours. In the first 8 hours the article received approximately 400,000 views. It was the top story on Apple News for the entire day. The coverage on the Nine Network [A Current Affair](#) was viewed by approximately 1.3 million Australians.

In the week of International Women's Day 2023 Karen Iles' experience of the justice system, and this campaign, will be again profiled in National media.

We invite you to stand with and beside Karen. Karen is available for media interviews, press conferences and public appearances.

Please contact the campaign at office@violetco.com.au and 1300 846 538. Annalise Brown our media and PR specialist can be reached on annalise@annalisebrown.com and 0408 986 702.

Petition

In October 2022, the first week of the campaign, the petition ([change.org](#)) received over 23,000 signatures from across the country.

<https://www.change.org/p/change-the-law-compel-police-to-investigate-child-sexual-assault>



Philanthropic support: The Karen Iles Sexual Assault Victims Justice Fund

In February 2023 the Sydney Community Foundation has launched the [Karen Iles Sexual Assault Victims Justice Fund](#).

The fund has been established with the following two objectives:

1. Fund independent legal representatives for women and gender diverse people who have been victims of sexual assault.
2. Fund the campaign to increase police accountability when victims come forward with reports of sexual assault.

https://www.sydneycommunityfoundation.org.au/find_a_fund/the-karen-iles-sexual-assault-victims-justice-fund/

Campaign website publishing Federal, State, Territory and party responses

A campaign website, listing each State and Territory commitment to the campaign asks, will be launched in the week of International Women's Day.

To have your response to this proposal, and your response to the campaign asks, published please contact the campaign at office@violetco.com.au and 1300 846 538. Alternatively, you can contact Karen Iles directly on 0412 462 646.

Each Federal, State and Territory leader, Attorney-General, Minister for Women / Women's Safety, and Minister for Indigenous Affairs is specifically being asked about their support. Opposition and other parties in key jurisdictions will also be asked to publicly respond and indicate their support or otherwise.

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Confirmation of your support

The process of implementing legislative reform can be complex and time-consuming. Legislation to hold police accountable is notoriously difficult.

However, this is an important set of reforms that get to the 'heart' of issues in our justice system and will assist hundreds of thousands of victim/survivors and their families.

- 1 in 5 (20%) of Australian women are victims of rape and sexual assault
- The rate of young women experiencing sexual assault is growing
- Sexual assault is the only crime in Australia that is increasing
- Yet 90% of women and girls do not report to police - on the flip side 90% of rapes and sexual assaults perpetrated go unaccounted with their perpetrators not investigated or held to account by our justice system.
- Of the small proportion of victims that do report to police, only a minority of perpetrators are charged, prosecuted, convicted and/or given a custodial sentence.

If we are to end violence against women and girls in a generation - we have to change this picture.

I am asking for your support to help the 90% of women who do not feel comfortable reporting to the police.

I am asking for your support to help the majority of the 10% of women who do report to police to attain justice by ensuring that police "do something" and investigate the reports in an accountable way.

This is about supporting legislative change to help the vast majority of sexual assault victims attain justice.

Focusing on court reforms, consent legislation and police training will not substantially change the picture of the Australian culture and our justice system that largely turns a blind eye to the sexual assault.

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I am asking for your public support in the week of International Women's Day (8 March) of the following:

1. Increase confidence in our justice system by creating legally enforceable duties for police in each State and Territory to ensure that serious crimes are investigated to a minimum set of requirements
2. Increase confidence in our justice system by creating transparent independent mechanisms to receive and investigate complaints against police where it is alleged a breach of their duties occur. This will end police investigating police.
3. Participation in a cross-jurisdictional working group to share information and harmonise legislative responses co-chaired by Karen Iles.
3. An intention to develop and introduce legislation on points 1 and 2 this year.

Immediate steps

The following immediate steps will move the policy development and commitment forward:

1. Seek to have this issue placed on the agenda of National Cabinet and the SCAG.
2. Meeting with Karen Iles in the first weeks of March 2023 to discuss this paper.
3. Schedule responses to media and social media on these issues to demonstrate support for victim/survivors.

