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BACKGROUND

My name is Eileen Culleton and I am the sister of Anne-Marie Culleton who was raped and murdered by Jonathan Bakewell who broke down the locked door of her flat to rape and murder her in her bed in Darwin in 1988. I was 19 years old and my sister Anne-Marie was only 20 years old. I was studying at university interstate in Queensland when my sister was murdered.

I am a resident of NSW where I relocated three years after Anne-Marie was murdered. My family also relocated to NSW.

I am making this submission from the perspective of 34 years lived experience of the whole spectrum of judicial, legislative and political decisions in relation to the crime of murder.

Since being released in 2016, the offender has breached parole 6 times, had it cancelled and been given a new non parole period. I am currently fighting to have his parole application refused.

I have suffered lifelong harm due to the impacts of this crime.

This harm has been intensified due to not able to access victim services as I am not eligible due to the fact that my sister was murdered interstate. My situation has also been made more difficult because the offender relocated to South Australia after a prison transfer in 2005.

I am writing this submission with the hope that my recommendations will be implemented, to reduce the suffering of murder victim family members.

ELIGIBILITY FOR SUPPORT

RECOMMENDATION 1 Eligibility be expanded to include residents of NSW whose family members were murdered interstate

I submit that that NSW residents, whose family member was murdered interstate, should be eligible for NSW Victim Support Services.

Criteria should include:

- Family members who were living in NSW at the time of the murder interstate
- Family members who relocate to NSW after the murder interstate

Rationale

Murder victim family members should be able to access victim support services from the state where they are living.

It is inequitable, unjust and cruel to deny family members counselling, financial support, judicial expenses and recognition payments because the murder occurred in a different state.

It is also common for murder victim family members to relocate interstate after the murder in order to get away from the traumatic memories triggered by living in the same state.

It is also common for murder victim family members to relocate interstate for safety reasons.

This fact is recognised by the Financial Assistance for immediate needs including up to \$5,000 for **relocation**, with the rationale being “To help pay for things you need to be safe and healthy because of the violent crime.”

Murder victim family members may also relocate interstate for safety reasons many years later when the offender applies for parole, especially if the family opposed the offender’s parole.

Therefore it is only fair to provide this assistance to all murder victim family members living in NSW including those who relocated from interstate.

Personal experience

I was 19 years old studying interstate at university when my 20 year old sister Anne-Marie Culleton was murdered in Darwin in 1988.

I was given no financial assistance to fly home for the funeral or to attend the trial a year later.

As a university student living on Austudy, with a mother on a widows pension, I managed to scrape together funds to fly home for the funeral (from Queensland to Darwin), but was unable to afford to fly back to Darwin the following year to attend the trial.

In the 1980’s victim support services weren’t provided. However if Anne-Marie was murdered interstate today and I was living in NSW, I still would not qualify for financial assistance because the crime did not occur in NSW.

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I relocated interstate after the murder to avoid the traumatic memories

After my sister's murderer was found guilty and imprisoned with a life sentence with no parole, I did my best to rebuild my life.

In order to do so I moved interstate permanently after I finished university. I felt saddened that I could not return to my home town, because when I did I was overcome with memories that were too traumatic and painful to face.

For instance my mother had moved to an outlying suburb in Darwin and visiting her meant driving past the Berrimah prison, creating a painful and chilling reminder.

I first moved to Perth in Western Australia to create a new life where, apart from one close friend, no one knew what I and my family had suffered. Due to social stigma at the time and in order to prevent being triggered by talking about the crime, I kept my sister's rape and murder a secret. It became my burden and I also felt it was unfair to inflict fear on my young female friends. I wanted them to sleep peacefully at night in their beds.

Three years after Anne-Marie's murder, I left Perth and moved to Sydney, NSW in 1991. I lived there for 5 years before moving to Brisbane, QLD to be closer to my family who had left Darwin and were living in northern NSW.

I moved back to NSW 10 years ago in 2012 to support my mother who was very ill and my eldest sister who was battling cancer. They both passed away shortly afterwards. I still have one sister and nephews living in NSW.

In 2016 my sister's rapist murderer Jonathan Bakewell was released on parole in South Australia where he was transferred while a prisoner. However I have had no support from NSW Victims Services for counselling because I am ineligible due to her murder occurring interstate.

My sister Anne-Marie Culleton's rapist murderer Jonathan Bakewell's parole release was, and continues to be, an extremely traumatic experience, exacerbated by the fact that I have no support from NSW Victim Services because I am not eligible due to her being murdered in another state.

I am seeing a Victims of Crime Counsellor however I am limited to 10 sessions a year under the Mental Health Plan. It is currently increased to 20 sessions due to COVID. However this is still not enough considering that the trauma of Bakewell's breaches is ongoing.

In 2019 I began my campaign calling for the offender's parole to be cancelled due to multiple breaches of parole. However I am still unable to access any support from Victims Support. Not counselling, legal support, or financial support.

