

6th October 2017

Strengthening child sexual abuse laws – Submissions
Justice Strategy and Policy
Department of Justice
GPO Box 31
Sydney NSW 2001

To Whom It May Concern,

I would like to make a submission in response to the discussion paper on Strengthening Child Abuse Laws in NSW. I wish to remain anonymous, as I was abused as a child. As an adult I went through the court process and the perpetrator, who was my guardian as I was an orphan, was convicted for historical sexual offences and received jail time. I wish to share some of my experiences particularly in relation to failure to report in the hope it will be useful.

Thank you

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10. Introducing specific offences of failing to protect and failing to report.

There were a number of instances in my past where failure to protect and failure to report occurred and because of this led to years of being sexually abused. The first time I was abused at 13 years there was a witness, my aunt who failed to report to the police or to the then Department of Community Services (DOCS) what she had seen. Instead she left the premises, leaving me with the perpetrator alone. My aunt made it known to family members that the offence had occurred and I was removed from the house however I was not protected. I was placed in care with my grandparents where the perpetrator also came to live. The abuse continued until I was removed and sent to live in another town. I was still not protected from the perpetrator and was placed back in his care within a year.

Failure to report the abuse by my family members and others meant I continued to be abused. At the age of 15 I sought out help from a family member and the abuse was reported to DOCS. I went through the process of reporting and the following day I was removed from the perpetrators house and placed in emergency foster care. The foster carer knew the perpetrator personally however she did not report this to DOCS except she communicated with the perpetrator. At this stage I felt there was no way out. Within two days I was back living at the perpetrators house. This was a very dangerous situation for me, as it was known to my family and the perpetrator that I had reported the abuse. Within that period I was severely injured and threatened by family members and the perpetrator that if he went to jail because of this they would kill me.

DOCS made no direct contact me afterwards only to deliver a subpoena for court. I saw a psychologist who was writing a report for the court. The perpetrator drove me to the appointment; I was threatened before I walked into the consultation room. At the court hearing I was told what to say to the judge by the perpetrator's lawyer who was representing him. The psychologist report showed that while I had not disclosed abuse, she believed that I was being abused. Because of these circumstances, nothing happened. I remained in the care of the perpetrator who was proceeding to legalize guardianship at the same time. DOCS did not make contact with me after the court case, even though they stated they would remain in contact with me. I assumed because of my age I was not a priority.

There were some members of my family who were scared to support me while others actively protected the perpetrator.

I was 21 years old when I went to the police to make a statement and in 2003 the perpetrator plead guilty to a number of historical child abuse offences. In 2004 he was sentenced to 7 years jail with 4 years non-parole. He was released in 2008.

I have since changed my name for my protection and have no contact with my family.

Question 23

The Royal Commission's model for a targeted failure to report offence be adopted? If yes, How should it be adapted for NSW?

Yes. I think it should follow the Victorian legislation such as including the failure to disclose a sexual offence committed against a child under 16 years and for this to apply to all adults.

Question 24

Should failure to report an offence be partially made retrospective as the Royal Commission recommends?

The new offence should be made fully retrospective. I appreciate that it is difficult for adults to report an offence they may not have witnessed however I believe that if an adult suspects it, as many did in my case, it is enough to report their suspicions to the police. It will motivate people to report child abuse to the police if they know they could be held accountable for withholding information.

Question 25

Should protection be afforded to people who make disclosures of child sexual abuse?

Yes, most definitely. It may help people disclose who may otherwise feel that they will be at risk.