Thank you for your time and consideration. I look forward to hearing your response to this proposal.

Karen Iles

Director and Principal Solicitor

Victim of aggravated child sexual assault

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Appendix 1: Drafting guidance legislation for new police duty of care and minimum standards of investigation

Proposed objects for legislation - police duty

- Create a legally enforceable duty that police have a duty of care to those in our community who are victims of serious crimes

Proposed considerations for drafting legislation - police duty

- Consideration for the USA / FBI “exceptional clearance” model. There is a requirement for law enforcement, even in instances where a victim chooses not to proceed, that the FBI will still investigate to a certain standard. That standard includes; gathering evidence, interviewing people, forensics, retaining evidence, having a panel review the brief to ensure that the “minimum” standard of investigation has been met before putting the investigation on hold and communicating back to the victim.
- Serious crimes be limited to the crimes of homicide, attempted homicide, aggravated sexual assault, aggravated child sexual assault and child sexual assault.
- Requirement for a Duty of Care towards victims of serious crimes that involves:
 - Duty to comply with “minimum standards of investigation”
 - Duty to “do no harm” to victim/survivors
 - Duty to prevent harm to other future victims
- Requirements for initial investigations of sexual violence and other serious crimes outlined in legislation, match community expectation and guide police responses. This will form a “minimum set of standards in an investigation”.
 - As an example see **Recommendation 19 A Call for Change. Report (2022)** Commission of Inquiry into Queensland police Service responses to domestic and family violence

“..the Queensland Police Service develop a pocket-sized checklist for use by officers responding to domestic and family violence which outlines the steps that must be undertaken when attending to a domestic and family violence occurrence.”

- Requirements of actions that constitute “minimum set of standards in an investigation” such as (appropriate to the context and timing of an investigation): interviewing all victims, interviewing all witnesses, interviewing all named perpetrators/accused and collecting and retaining evidence.
- Requirements of *which* officers are appropriate to investigate sexual violence.
 - As an example see **Recommendation 13 A Call for Change. Report (2022)** Commission of Inquiry into Queensland police Service responses to domestic and family violence:

“the Queensland police Service develop and implement a requirement that Officers in Charge must appoint Field Training Officers who possess appropriate skills and experience and standards of integrity, including having:

 - at least two years of operational experience
 - no pending, current or previous domestic and family violence order history
 - no complaints history of concern
 - a demonstrated capacity to respond effectively to domestic and family violence
 - a proven ability to develop suitable training skills.”

Proposed considerations to support the legislation

- Culture change work within police to unpack unconscious bias and challenge systemic misogyny, racism and homophobia.
 - A Call for Change. Report (2022) Commission of Inquiry into Queensland police Service responses to domestic and family violence contains numerous recommendations on appropriate measures and initiatives.

Appendix 2: Drafting guidance legislation for new police complaints mechanism

Proposed objects for legislation - police complaints mechanism

- Enact good practice police complaints mechanisms
 - The European Court of Human Rights has identified best practice principles for investigating police
- Independent transparent legislated mechanism/body to receive complaints regarding police conduct, adherence of police to a duty of care for victim/survivors of serious crimes, and investigate complaints.
- Independent oversight agency means an agency that is established under law and that is independent of police, which has functions and powers to oversee, investigate and resolve complaints and public interest disclosures about police wrongdoing.
- Where police have been deficient in their duty, and are harming the victim/survivor in the course of their conduct, the body should have the power to investigate the original crime.
 - Northern Ireland model

Proposed considerations for drafting legislation - police complaints mechanism

- Model proposed by **Recommendation 68 A Call for Change. Report (2022)** Commission of Inquiry into Queensland police Service responses to domestic and family violence.
 - The Queensland Government establish the police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police. The police Integrity Unit must, at a minimum:
 - be led by a Senior Executive Officer who is a civilian
 - provide for whistleblower protections
 - include a victim advocate

- include identified positions for First Nations staff in the intake and victim advocacy teams
 - include civilian investigators, and transition to a predominately civilianised model as soon as possible
 - implement an adequate complaints management system, including fit for purpose data collection and reporting, including providing for aggregate trends analysis
 - publicly report annually on activities and outcomes.
- Recommendation 69-72, A Call for Change. Report (2022) Commission of Inquiry into Queensland police Service responses to domestic and family violence, provide further recommendations as to the establishment and implementation of the mechanism.