I have had to struggle on my own in writing applications to the Parole Board. With each parole breach and the offender's subsequent release, my complex PTSD has become more severe.

This is based on the real fear that Bakewell is a danger to women in the community.

In 2022 after the offenders parole was cancelled, he applied to the Supreme Court for a new nonparole period to be set. I was unable to access any support.

I desperately needed legal support to help me with my Victim Impact Statement to the Supreme Court and in liaising with the DPP.

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I was also unable to attend the court hearings because they were in South Australia and I did not have access to funding support for flights and accommodation.

This was a big strain on me and my only other option, which I used, was by Video Link.

It was extremely traumatising for me to come face to face with my sister's rapist murderer for the first time in 34 years. He was also on video link from the prison. It was a split screen with the court on one side and the offender on the other side.

It was particularly traumatising because the offender kept interrupting me during my victim impact statement.

In the second Supreme Court hearing, in which the offender was granted a new non parole period of 6 months backdated, the offender pumped his fists and loudly said "Yes" in triumph.

<https://www.abc.net.au/news/2022-04-21/jonathan-peter-bakewell-eligible-for-parole-friday/101004306>

I desperately needed urgent counselling support to debrief, yet I had to wait for my next counselling session as I have to spread them out to every 2 – 3 weeks under the mental health plan.

I was also unable to stand on the steps of the Supreme Court to express my distress at the judgement to the media because I could not afford to fly there and I was not eligible for reimbursement of flights and accommodation.

This impacted the effectiveness of my campaign to fight Bakewell's parole release.

It is a great distress and injustice to me that I am unable to receive Victims of Crime Counselling even though I am a murder family member living in NSW.

It is an outrage that a victim of crime like me, who is experiencing severe ongoing trauma due to the offender being out on parole and repeatedly breaching parole and repeatedly being released – is unable to access Victims of Crime Counselling Support in the state in which I live - purely on the basis that I am ineligible because the murder occurred interstate.

I urgently ask that my recommendation for eligibility be expanded to include residents of NSW whose family members were murdered interstate to be heeded and implemented as soon as possible.

COUNSELLING

RECOMMENDATION 2 Murder victim family members should have access to life time face to face victims of crime counselling support

Rationale

Murder victim family members should have access to life time face to face victims of crime counselling support because the impacts and harms are life long.

Murder victim family members suffer life long harm from the trauma of the crime itself and of losing their loved one in such a horrific way.

Murder victim family members also suffer trauma from the impacts of the judicial system which is ongoing and lifelong.

For instance after the trial, criminal appeals can go on for years, all the way to the High Court of Australia. There can also be coronial inquests which can go on for years.

Unless the murderer is given a life sentence with no parole (which is rare), parole applications and hearings continue periodically until their release.

While the murder victim family is able to make submissions to the parole board to fight the parole release, this is a traumatic ordeal to endure once, let alone having to repeat this ordeal every few years until the murderer is released or until their death. Family members facing parole of their loved one's murderer are under extreme stress.

They may feel compelled to fight parole for their own safety as they may have testified in the trial and/or made a Victim Impact Statement.

They may also feel compelled to fight parole because they fear for community safety if the murderer is released.

In fighting parole, family members may also feel the need to campaign publicly. The number of petitions to keep murderers behind bars are increasing, as are media campaigns.

This is extremely exhausting emotionally, psychologically and physically for victim family members and has many other impacts on their lives.

The parole release of the murderer has a devastating effect in exacerbating the lifelong trauma of the victim family as they fear for their own safety, especially if they testified in court, gave a Victim Impact Statement or fought parole. Along with this is the ongoing trauma for the victim family as they fear for the safety of the community now that the murderer has been released.

Parole release of the murderer is effectively a life sentence for murder victim families. While the murderer is free, the victim family is suffering life long harm to their emotional and psychological health and sense of physical safety.

Parole breaches by the murderer further compounds the trauma of the victim family, as it heightens and further substantiates their fear that the murderer will repeat their crime. It also puts pressure on the victim family to call for the murderers parole to be cancelled as they fear for community safety. In doing so, many also feel the need to campaign publicly to try to protect the community. This decision to publicly campaign to have the murderer's parole cancelled is accompanied by a heightened reality of the risk to their own safety and the risk to the safety of their family members.

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Personal experience

In 2015 I tried to access NSW Victims of Crime Counselling Support when I was made aware that my sister's rapist murderer was applying for parole. Due to the changes to the laws in SA to disband the Executive Council which had, for a number of years, vetoed the Parole Board's decisions to release Bakewell, I knew it was a fait accompli.

I was told by NSW Victims Services that because my sister was not murdered in NSW I was not eligible for Victims of Crime Counselling Support.

That was crushing.

I was limited to the counselling provided under the Commonwealth Mental Health Plan – 10 sessions per year.

