

ALRC Submission

My submission is regarding being raped by a support worker [REDACTED], threatened by a support coordinator [REDACTED] invalidated and lied to by the police as a disabled woman.

My disability is psychosocial, I have autism, CPTSD, social anxiety, severe depression and my battle with these issues have been known since I was at least 12. I've seen many therapists since and have been unable to work/ socialize/ function and am dependent on the DSP. Due to neglect/ lack of awareness I only learnt I was disabled in 2023, around the same time I got diagnosed with autism, I was 27. And I was accepted onto the NDIS later the same day I attempted to report my assault.

My partner helped with all phone calls. I am best at communicating in writing when I have time and no pressure, but I still require help here and there during the more stressful times.

[REDACTED]
The day of the assault. It happened at a place he was house sitting, I was asked to go for a sleepover, I was excited to get to know him more considering he seemed so nice online. He said we will only do what I was comfortable with, but 10 minutes into being there I was pressured, intimidated, forced into a situation I felt like I couldn't escape, or fight, I just had to survive.

I was never educated on rape or consent, I knew what I was experiencing (as it was happening) was terrifying, wrong and uncomfortable, but I didn't know it was a crime, it was the first time I'd experienced anything like it. It was especially confusing because after he did what he wanted to, he went back to being kind and acted totally normal, so for my safety I did the same. I wanted to believe he was a nice person and that everything he told me was true, so we continued the relationship until I began to see who he really was. He used my inexperience and my disability against me, he was twice my age.

[REDACTED]
The last time I spoke with my rapist (didn't realise I was raped yet) I was processing the break down of the relationship and his lies and emotional abuse. I was wondering why it hurt so much and I remembered how the relationship began. I said I wasn't ready twice, he agreed and reassured me lots. He knew about my mental health issues and I thought because he was a support worker he would understand and be caring. But when I was alone with him, he behaved the total opposite. I told my partner what happened the first time I had 'sex' with the support worker and my partner said it did not sound consensual. I told my friend and she said what I described was rape. So I began to google consent and rape, and came to understand what had happened to me.

So I spent about a month alone trying to make sense of it all, completely broken and barely functioning (wishing I was dead again) before we discovered [REDACTED] a Sexual assault counseling service.

[REDACTED]

My partner called [REDACTED] for me. It was going to take 3 weeks before we got an appointment.

Getting through one day during this time was SO hard... so waiting 3 weeks was not ideal, but there were no other options. We tried a few online chats for victims but they weren't helpful.

[REDACTED]

Reached out to private therapist [REDACTED] needing more support. I saw her 7 years ago for my general mental health issues. (CPTSD, depression, anxiety, suicidal tendencies)

[REDACTED]

First time at [REDACTED], spoke with [REDACTED]. I handed her a sheet roughly saying what happened because I couldn't talk about it verbally. I struggle with verbal on the spot communication especially when talking about trauma and opening up with someone new. My partner was with me as support.

[REDACTED]

Saw a lawyer at [REDACTED], got info about reporting to the police. I did not know making a police report was an option until I was told so by a different therapist.

The lawyer was from [REDACTED] was not very helpful. She yawned loudly during the questions we had for her, (my partner helps me communicate in person and on the phone due to my disability) She made me feel unimportant and made jokes and light of the situation, I expected more care considering I had just experienced one of the most traumatic things anyone can ever experience. At one point she asked me 'was he at least good looking?' As if it would have made a difference?

He is a monster and her behavior was retraumatizing.

My therapist [REDACTED] was much more kind and understanding than that lawyer.

[REDACTED]

Therapy with [REDACTED] she helped with suggesting breathing exercises to feel safer in my body. But it didn't help me feel safe in the world or cope with the fact this man is still free to do what he did to me to other women. Or that nobody acknowledged my suffering and abuse.

I met with [REDACTED] afterwards (A social worker [REDACTED]) to get help with reporting to the police. She was helpful in answering my questions and helping me understand how the system works a little better and was very sympathetic and understanding. She made me feel a lot safer and less judged than the lawyer did.