Appendix 3: Other reforms needed to support victims of aggravated child sexual assault

1. Independent Legal Representation for Victims

The vast majority of victims do not have their perpetrators prosecuted. They never see the inside of a courtroom.

To increase support for victims, independent, subsidised, legal representation, should be available and accepted as part of the process, when victims choose to navigate reporting serious crimes such as aggravated child sexual assault.

Lawyers can assist victims to understand and prepare for:

- Criminal options
- Civil remedies
- Administrative, employment, or other government regulatory options
- Victims services schemes
- Referrals

Implementation quick wins

- Codify in police operating procedures an expectation that victims are represented - this will reduce hostility towards victims and their representatives, and increase cooperation in the best interests of the victim.
- Creation of a panel of specialised independent legal representation - e.g. coordinated through victims services
- Enable additional expenses for legal representation to be claimed through victims services schemes

This does not require changes to “legal standing” - the legal representation is at the “front end” of the justice process.

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2. police to prompt victim to call a lawyer on presentation for a report

Changes to police operating procedures to require police to prompt a victim to contact a lawyer prior to reporting.

Implementation quick wins

- Add to the information card/pamphlet already provided by police to victims for referral to victims services

3. Accreditation for solicitors and barristers representing victims of sexual assault

Support for an accreditation program for solicitors and barristers working to support victims. This would include jurisdictionally relevant criminal, civil and administrative systems and rules as well as trauma-informed and culturally responsive approaches.

Implementation quick wins

- Co-design with practitioners and victim/survivors
- Support from Law Council of Australia and State/Territory Law Societies and tertiary institutions

4. Court support for victims

Extend the NSW child victims court support program to adult victims of sexual assault. Extend the NSW program to other jurisdictions.

5. National Redress Scheme and State/Territory victims services schemes

Extend National Redress Scheme benefits to victims of non-institutional sexual assault or mirror redress mechanisms in State/Territory victims services schemes. Mechanisms such as mediation, alternative justice, personal statements could be considered in addition to financial compensation. This would create equality of outcomes for victims. It shouldn't matter who assaulted a victim - the same justice and redress mechanisms should exist.

6. Specialised sexual assault courts

Specialised sexual assault courts are urgently needed to overcome the inherent bias in our existing criminal justice system. When the majority of Australians, demonstrated in multiple surveys, **don't** believe women who report sexual assault, doubt over the ability to ever secure a fair trial through an impartial jury is doubtful. Juries have inbuilt and unconscious bias that is exceptionally difficult to overcome.

Specialised courts would have specialised Judges, Counsel, staff, rules and procedures.

7. Specialised police for sexual assault investigations

Models for women-only police stations, specialist teams already exist. Urgent reforms to our existing specialised units (e.g. ACT specialist sex crimes unit is currently under review), and police models are needed. This process should be led by the experiences of victim/survivors.

8. Victim/survivor advocate and peer-led support to navigate the justice system

Victim/survivor advocates and peer-led support groups can be a positive support to victims navigating the justice system.

The [ACT Intermediary Program](#) has been introduced to support *some* victim/survivors in dealings with police and courts. In Tasmania “intermediaries” are offered to *some* victim/survivors in the court process to assist in giving evidence via the *Evidence (Children and Special Witnesses) Amendment Act 2020*. In NSW the [Child Sexual Offence Evidence Program \(CSOEP\)](#) and Witness intermediaries program for (current) child victim/survivors in the court process is set to be expanded state-wide.

Funding to support these programs, and accreditation to ensure that victim/survivor advocates and peer-led support groups are not re-traumatising victims and giving accurate advice is important.