This was totally inadequate given the trauma I was experiencing at the prospect of my sister's rapist murderer's parole release. Especially because he was originally given a life sentence with no parole.

I was also dealing with the sense of injustice that he was being released.

As well as the fear that he would rape and murder another woman in the community.

The trauma of my sister's rapist murderer's pending parole release triggered the re-onset of Post Traumatic Stress Disorder – which I had suffered from immediately after the murder, but from which I had recovered.

This time the PTSD came back with far worse symptoms because of the very real fear that Bakewell would repeat his crime. It was also very traumatic from a justice standpoint because Bakewell was originally given a life sentence with no parole. I felt I did not have the strength to fight his parole release and instead sought closure by sending him a letter of forgiveness. Not for his crime, because that is unforgivable, but for the harm his crime had on me. I also wished him the very best for a new future. However I did make it very clear that justice was him serving his original whole life sentence in prison.

However, there was no closure because, only 10 months after his parole release Bakewell breached parole. He continued to breach parole and I became so alarmed for the safety of women in the community, I felt compelled to fight for his parole to be cancelled.

Since 2019 I have been fighting for Bakewell to stay behind bars, and to date he has breached parole 6 times, had parole cancelled, been given a new nonparole period and has once again applied for parole.

My fight is ongoing as I write this submission. This is my living hell. I feel like I am the one with the life sentence and being denied Victims of Crime Counselling is exacerbating my trauma.

FINANCIAL ASSISTANCE

RECOMMENDATION 3 There should be no time limit on financial assistance for relocation for murder victim families

Currently there is a two year time limit for financial assistance for murder victim families to relocate. I submit there should be no time limit.

Rationale

Murder victim families should not have a time limit on financial assistance for relocation because the timing of the decision to relocate is based on a number of factors.

Firstly, the murder victim family may be too traumatised in the first two years after the murder to even consider relocation, let alone have the strength to do it.

Secondly, the murder victim family may wish to delay relocating until after the trial. And they may be delayed by the inevitable appeals which can go on for years.

Murder victim family members may only decide to relocate when the offender applies for parole. This could be due to trauma, or safety reasons. This need to relocate for safety is heightened if the family member has opposed the offender's parole.

Personal experience

As demonstrated throughout this submission, I have relocated from the NT to NSW since my sister's murder, as have my mother and two sisters and their families.

JUSTICE RELATED EXPENSES

RECOMMENDATION 4 There should be no cap on justice related expenses for murder victim family members because judicial processes are usually life long

I submit that there should be no financial cap on Justice related expenses for murder victim family members because judicial proceedings are usually life long.

Rationale

The judicial proceedings for murder do not usually end with the trial and sentencing.

There are usually appeals, which can go on for years.

Then, unless the murderer is given a life sentence with no parole (which is rare), there are parole applications and hearings. These continue for the life of the offender until they die or finally receive parole.

After the offender receives parole, if they breach their parole conditions there are further parole applications and hearings.

If the offender's parole is cancelled, there is a Supreme Court hearing where the offender applies for a new non-parole period.

If a new non parole period is granted, the parole applications and hearings continue until the offender is released again.

In the midst of all of this there can be law changes to murder sentencing which can lead to re-sentencing of the offender.

My family have endured all these judicial processes over the 34 years since Jonathan Bakewell was found guilty of raping and murdering my sister Anne-Marie Culleton and the processes are still ongoing.

Personal Experience

My personal experience involves 34 years suffering the impacts of the whole spectrum of judicial proceedings in relation to the crime of murder – from 1988 to 2022 – and proceedings are still ongoing as I write this.

In 1989 before the trial even began, Bakewell appealed in an attempt to exclude all confessional material being presented to trial and a Voir Dire was held.

In 1989 after the trial Bakewell was found guilty by the jury. Later that year Bakewell was sentenced to life with no parole.

However justice for our family was short-lived because in 2004 murder sentencing laws were changed to allow a non-parole period to be set for life sentences for murder. This included for current prisoners who would be resentenced after serving 19 years.

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In 2007, after Bakewell had served 19 years of his life sentence, the NT Director of Public Prosecutions (DPP) applied to resentence Bakewell to reduce his sentence to 25 years non-parole, which was the minimum sentence for murder with sexual assault.

Bakewell appealed his reduced sentence of 25 years non parole (the minimum for murder with sexual assault) and instead fought to serve the minimum term for murder only which was 20 years. This was despite the rape being the only crime that Bakewell had plead guilty to.

The appeals went on for two years, ending at the High Court of Australia in 2009. Bakewell won on the technicality that because he had been transferred while in prison to SA, the NT Laws did not apply to him. He was resentenced to just 20 years non-parole (the minimum life sentence for murder for SA).

In relation to parole applications, from approximately 2010 – 2016 Bakewell made applications and would have been released had the SA Executive Council not vetoed the Parole Board.