Reported to police.. Station

I handed the lady officer 17 pages on what had happened and tried to explain it all best I could, she read the report and didn't say much then took it to her higher up.

Two men eventually came in and asked some questions

After asking for my rapists address and last name

Then they said because I 'said' okay that it would be hard in court to prove it was rape.

'technically you gave consent because you did say okay'

Pointed towards my writing

I said ' I didn't state okay, it was a question'

'but you did say it though'

' I was scared he was going to hit me '

It's like they totally ignored the fact he was threatening me and intimidating me, government websites state it can't be consent if you are threatened, intimidated or otherwise coerced.

He said something about 'next time' say no as if that would have made the difference but from what I hear of other survivors' experiences, it wouldn't have mattered. Also suggesting that there will be a next time? That was traumatic.

asked for a report number and they went and got it, she said it sounded like they weren't even going to make the report until she asked.

They asked if I'm going to see him again

I said I fucking hope not

They asked if he knows where I live

I said yes

They said if he tries to contact me then it's harassment and let them know or whatever

I just said, it's okay, he won't, he is onto the next victim now, and walked out in tears.

(I have reasonable evidence he meets lots of women and they don't stay in his life for long)

(Later found out they took an information report, NOT a crime report, because the officer insisted it was consensual and no crime occurred despite evidence presented and my recount. What happened to me was a crime, the police are refusing to enforce the legislation and acknowledge my disability and the intimidation i experienced.

CRIMINAL LAW CONSOLIDATION ACT 1935 - SECT 46

CRIMINAL LAW CONSOLIDATION ACT 1935 - SECT 46

46—Consent to sexual activity

- (1) In this section—
- "sexual activity" includes sexual intercourse.
- (2) For the purposes of this Division, a person consents to sexual activity if the person freely and voluntarily agrees to the sexual activity.
- (3) Without limiting subsection (2), a person is taken not to freely and voluntarily agree to sexual activity if —
- (a) the person agrees because of—
 - (i) the application of force or an express or implied threat of the application of force or a fear of the application of force to the person or to some other person; or
 - (ii) an express or implied threat to degrade, humiliate, disgrace or harass the person or some other person; or
 - (b) the person is unlawfully detained at the time of the activity; or
 - (c) the activity occurs while the person is asleep or unconscious; or
 - (d) the activity occurs while the person is intoxicated (whether by alcohol or any other substance or combination of substances) to the point of being incapable of freely and voluntarily agreeing to the activity; or
 - (e) the activity occurs while the person is affected by a physical, mental or intellectual condition or impairment such that the person is incapable of freely and voluntarily agreeing; or
 - (f) the person is unable to understand the nature of the activity; or
 - (g) the person agrees to engage in the activity with a person under a mistaken belief as to the identity of that person; or

Contacted they dodged responsibility, this became a very common theme in my journey for support and justice.
If a support worker emotionally abuses and rapes a disabled women, who cares where they met? This man is a risk and a danger to all vulnerable women, immediately in his care or otherwise.

[REDACTED]

[REDACTED]

We are very sorry to hear about your recent negative experience with someone you met on tinder. We acknowledge the impact this experience has had on your wellbeing and encourage you to engage your support network for further assistance and support.

As your email indicates that this incident has taken place via an external platform; a dating app,

[REDACTED]

[REDACTED]

If you believe you have been bullied or mistreated by someone you met on Tinder, we encourage you to contact tinder to lodge a formal complaint.

[REDACTED]

[REDACTED]

National justice project - referred us to disability gateway + NDIS QSC

[REDACTED] Equality lawyers - referred us to: Adult safeguarding unit, NDIS QSC, DACSSA, Advocacy for disability access & inclusion

[REDACTED]
Contacted national disability abuse neglect hotline, they referred me to NDIS quality & safeguard commissions, adult safeguarding unit.

[REDACTED]
Call w [REDACTED] she said she would pass the report I made to the worker safety check/ screening/ eligibility unit. And that we may not hear back from them.

[REDACTED]
Disability rights advocacy service, referred us to: victim support service + DACSSA

[REDACTED]
[REDACTED], weren't sure how they could help us, referred to DACSSA

[REDACTED]
Call w [REDACTED] from regulatory response NDIS QSC

Their reasons for not taking action are invalid.