9. Restorative justice

Restorative justice models have demonstrated success in the ACT [ACT Restorative Justice Scheme](#) and other comparable jurisdictions (New Zealand and Canada). Support for alternative models is urgently needed.

Appendix 4: Case Studies of gross police failure to investigate

1. Karen Iles - multiple aggravated childhood sexual assaults in QLD and NSW - failure of police to investigate - destruction of evidence

The [Guardian Australia](https://www.theguardian.com/australia-news/2022/oct/04/unspeakable-trauma-police-in-queensland-and-nsw-failed-to-investigate-alleged-gang-of-14-year-old-girl-records-show) - 'Unspeakable trauma': police in Queensland and NSW failed to investigate alleged gang rape of 14-year-old girl, records show (4 Oct 2022) - Guardian investigation into police (mis)handling of Karen's reports of aggravated child sexual assault <https://www.theguardian.com/australia-news/2022/oct/04/unspeakable-trauma-police-in-queensland-and-nsw-failed-to-investigate-alleged-gang-of-14-year-old-girl-records-show>

[A Current Affair](https://9now.nine.com.au/a-current-affair/sydney-womans-fight-for-justice-decades-after-alleged-rape/06b94f8a-4cb0-4e91-8603-248b1a4c670e) - Woman's fight for justice decades after alleged rape (17 Oct 2022). <https://9now.nine.com.au/a-current-affair/sydney-womans-fight-for-justice-decades-after-alleged-rape/06b94f8a-4cb0-4e91-8603-248b1a4c670e>

ABC [Radio National](https://www.abc.net.au/radio/programs/speakingout/karen-iles/101547146) Speaking Out hosted by Professor Larissa Behrendt - The path to Justice: police accountability and systemic reform (16 Oct 2022) <https://www.abc.net.au/radio/programs/speakingout/karen-iles/101547146>

2. [Name withheld] Victorian case - sexual assault and domestic violence - failure of police to keep victim safe - leaking information to perpetrator - IBAC report

Survivor of police-perpetrated family violence failed by Victorian corruption watchdog, report finds - ABC News.

<https://www.abc.net.au/news/2022-10-11/report-reveals-police-ibac-failed-family-violence-survivor/101521332>

'Devastating' outcomes for woman abused by police officer husband after Ibac failures, report finds | Victoria | The Guardian

<https://www.theguardian.com/australia-news/2022/oct/11/devastating-outcomes-for-woman-abused-by-police-officer-husband-after-ibac-failures-report-finds>

IBAC's referral and oversight of Emma's complaints about Victoria police's response to family violence by a police officer - October 2022 | Victorian Inspectorate

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<https://www.vicinspectorate.vic.gov.au/ibacs-referral-and-oversight-emmas-complaints-about-victoria-polices-response-family-violence>

3. [Name withheld] QLD case - aggravated sexual assault QLD - failure of police to investigate - destruction of evidence

<https://www.abc.net.au/news/2019-04-09/queensland-police-reveal-destroying-evidence/10962494>

<https://www.abc.net.au/news/2019-06-18/three-men-arrested-over-1995-gang-rape-missing-evidence/11221466>

<https://www.abc.net.au/news/2019-12-29/police-report-finds-failures-in-gang-rape-investigation/11830588>

<https://www.abc.net.au/news/2021-01-15/queensland-police-officer-disciplined-over-rape-case-handling/13057640>

<https://www.abc.net.au/news/2021-02-03/alleged-rape-victim-says-police-sought-her-silence-over-failures/13114262>

4. [Names withheld] Multiple victim/survivors of sexual assaults and domestic violence - QLD police destruction of evidence

<https://www.theguardian.com/australia-news/2018/sep/06/queensland-police-taped-over-cctv-evidence-showing-domestic-violence-victim>

<https://www.theguardian.com/australia-news/2018/aug/17/queensland-police-accused-investigation-rape>

<https://www.theguardian.com/australia-news/2018/aug/02/queensland-police-shredded-complaint-from-suicidal-woman>

5. Mona Smith (16) and Jacinta 'Cindy' Smith (15) - Aboriginal girls - death near Bourke - sexual assaults - police investigations.