In 2016 after the Executive Council was abolished, Bakewell was released on parole.

In 2017 only 10 months after his release, Bakewell had already breached parole.

Bakewell breached a further 5 times (6 in total) before his parole was finally cancelled by the Parole Board in 2021.

In 2022 Bakewell applied to the Supreme Court for a new non parole period and he was given a new non parole period of just 6 months, backdated to his parole cancellation.

Bakewell has applied to the Parole Board once again and his hearing is scheduled for August 2022.

The full judicial proceedings timeline from 1988 to today (August 2022) is in the Appendix.

LEGAL REPRESENTATION

RECOMMENDATION 5: Legal representation should be provided to the murder victim family in a similar manner that Legal Aid is provided to the offender.

I submit that a lawyer should be provided to the murder victim family, just as a Legal Aid lawyer is provided to the offender. This includes the provision of a lawyer at no upfront cost to the victim, with invoices going directly to be paid through the Department of Justice – in this case to Victims Services.

Rationale

Murder victim families need legal representation to assist and represent them in preparing statements and liaising with the various judicial agencies including NSW Police, Department of Public Prosecutions (DPP) and the Parole Board.

Most murder victim families do not have the finances to pay a lawyer to help them navigate the judicial system and to represent them.

The murder victim family's access to a lawyer should not be limited to just the trial. It should include appeals, re-sentencing, parole applications and parole breaches. The murder victim family should have equal access to the provision of a lawyer as is provided to the offender.

The offender is given legal aid at no cost to them. This legal aid is provided for the offender to appeal all the way to the High Court of Australia (if the courts grant the applications). The offender is also provided legal aid for parole hearings.

Equally, the murder victim family should also be provided with the equivalent of legal aid.

It should not be means tested, because murder is a heinous crime against the state as well as against the murder victim family.

This lawyer should be independent of the Department of Public Prosecutions to ensure they properly represent the murder victim family.

Personal Experience

In 1988 when my sister Anne-Marie Culleton was murdered, there was no provision for legal representation for victim families in the Northern Territory. I'm not aware of any other state providing this either.

Since 1988 our family has had no legal support or representation because we couldn't afford it. As I stated earlier my mother was on a widow's pension. I was 19 and a university student on Austudy.

As mentioned earlier, our family did not become actively involved in the judicial process until many years later after the offender was released from prison and had breached parole a number of times.

We did not oppose the offender's eventual parole because we knew it was a fait accomplis after the SA Executive Council was abolished in 2016, given that the SA Parole Board had been approving Bakewell's parole release for years, but had been vetoed.

My mother and eldest sister Theresa had earlier passed away in 2012 and the remaining immediate family were myself and my sister Rita who was living overseas at the time.

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I was also suffering from the re-onset of Post Traumatic Stress Disorder (PTSD) due to the prospect of my sister's rapist murderer's parole release and did not have the strength to fight the parole application, especially given that I had no legal support.

However after Bakewell had breached parole a number of times, myself and my sister became very alarmed for the safety of women in the community and I felt I had no choice but to campaign for his parole to be cancelled. I began campaigning in 2019.

I wrote a number of parole submissions, all with no legal support.

Campaigning for Bakewell's parole cancellation has been incredibly difficult, distressing and traumatising, especially because my appeals continually fell on deaf ears until the Parole Board finally cancelled his parole after 6 breaches in 2021.

However it is still not over. In January 2022 Bakewell applied to the Supreme Court for a new non parole period to be set. I requested to the DPP to be able to have input to the hearing including delivering a Victim Impact Statement (my first) to the Judge.

I had to do all this without legal representation.

After getting no response from the SA DPP, I managed to access support from the NSW Victims of Crime Assistance League, a charity which helped me in initially liaising with the DPP and in helping me prepare my victim impact statement. However they were unable to provide legal representation.

When it came to the DPP's position in refusing to oppose Bakewell's parole release, I had no legal representation.

I also had no legal representation or support when delivering my Victim Impact Statement in February 2022 via Video link at the court hearing.

And I was alone in April 2022 when the judgement was handed down, with no legal support to help me understand and process it.

Given that it was the worst possible outcome – a six month non-parole period backdated to when Bakewell's parole was cancelled – meaning he could apply for parole the following day, I was utterly devastated.

Particularly since Bakewell was a life sentence prisoner and the judge had the ability to refuse to set a new non-parole period.

In April 2022 Bakewell once again applied for parole and his hearing is set for August. Once again I had no legal representation in helping me to write my submission.

My living nightmare fighting to keep Bakewell behind bars for community safety and for justice for my sister is never ending and my trauma and suffering is exacerbated by the fact that I have no legal representation. This is why I am recommending murder victim families are provided with legal representation equivalent to the Legal Aid provided to the offender.

RECOGNITION PAYMENT

RECOMMENDATION 6 Siblings of the murder victim should also be eligible to apply for the Recognition Payment

Currently the siblings are not eligible to apply for the recognition payment. It is only available to family members who are the victim's partner, children, parents or financial dependents.