- The act of abuse against a disabled person is the same no matter where they met. It is not professional to abuse anyone let alone the type of people you are supposed to care for.
- He told me he wanted to emotionally support me and could teach me things, that's a form of informal support. He was well aware of my issues and needs and acted as if he was going to be a supportive person in my life. He expressed interest in wanting to take me on hikes and walks, which was important because my partner is physically disabled and couldn't take me himself,

and I have limited other people in my life due to my disability. My rapist even met my partner twice.

- My disability has been lifelong regardless of when i was accepted onto the NDIS, vulnerable, high suicide risk people, should not be falling through the cracks in the system like this.

█ could not establish that someone who targeted a vulnerable person, used their disability and trauma against them, raped them and destroyed their mental health reflects on his professionalism/ work ethics as a support worker. (someone who works with disabled people) Seems like anything goes as long as it's not on company time..

█
Call w █ DACSSA, █ gave us lots of information and looked into things for us, said █ would be in contact.

█
Call w █ from Victim support services, recommended Adult safeguarding unit, tried to contact the victim of crime officer but couldn't get through, told us to contact them and mentioned █ referred us.

█ regulatory response QSC, said █ will escalate the rob complaint and I will be hearing from someone. Said if I email █ can escalate that complaint to █ superior.

█
Call with █ the victim contact officer, said █ would get a detective to review my report again. █ was the person who informed me that no crime report was taken. We told her about my disability affecting consent.

'What information that was given to us and from speaking to █ they decided that there was no offense'

My Partner '..because the disability didn't affect her ability to give consent?'

█ ' Well it obviously when █ was speaking to them they have had some information from her that led █ to believe that she could talk to them.'

As if answering a few basic questions in public with a support person means I could have said No to someone I basically already told no when they were acting very angry and didn't listen to my requests. Multiple government services acknowledge my disability but the police refused to. They seemingly bragged that they work with disabled people all the time, despite their clear lack of understanding of mine.

█
Call from █ said █ reviewed it with the on duty detective sergeant, they concluded consent was the biggest issue.. They said I consented by saying okay, I did not say okay, it was a question that I was forced to answer under intimidation, they denied intimidation was used. I said 'it's not consent if you were intimidated'

█████ said 'yeah but there's nothing there that says he was intimidating you'

Quotes from the report I gave them:

he climbed straight on top of me, with a very emotionless, serious / stern look on his face. This was very confronting, he had never looked at me like this before

Meanwhile his stare continues.. And I feel like he is starting to look pissed off, probably because I was taking a while to reply to him.

I can't think, I can't think, this is too intense. He is on top of me glaring right at my face like he was ready to kill me.

Too much pressure, he already ignored several of my boundaries at this point and my obviously terrified body language. Which made me feel I was in an environment where I was not respected nor did I feel safe.

How am I supposed to tell him NO in an environment I didn't feel safe in, or respected or heard. He not only ignored everyone of my previous attempts to communicate my needs but additionally he was now being physically intimidating, and I was scared of things ascending to violence because that's what his body language was implying.

My choices were to ignore everything mentioned in the last paragraphs and despite the fear, intimidation and not being listened to.. try to set that boundary once again in a really intense moment. Or, alternatively to cooperate and try to keep myself as safe as I can despite obviously being in an unsafe situation.

I hesitated for a while, panicking and trying to think, hoping he would pick up on my body language and just stop. Or that he would remember that I told him several times I'm socially anxious and I want to take it slow.

It felt like a standoff, i didn't want to say yes but i didn't feel safe to say no.

His glare looked angrier and angrier..

Finally after feeling so uncomfortable I wanted to say anything to just get out of that immediate situation.. I regrettably blurted out 'okay!??...'

Not: okay! Or okay. But Okay!??..

He ignored the frightened questioning tone in which I said it also.

I was scared of what would happen if I didn't respond soon, I'd never been intimidated like that before.

Yet they conclude there was no intimidation..

█████
Called the office of public of public Integrity, made a brief complaint and they passed it on to the Internal Investigation Section.