<https://justice.org.au/we-feel-lighter-now-after-34-years-of-heartache-inquest-into-death-of-two-first-nations-girls-resumes/>

<https://casefilepodcast.com/case-152-cindy-mona-lisa-smith/>

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<https://www.abc.net.au/news/2022-07-29/bourke-coronial-inquest-resumes-after-34-years/101266506>

<https://www.theaustralian.com.au/the-oz/news/if-these-were-two-white-girls-the-matter-would-be-very-different/news-story/e083a6b169ea6a4eaa0df82f6d063ace>

6. Mark Anthony Haines (17) - Aboriginal boy - death and police investigation.

<https://www.abc.net.au/news/2023-02-17/mark-haines-tamworth-teenage-death-fresh-inquest-launched/101991090>

<https://www.abc.net.au/radio/programs/truecrime/blood-on-the-tracks-ep1/9772318>

<https://justice.org.au/on-35th-anniversary-of-suspicious-death-of-mark-anthony-haines-family-hopes-to-find-answers/>

7. Scott Johnson and dozens of other murders and bashings of gay men in Sydney - police involvement - police culture - failure to investigate

<https://www.sbs.com.au/gayhatedecades/>

<https://www.9now.com.au/under-investigation/season-4/episode-2>

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2562#tab-termsreference>

<https://www.bbc.com/news/world-australia-61303012>

<https://www.mamamia.com.au/scott-johnson-murder-case/>

8. Sandrine Jourdan - disappearance / murder (2012) - failings in police response

<https://www.mamamia.com.au/sandrine-jourdan/>

9. Lynette Daley - sexual assault and murder - Aboriginal woman - failings of justice system

<https://www.mamamia.com.au/lynette-daley/>

<https://www.abc.net.au/news/2016-05-09/callous-disregard-promo/7388056>

10. Stacey Thorne - murder of Aboriginal woman - police investigation and compromised evidence

<https://www.mamamia.com.au/who-killed-stacey-thorne/>

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11. Tina Greer - coroner criticised police failings to investigate - failure to interview partner who was known to police (domestic violence) <https://www.mamamia.com.au/tina-greer-murder/>
12. Lynette Dawson - domestic violence - death - (lack of adequate) police investigation stalled justice

<https://www.theguardian.com/australia-news/2022/jun/17/chris-dawson-trial-former-detective-questioned-about-handling-of-investigation-into-lynette-dawsons-disappearance>

<https://www.theaustralian.com.au/podcasts/the-teachers-pet-podcast/news-story/84a5923fee8e9013b9b0f05197cf9416>
13. Brittany Higgins - ACT police accused of hindering prosecution and leaking information.

<https://www.theguardian.com/australia-news/2022/dec/08/bruce-lehrmann-trial-brittany-higgins-dpp-director-public-prosecution-shane-drumgold-act-police>

Appendix 5: Alignment of this proposal with Commonwealth, State and Territory Agreements and Initiatives

Jurisdiction	Agreements, plans, inquiries and aspirations	Comment
All governments	The National Plan to End Violence against Women and Children 2022-2032 Ending Gender-Based Violence in One Generation	This proposal is can be aligned with: <i>Action: Improve justice responses to all forms of gender-based violence.</i>
	National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030	This proposal is can be aligned with: <i>Theme 4: Offender prevention and intervention - Enhancing law enforcement responses</i>
	National Agreement on Closing the Gap (the National Agreement)	This proposal is can be aligned with: 13 Families and households are safe and Priority reform - data
	MAG Work Plan to Strengthen Criminal Justice Responses to Sexual Assault (Attorney-Generals)	Does not include a focus on police responses (or lack of) to reports of sexual assault
	National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023	Opportunity to include in safeguarding mechanisms
Commonwealth	Child sexual abuse and sexual assault legislation in Australia: A national review (Attorney-Generals)	Focus on legislation rather than enforcement
	Coordinated reporting	Opportunity to include data on police responses, victim/survivor satisfaction with