Rationale

The purpose of the Recognition Payment according to the Family Victim's Fact Sheet is "To acknowledge that a violent crime has been committed."

Murder is the most violent crime that can be committed, so it is irrational and unfair that siblings of the murder victim are not eligible for a recognition payment. Especially since they are eligible for counselling and financial assistance, including justice related expenses.

This is also irrational given that siblings are called on to provide a Victim Impact Statement to the court.

This exclusion of siblings from receiving a recognition payment, diminishes the recognition "that a violent crime has been committed" in their circumstance – the worst violent crime, the murder of their sister or brother. And it diminishes the recognition of the sister or brother of their lifelong harm and trauma from losing their sibling to murder.

It is important to also recognise that it is often the siblings who bear the greatest burden immediately after the murder, upholding the family, arranging the funeral, attending court hearings etc.

It is also the siblings who are often left to fighting the offender's parole applications because, by then, it is likely the murder victim's parents have passed away, and the victim may not have a spouse or children.

Fighting parole applications by the offender is a life long battle until the offender dies or is released. This battle can take a severe toll on siblings, impacting all areas of their life, including their mental health. Commonly the PTSD they may have suffered from after the murder suddenly returns, but in a more severe level, because the offender is about to be released and the sibling fears for the safety of the community. Once the offender is released, life for the sibling can become a living nightmare, particularly if they fought the offender's parole release and they know they have put their own life in danger. The impact of parole of the offender can derail the sibling's life to the point where they are so incapacitated they are unable to work.

Personal Experience

I was 19 years old and studying interstate at university when my 20 year old sister Anne-Marie Culleton was raped and murdered by Jonathan Bakewell who broke down her back door in the middle of the night to rape and strangle her to death in her bed.

This crime is every woman's worst nightmare and the trauma has impacted my entire life, as indicated earlier in this submission. I wrote and presented my Victim Impact Statement 34 years after the murder, via video link at the Adelaide Supreme Court hearing for my sister's rapist murderers application for a new non-parole period to be set after it was cancelled following 6 breaches. Also see my **Victim Impact Statement** in the Appendix.

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In the case of Anne-Marie's murder, it was her three sisters; Theresa (the eldest), Rita and myself (the youngest) who shared amongst us the responsibility for contacting and liaising with the police, arranging the funeral, attending the magistrates hearing when Bakewell was charged, attending the trial and opposing his parole.

Our father had passed away years prior to Anne-Marie's murder and our mother was too distraught (understandably). We had no extended family living in the state to provide support.

Rita, who along with my mother discovered Anne-Marie's body in her flat, took responsibility for contacting and liaising with the Police.

Rita, together with her partner, took responsibility for arranging the funeral, which was paid for by our grandmother on our father's side.

I immediately flew back from interstate to be with my family and attend the funeral. Our family was so traumatised and devastated that we were unable to deliver a eulogy at Anne-Marie's funeral.

My eldest sister Theresa and I attended the Magistrates Court a week later to see Bakewell officially charged.

Theresa attended the trial alone. I could not be there because I was interstate at university and as an Austudy student with my mother on a Widow's pension, I could not afford to fly home and there was no financial assistance available to help me. My mother was too distraught to attend the trial and my sister Rita did not attend.

When it came to Bakewell's parole hearing years later in 2016, as stated earlier in the submission, the responsibility to oppose parole fell on my shoulders because my mother had passed away, as had my eldest sister Theresa (tragically at 47 from cancer), and my sister Rita was living overseas with her family.

The trauma of my sister's rapist murderer's pending parole release triggered the re-onset of Post Traumatic Stress Disorder – which I had suffered from immediately after the murder, but from which I had recovered.

This time the PTSD came back with far worse symptoms because of the very real fear that Bakewell would repeat his crime. It was also very traumatic from a justice standpoint because Bakewell was originally given a life sentence with no parole. I felt I did not have the strength to fight his parole release and instead sought closure by sending him a letter of forgiveness. Not for his crime, because that is unforgiveable, but for the harm his crime had on me. I also wished him the very best for a new future. However I did make it very clear that justice was him serving his original whole life sentence in prison.

However, there was no closure because, as stated earlier in the submission, only 10 months after his parole release Bakewell breached parole. He continued to breach parole and I became so alarmed for the safety of women in the community, I felt compelled to fight for his parole to be cancelled. Since 2019 I have been fighting for Bakewell to stay behind bars, and to date he has breached parole 6 times, had parole cancelled, been given a new nonparole period and has once again applied for parole. My fight is ongoing as I write this submission. This is my living hell. I feel like I am the one with the life sentence.

Bakewell's parole release and breaches has taken a massive toll on every aspect of my life, including my ability to work. Due to the onset of severe PTSD I can no longer work and am now surviving on a

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Disability Support Pension. I am also renting, which means I am living below the poverty line – and getting worse by the week in the current rental climate.