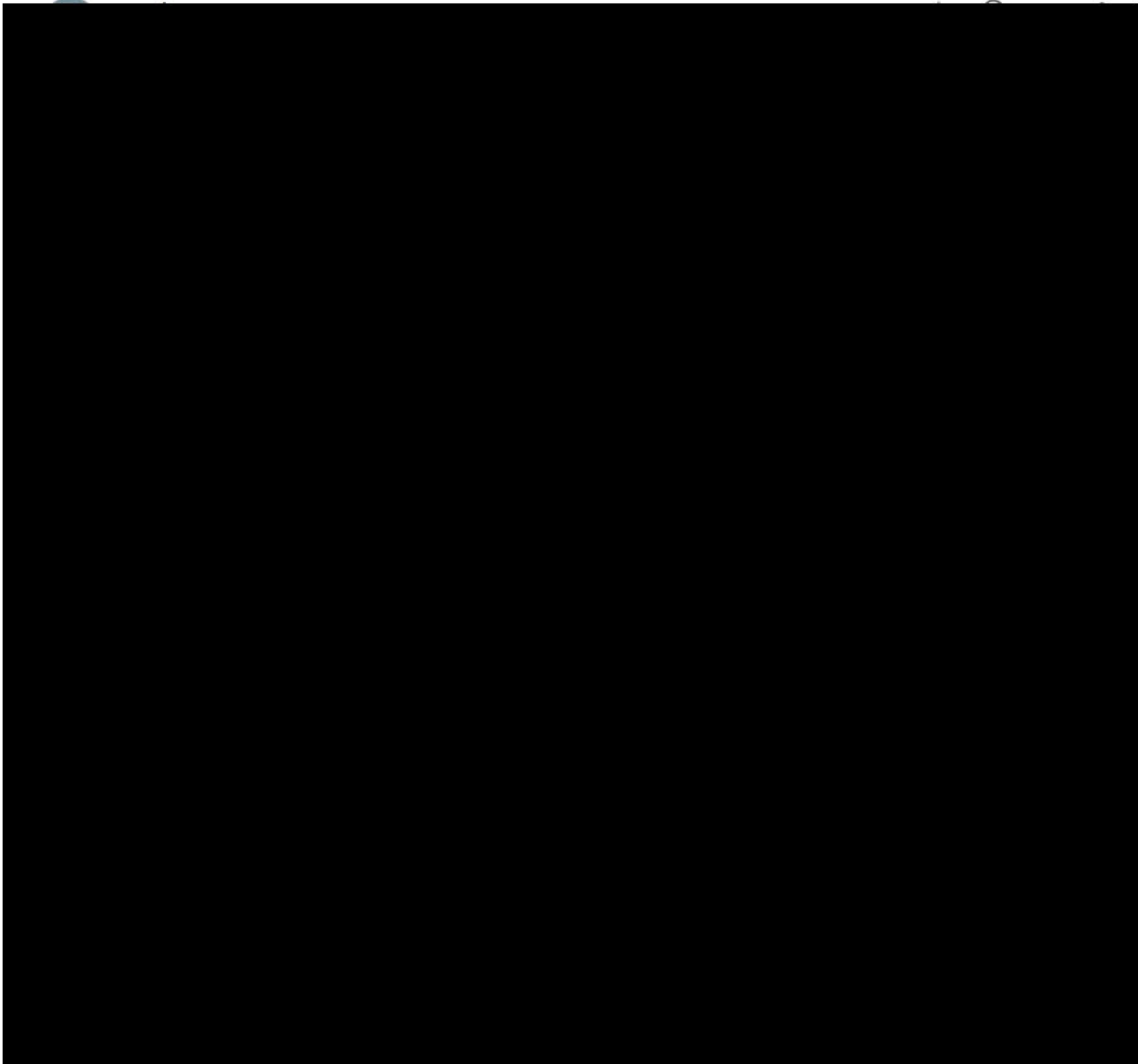
█████
Call from █████ QSC, saying █████ will be calling tomorrow regarding the █████ complaint since I was unhappy with the initial outcome. We asked about the █████ complaint and █████ was shocked we haven't heard back from anyone yet and gave us a new reference number for it. I hadn't been able to even submit my evidence for it yet at this point.