		police responses, complaints about police responses.
Queensland	Prevent. Support. Believe. Queensland's framework to address sexual violence (2021)	<p>Priority 3: Accountability and justice</p> <p>Objective: The justice system is responsive to the needs of victims and survivors, and perpetrators are held to account for their actions</p> <p>Strategies: Investigate and seek to address barriers to victims and survivors reporting sexual violence and accessing justice responses</p>
New South Wales	NSW Sexual Assault Strategy 2018-2021	<p>Currently under review - the sector noted the lack of consultation and lack of inclusion</p> <p>Immediate opportunity to align this proposal with the new NSW Strategy.</p>
Australian Capital Territory	Sexual Assault Prevention and Response Program Steering Committee (SAPRR)	<p>Opportunity to incorporate this proposal in a number of priority areas including, but not limited to:</p> <p>Establishment of a cross-agency taskforce to review sexual assault cases which occurred in the ACT from 1 July 2020 – 31 December 2021 that were reported to ACT Policing that did not progress to charge as a part of the broader consideration of the justice system.</p>
Victoria	Sexual Assault and Family Violence Sexual assault within a family violence context - Action Plan	Opportunity to incorporate this proposal
	Improving the Response of the Justice System to Sexual Offences, Victorian Law Reform Commission	Opportunity for the Victorian Government to enhance their response by strengthening legally enforceable standards of police

	(VLRC) Inquiry (2021)	<p>conduct and investigation, police duty of care, complaints about police conduct by victim/survivors.</p> <p>The recent IBAC report: IBAC’s referral and oversight of Emma’s complaints about Victoria police’s response to family violence by a police officer - October 2022</p>
Tasmania	Tasmania's Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre	<p>Opportunity to incorporate this proposal</p> <p>Partnership and Transformation Priority action: Pilot the establishment of two MultiDisciplinary Centres in the North and South of the State to provide survivorcentred, holistic and integrated responses to family and sexual violence</p>
South Australia	Statutes Amendment (Child Sexual Abuse) Act 2021	<p>The creation of new offences in the Criminal Law Consolidation Act 1935 (CLCA) of Failure to Report Suspected Child Sexual Abuse and Failure to Protect a Child from Sexual Abuse</p> <p>These reforms could strengthen this new legislation.</p>
Northern Territory	Sexual Violence Prevention and Response Framework 2020-2028	<p>Immediate opportunity to implement this proposal:</p> <p>Priority actions 2020-2021 include:</p> <ul style="list-style-type: none"> develop and enforce a Code of Practice for the investigation of sexual crimes including interviewing techniques for vulnerable persons
Western Australia	WA Department of Justice review on the end-to-end criminal justice process for victims of sexual offences - due to report May 2024	<p>Immediate opportunity to implement this proposal:</p> <p>The Office of the Commissioner for Victims</p>

		<p>of Crime (under the Department of Justice) is reviewing the criminal justice process for victims of sexual offences, from reporting to the offender being released from custody. The Department will consider:</p> <ul style="list-style-type: none"> • experience of adult victim-survivors, • factors that contribute to under-reporting and attrition of those that do report, and • alternative and innovating methods for receiving, investigating and resolving complaints in a way that is consistent with the interests of victim-survivors e.g. restorative justice
	<p>Sexual Violence Prevention and Response Strategy</p>	<p>Currently in development - immediate opportunity to incorporate this proposal</p>
	<p>Stronger Together: WA's Plan for Gender Equality (2021)</p>	<p>Alignment with and opportunity to implement this proposal:</p> <p>Priority areas for the Plan is 'safety and justice' which includes a goal to ensure 'women live safely and have appropriate access to adequate legal protections'. The safety and justice priority area outcomes include:</p> <ul style="list-style-type: none"> • perpetrators change their behaviour and are held accountable for their actions <p>And the action:</p> <ul style="list-style-type: none"> • consider the role of the justice system in administering consistent consequences for perpetrator

Appendix 6: About Karen Iles

Karen Iles: Biography & CV

Karen Iles is the Founder and Principal Solicitor of [Violet Co Legal & Consulting](#) - a woman-led, Indigenous-led, social enterprise. Violet Co's purpose is to create radical solutions and just outcomes for women and First Nations people.