A Victim Recognition Payment would make the world of difference in helping to ease my financial stress.

My inability to work and financial demise is a source of great personal shame and continual stress for me. This is made worse by the fact that I had managed to keep going at university through the trauma and aftermath of Anne-Marie's murder and I achieved my university degree. I then went on to attain a post grad degree.

I turned my anxiety, fear, grief and trauma into a drive that allowed me to help and empower others. I worked at a senior level for a number of high profile charities, to help people impacted by heart disease, breast cancer and youth suicide. I then worked in the private sector and government, providing strategic and communications advice.

After the 2011 Queensland floods which resulted in significant loss of life, I founded a charity providing an online information hub to help communities locally and globally to use social media to save lives in disaster. I was sponsored by the federal Attorney General's Department to present at a United Nations conference in Switzerland, making recommendations to UN policy makers.

I also established my own social media marketing consultancy as a social enterprise. For more information on my professional career please see my LinkedIn profile.

www.linkedin.com/in/eileenculleton

While I find it painful to talk and write about this publicly, I first did so this year in reading out my Victim Impact Statement to the Supreme Court, and I have chosen to do so again, with this submission, because it is important to show the ongoing financial impacts the crime of murder has on murder victim families, including siblings.

I am committed to homicide victim advocacy and law reform because I want to help prevent the suffering that I and my family have endured. I have a website <https://eileenculleton.com/>

I am fighting for law reform for the crime of murder with sexual assault to be made a stand alone crime, carrying a mandatory life sentence with no parole.

I am also fighting for the rights of murder victim families.

In NSW my advocacy includes:

- NSW Murder and Manslaughter Sentencing Review submissions
- Law reform campaign
- March 4 Justice 2021 and 2022

Here is the link to my NSW Campaigns page: <https://eileenculleton.com/nsw-campaign/>

I am also fighting for and plan to make a supplementary income by utilising my lived experience as well as my professional skills of advocacy, public speaking, policy writing, submission writing, government liaison etc.

It is my hope (and my counsellor's hope) that with this advocacy, will come greater empowerment and progress in reducing the impact of the PTSD/CTSD so that I will again become fully functioning, and fully utilising my lived experience and professional skills in helping and empowering others who are family victims of murder.

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RECOMMENDATION 7 There should be no deadline for application for the Recognition Payment

Rationale

The purpose of the Recognition Payment is “To acknowledge that a violent crime has been committed.”

Currently the deadline for applying for the Recognition Payment is two years after the murder. This two year deadline is too short for murder victim family members because the first few years are the most traumatic and it is too much pressure to put on victim family members to make them apply for this payment.

There is also the issue of personal pride, whereby murder victim family members may not want to apply for a recognition payment. They have already lost so much, and to apply for a recognition payment for their loved one’s murder could feel galling.

Also, as I have demonstrated throughout this submission, the trauma impacts of are lifelong and can be triggered or re-triggered at any time. Family members are impacted by trauma in different ways and in different time frames. Just because they may be coping well in the first few years does not meant they won’t be greatly impacted years down the track, causing their life to derail and for them to suffer financially.

Prime triggers can include the death of another family member, being exposed to media coverage of a similar murder to your family member, appeals by the offender, law changes, resentencing, media coverage of parole release of a murderer in a crime similar to the murder of your family member and, inevitably, the parole application of the offender.

Personal Experience

As stated earlier, it was my sister’s rapist murderer’s parole release 28 years later that derailed my life to the point where I can no longer work and have been in financial dire straits.

This is why there should be no deadline for application for the Recognition Payment. Because at any point in the victim families member’s lifetime they may need to access it and they should have the right to do so.

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RECOMMENDATION 8 The Recognition Payment should be increased for murder victim family members in line with the National Redress Scheme for people who have experienced institutional sexual abuse

I submit that the Recognition Payment should be increased to \$50,000. The National Redress Scheme payment range is 10,000 - \$150,000, so this is a reasonable median amount.

1. Similar to the National Redress Scheme for people who have experienced institutional child sexual abuse, the Recognition Payments should be:
 - a. non-taxable
 - b. exempt from Commonwealth debt recovery
 - c. exempt from income tests relevant to Commonwealth Government payments,
 - d. exempt from creditors where a person is bankrupt
2. The payment should also be exempt from the assets test for Commonwealth Government payments.

<https://www.nationalredress.gov.au/applying/what-can-you-apply#step2>

Rationale

The traumatic impact of having a family member murdered is life long, just as the impacts of being a victim of institutional child sexual abuse are life long. And the harms of the murder victim family member are also exacerbated by institutions – in this case the judicial system.

Personal Experience

As I have demonstrated throughout my submission and in my accompanying Victim Impact Statement, the trauma of having your family member murdered can impact every area of your life and it can re-manifest at any time and completely derail your life.