██████████
Call from ██████ QSC.

██████ told me that the person who reviewed my report this time was someone who had experience working as an officer and they concluded again that there was not enough evidence. So far the excuses have been.. He wasn't YOUR support worker, you met him through a different platform, you weren't on the ndis at the time, there isn't enough evidence. None of these excuse the fact that what happened to me was a crime and I feel because of my disability I am not being heard. He also said that the police told him that my rapist has never been reported for anything before and that his checks came back clear. This again, does not excuse the fact that he did it. Every rapist had a clean background until they didn't, and considering vulnerable people like me aren't even being allowed to report their crimes it's no wonder why his background check was clean. During this call I was also told ██████████ that I said ' yes'. So, after freezing and being threatened, I asked 'okay???' has turned into a yes. This is a blatant lie and mishandling of sensitive information about a crime. Unbelievable.

I told ████████ I trusted him because he was a support worker. I made sure to talk to him for a while before I met him. He reassured me we could take it slow, I told him twice I wasn't ready for sex the night before, and he raped me anyway. I did everything I could at the time to be safe. He said there isn't enough evidence, I told him I'm sorry I didn't have the foresight to record my own rape. He told me that If I submit the texts again without cutting parts of them (lots of irrelevant convo because we talked A LOT) That he would take another look. I am doubtful because it's not like they are out of context, they are refusing to acknowledge the evidence I

have. I said I wasn't ready, and he made it happen, it's that simple.



Internal Investigation section emailed and asked for more details, eg. name, time and location of report and the report number/ nature of the crime.

Imagine being someone who has already experienced lifelong abuse, you meet and open up to a support worker who promises differently. The first person you have been brave enough to meet in years, he uses your disability against you, rapes you, makes fun of your self harm scars (I have evidence of it) and then abandons you as he moves on to love bombing the next woman. A support worker free to retraumatise NDIS participants, the police telling me it was consensual. Imagine how that must feel when you already had no trust in people and felt unsafe in the world. Rape destroys lives, they aren't taking my abuse seriously. I worry for people with even more severe disabilities who can't speak up in person either or online or at all. This is not good enough.

Recommendations:

The most statistically at risk people for sexual assault are left with no education, support or defence against it emotionally, physically or legally.

I didn't know what I had experienced was rape until my friend told me it was unconsensual and I learnt about consent and rape.

- Vulnerable people and all women need to have a modern understanding of consent and rape so that they are aware when they have been assaulted, so they can get the appropriate help
- The police need a more modern understanding of consent and rape and to not rely on rape myths and victim blaming. Additionally they need an understanding of psychosocial disability, autism, PTSD and trauma. They need to be held accountable.
- More therapy needs to be available, waiting 3 weeks for one appointment when you can't get out of bed and take care of yourself and you want to kill yourself is something nobody should have to go through.
- The NDIS needs to take sexual assault reports a lot more seriously, vulnerable people have difficulty speaking up about simple things let alone something so traumatising, then when they do speak up they are dismissed.
- There needs to be more awareness and support for online groups so those with disabilities and social anxiety have a safe space to talk and feel less alone.
- I didn't make it to court but it needs to do what it says it will do on paper and protect victims, when you hear that less than 1% of rapists are punished what incentive is there to even report it let alone be dragged through court and retraumatized for years. If normal women struggle with this what hope do disabled women have?
- More awareness, adverts and education on rape and consent and emotional abuse, grooming, lovebombing, gaslighting, etc

I am happy to supply my report to the police or NDIS or answer any questions if it helps.

 [sbs.com.au/news/article/police-rarely-charge-sexual-offences-because-they-rarely-investigate-them-study-says/8ravrd39b](https://www.sbs.com.au/news/article/police-rarely-charge-sexual-offences-because-they-rarely-investigate-them-study-says/8ravrd39b)

<https://www.abc.net.au/news/2020-01-28/how-police-are-failing-survivors-of-sexual-assault/11871364>