For Karen and her team everything comes back to women and First Nations peoples. Violet Co supports businesses, organisations and individuals with issues of sexual harassment, sexual assault, discrimination, employment law and governance. Through strategic consulting and legal advice Violet Co helps organisations to create impact by changing the way they do what they do. In addition our lawyers provide legal advice and representation to women and First Nations people to support their rights to equality, non-discrimination, sovereignty and lives free of violence.

Prior to establishing Violet Co Legal & Consulting in 2019 Karen held senior executive, and management positions within Australian companies and non-profit organisations. Her social change programs and campaigns have been recognised as "leading" by organisations such as the Australian Human Rights Commission.

Karen was born and raised on Darkinjung land and now lives on both Darkinjung and Gadigal Land, Australia. **Karen is a Dharug/Darkinjung Aboriginal diyin (woman)** and has family connections to the Gunanday (Rainbow River) area of Dyarubbin (the River - the Hawkesbury River). Karen has Scottish and English heritage.

Accreditation

- Australian Legal Practising Certificate, the Law Society of New South Wales (number 80998)
- Nationally Accredited Mediator
- Australian Institute of Company Directors

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Education

- Graduate Certificate Applied Law (Dispute Resolution) College of Law (2020)
- Practice Management Course for Principals of a Legal Practice, Law Society of New South Wales (2020)
- Company Directors Course, Australian Institute of Company Directors (2017)
- Graduate Diploma of Legal Practice, College of Law (2014)
- Bachelor of Laws, University of Technology, Sydney (2005 - 2008)
- Bachelor of Arts, Women's Studies, Macquarie University (1998 - 2003)

Professional Experience

- Violet Co Legal & Consulting: *Director and Principal Solicitor* (January 2019 - current)
- Tetra Tech Coffey International Development: *Head of Legal and Management Consulting* (part-time consulting contract) (October 2019 - April 2020)
- Colin Biggers & Paisley Lawyers: *Director Pro Bono and Responsible Business* (2017 - 2018)
- Tata Consultancy Services: *Head of Corporate Social Responsibility and In-House Counsel, Australia and New Zealand* (2014 - 2017)
- KPMG Australia: *Manager, Corporate Citizenship - Indigenous Programs* (2012 - 2014) and *Management Consultant (Health and Human Services, Government Advisory Services)* (2011 - 2012)
- Amnesty International Australia: *National Manager Activism and Supporter Engagement* (2009 - 2011) and *National Mobilisation Coordinator and Campaigner* (2007 - 2009)
- Aid/Watch: *Co-Director, Campaigns* (2006 - 2007)
- Australian Services Union: *Industrial Officer and Organiser* (2004 - 2006)
- Construction Forestry Mining and Energy Union (NSW Construction Division): *Industrial Officer and Organiser* (2000 - 2004)

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Awards

- Law Society of New South Wales Pro Bono Service Award (2022)

Panel Appointments

- Australian Catholic Safeguarding (review and assess sexual assault claims)

Current Non-Executive Directorships

- First Australians Capital
- Marist180
- National Justice Project
- Deadly Hearts Limited

Current Committee Appointments

- National Women's Safety Alliance Policy Advocacy and Advisory Committee
- Employment Law Committee, Law Society of New South Wales
- Teach Us Consent (Chanel Contos) Advisory Committee
- Illawarra Women's Trauma Recovery Centre Establishment Team

A note for those meeting with Karen

Thank you in advance for meeting with Karen Robinson-Iles to discuss sexual assault and reforms to our justice systems. We have provided you with this information below in advance of your meeting.

The advocacy Karen is doing in this space, using her personal experiences of sexual assault, takes a large toll. Please help to ease this toll by reading the below in advance.