The key impact times are usually directly after the murder, the trial, sentencing and appeals, and many years later when the offender applies for parole.

Also, murder victim families lives are often further harmed by the judicial system. This can include the trial itself, sentencing, appeals by the offender, re-sentencing and years later, parole applications and parole release. The harm of parole breaches and the offender being released is a whole next level of harm by the judicial system, which I have experienced.

This harm and suffering needs to be recognised by increasing the recognition payment in line with the National Redress Scheme.

Appendix

1. Timeline For Murder Trial, Appeals, Parole Breaches As At August 2022
2. Eileen Culleton Victim Impact Statement read out at Supreme Court February 2022

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TIMELINE FOR MURDER TRIAL, APPEALS, PAROLE BREACHES AS AT AUGUST 2022

Rape and Murder of Anne-Marie Culleton (20 years of age) in Darwin, Northern Territory

- 23 February 1988

Appearance by Jonathan Peter Bakewell before magistrate and charged

- Monday 29 February 1988

Arraignment

- 4 April 1989 Bakewell arraigned on 4 counts including a count of murder, to each of which he pleaded not guilty.

Voire Dire Trial - Bakewell attempted to exclude “confessional material” being presented to trial

- 4 April – 11 April 1989

Voire Dire Ruling

- 28 April 1989

Voire Dire Reasons for Ruling Delivered

- 10 May 1989

Murder Trial

- 10 May 1989 – 17 May 1989. Bakewell found guilty of murder. He pleaded guilty to rape.

Sentencing

- 26 May 1989 Jonathan Peter Bakewell was sentenced to life without parole.

Law change to life sentencing for murder

- 11 February 2004 Sentencing (Crime of Murder) and Parole Reform Act 2003 (NT) commenced operation allowing a non-parole period to be set for life sentences for murder.
- Aggravated murder sentences (including rape) had a mandatory minimum 25 year non parole period set.
- This was to be applied to existing life sentence prisoners when they reached 19 years of their sentence.

Prison Transfer from NT to SA

- April 2005 Bakewell was transferred to a prison in South Australia to be closer to his father.

Resentencing

- June 2007 the NT Director of Public Prosecutions (DPP) applied to reduce Bakewell’s life sentence to 25 years nonparole in accordance with the new legislation for a minimum of 25 years for murder with sexual assault.

Appeals

- June 2007 Bakewell appealed, saying that he should be re-sentenced only for murder (which carried a minimum of 20 years). This meant he would not serve time for the rape which was the only crime he plead guilty to. Bakewell lost his appeal.
- March 2008 Bakewell appealed again and won due to a legal loophole in the legislation wording.

Legislation change to close legal loophole

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- May 2008 the NT legislation was revised to close the legal loophole.

Appeals

- December 2008 the NT DPP appealed to reinstate Bakewell's 25 year sentence and won.
- May 2009 Bakewell appealed to the High Court of Australia and in July 2009 he won his appeal.
- He won on the new argument that the NT Laws no longer applied to him because he had been transferred to SA prison. In SA the sentence for murder was 20 years minimum. This meant that Bakewell's murder sentence was reduced to just 20 years and did not include the rape which was the only crime he had plead guilty to.

Parole Applications

- Bakewell's made numerous parole applications from approx. 2010 to 2016.
- The Parole Board's recommendations for Bakewell's parole were vetoed by the SA Executive Council until it was disbanded in 2016 due to a legislation change.

Parole Release

- 8 September 2016 Bakewell released on parole after serving 28 years for the rape and murder of Anne-Marie Culleton on 23 February 1988. His original sentence was life with no parole.

Parole Breaches

- 4 July 2017 Bakewell breached parole. He was not jailed and Anne-Marie Culleton's family were not notified.
- 15 November 2017 Bakewell was jailed after his second breach (for 4 and a half months)
- 25 September 2018 Bakewell was jailed after his third breach (for only 5 weeks).
- 26 April 2019 Bakewell was jailed after his fourth breach (for 5 months after hearing was deferred).
- 30 March 2021 Bakewell was jailed for a fifth breach (for 3 months after hearing was deferred)
- 22 October 2021 Bakewell was jailed for a 6th breach
- 26 October 2021 Bakewell's parole finally cancelled after 6 breaches

Supreme Court Hearing for application to apply a new non parole period to be set

- 31 January 2022 Bakewell applied to the Supreme Court for a new non parole period to be set
- 28 February 2022 Supreme Court hearing. The victim's sister Eileen Culleton read out her Victim Impact Statement
- 21 April 2022 judgement by Chief Justice Chris Kourakis granting Bakewell a six month non parole period backdated to the date his parole was cancelled on 26 October 2021. Bakewell was eligible to apply for parole the following day.