As you are aware Karen is the victim (she doesn't classify herself as a "survivor") **of multiple aggravated child sexual assaults.**

"Legal sources say one of the (Iles') allegations – a gang-rape attack by up to 15 teenagers and adult men in a Gold Coast hotel room in 1993 – is among the most serious ever reported to authorities in Australia." (The Guardian Australia, 4 October 2022)

In QLD the aggravated sexual assaults Karen experienced carry a maximum period of **life imprisonment**. In NSW the category of sexual assaults that Karen experienced are punishable by life imprisonment, and other rapes aggravated sexual assaults, a 25 year period of imprisonment.. The crimes that were committed against Karen were the most egregious on our criminal statute. Yet, for 19 years, she has been denied the most basic of police investigation. We have to ask why? We need to look beyond the individual perpetrators involved and look to the systemic issues.

Factors that Karen experienced that make sexual assaults aggravated (beyond being a child) include; multiple perpetrators, deprivation of liberty and the involvement of weapons.

Karen chooses the term victim to ensure that the focus is on the criminality of the offences, and the criminality of the perpetrators. She rejects language that minimises the seriousness of sexual assault as a crime, and creates "softer language", in comparison to other serious crimes.

She refers to her sexual assaults, and experiences trying to achieve justice, as "her experience" her "lived experience" and "her truth".

Having had no action from police and other authorities in two States being "believed" is an issue that has caused Karen distress over many years. **She rejects the phrase "your story" as it denotes "fiction" or "subjective interpretations".** She will pull you up on this!

To avoid Karen repeating the high level (she is happy to take questions on more specific content regarding police conduct and interactions with the justice system) **we ask that you and your advisors please read The Guardian Australia investigation into the failings of our police and justice systems.**

- The [Guardian Australia](https://www.theguardian.com/australia-news/2022/oct/04/unspeakable-trauma-police-in-queensland-and-nsw-failed-to-investigate-alleged-gang-of-14-year-old-girl-records-show) - 'Unspeakable trauma': police in Queensland and NSW failed to investigate alleged gang rape of 14-year-old girl, records show (4 Oct 2022) - Guardian investigation into police (mis)handling of Karen's reports of aggravated child sexual assault <https://www.theguardian.com/australia-news/2022/oct/04/unspeakable-trauma-police-in-queensland-and-nsw-failed-to-investigate-alleged-gang-of-14-year-old-girl-records-show>

Additionally, if you have time please watch or listen to these pieces that feature Karen speaking about the need for accountability in our police and justice systems for victim/survivors of sexual assault.

- [A Current Affair](https://9now.nine.com.au/a-current-affair/sydney-womans-fight-for-justice-decades-after-alleged-rape/06b94f8a-4cb0-4e91-8603-248b1a4c670e) - Woman's fight for justice decades after alleged rape (17 Oct 2022). <https://9now.nine.com.au/a-current-affair/sydney-womans-fight-for-justice-decades-after-alleged-rape/06b94f8a-4cb0-4e91-8603-248b1a4c670e>
- ABC [Radio National](https://www.abc.net.au/radio/programs/speakingout/karen-iles/101547146) Speaking Out hosted by Professor Larissa Behrendt - The path to Justice: police accountability and systemic reform (16 Oct 2022) <https://www.abc.net.au/radio/programs/speakingout/karen-iles/101547146>
- [ABC 7.30](https://www.abc.net.au/news/2022-05-18/sexual-assault-support-services-struggling-with-demand/101050998) (TV and print) 'Sexual assault support services struggling to cope with record demand' (18 May 2022) <https://www.abc.net.au/news/2022-05-18/sexual-assault-support-services-struggling-with-demand/101050998>

Karen speaks about her personal lived experience of sexual assault, police accountability and the justice system to inspire social change - she has no expectations of the police or justice system in its current form being able to provide justice for herself or the many clients she represents.

The advocacy work that Karen is leading takes a tremendous personal toll. It takes a lot of resilience and grit to do this work. We appreciate you taking the time to read this.

Karen is not just a victim of sexual assault - she is an accomplished professional. You can read about her in the short professional provided in this document.