Parole Application

- Bakewell applied for a parole hearing
- 23 August 2022 Parole hearing scheduled

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Victim Impact Statement Eileen Culleton read out at Supreme Court 28022022

My name is Eileen Culleton and I am the youngest sister of Anne-Marie Culleton who at 20 years old on 23 February 1988 was raped and murdered by Jonathan Bakewell after he broke into her flat in the middle of the night in Darwin.

My Victim Impact Statement is written from the perspective of 34 years lived experience of the impacts of the whole spectrum of judicial, legislative and political decisions in relation to this crime.

I have experienced justice being done, with my sister's rapist murderer Jonathan Bakewell being sentenced to life with no parole in 1989 and then justice being ripped away with the NT law change in 2004 which saw Bakewell's life sentence reduced to just 20 years non parole.

I have also experienced the distress and feelings of injustice resulting from Bakewell's appeals all the way to the High Court of Australia to have his revised sentence reduced from the minimum of 25 years non parole for murder with sexual assault to just 20 years non parole.

I have experienced the trauma of Bakewell's release on parole in 2016 and the re-traumatisation due to his numerous parole breaches for drug taking – the same drugs he took the night he raped and murdered my sister.

I have experienced the trauma of having to go public for the first time after 31 years of silence, with a media campaign fighting to have Bakewell's parole cancelled due to his breaches. And the stress of this two and a half year campaign which I fought in order to keep women in the community safe.

The focus of this victim impact statement is to share the impact of not just the crime itself but also the impact of Bakewell's parole release, and his numerous breaches and the impact of his application to have a new non parole period set after his parole was finally cancelled 4 months ago.

I am doing this because I believe Bakewell remains a danger to the community and for this reason I am asking for his application for a new non parole period to be set to be refused and for him to serve out the rest of his life sentence behind bars.

It is important to state from the outset that I did not make a submission to the Parole Board to object to Bakewell's parole release in 2016 because I believed I would have little chance of success due to the recent law change disbanding the Executive Council which previously vetoed the Parole Board decisions to grant parole to Bakewell.

As a result of this reality and my renewed onset of Post Traumatic Stress Disorder (PTSD) as a result of Bakewell's pending release, I sought to find peace and a new beginning for both parties by writing a letter of forgiveness for the impact of his crimes on me, and in which I wished Bakewell the very best for a new future.

It took me five months of counselling to be able to do this, but by the time I wrote the letter of forgiveness I meant every word.

It is important to emphasise that in my letter I was very clear that my forgiveness was not for the crime of raping and murdering Anne-Marie but for the impact of the crime on me personally. I did not in any way excuse him for the crime or renounce the need for justice. In fact in my letter I made it very clear that I believed justice meant that he should serve his original whole life sentence in prison.

In my letter I didn't just extend forgiveness to Bakewell, I actually wished him and I quote "the very best for a future of peace, love, hope, purpose and joy."

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I even agreed to receive a letter back from Bakewell.

It was as a result of his letter of apology, followed by his repeated parole breaches, that I developed grave concerns about Bakewell's sincerity, credibility and motivations.

After receiving the trial transcripts and also the Voir Dire appeal to prevent his video confession being admitted to trial, I was concerned by the number of statements in his letter that did not align with the court documents. I outlined these concerns in my 2019 submission to the Parole Board calling for Bakewell's parole to be cancelled.

What particularly impacted me was what I believe to be an attempt to by Bakewell to manipulate our family for financial gain, when he shared his "dream" to open a foundation under Anne-Marie Culleton's name. The basis of the foundation would be a prisoner art prize and the aim would be to lower the crime rate against women and children.

Initially I thought it was a sincere idea demonstrating remorse and wanting to do something positive to atone for his crime. However, after reading the trial transcripts I came to form the opinion that the premise was based on a falsehood. In his letter Bakewell intimated he discovered his ability to draw while in prison as a result of a 'vision' he had of Anne-Marie in his cell, who he said he would constantly 'talk' to.

The trial transcripts documented that Bakewell was already drawing prior to murdering Anne-Marie. He had used his portrait drawing talent to ask businesses in Darwin to give him or lend him money for the purpose of buying artist supplies. Whereas the transcripts documented that he used the money to buy drugs and alcohol.

Reflecting on this information, and other information in his letter, I then formed the belief that Bakewell's purpose of his apology letter in response to my forgiveness letter was to emotionally manipulate Anne-Marie's family to agree for him to start a foundation in her name in order for him to get money, exoneration, fame and glory.

As a result I felt duped, manipulated, foolish, horrified, angry and outraged and fearful.

I believe Bakewell is an extremely callous, remorseless individual. In my view this makes Bakewell just as dangerous as the day he raped and murdered Anne-Marie and this strengthened my resolve to fight to protect women in the community by fighting to have his parole cancelled.

It must be noted that I did not campaign for his parole to be cancelled until he had already breached parole a number of times and it was then that I accessed the trial transcripts.

In regard to the impact of the crime on me, because I was only 19 at the time, and Anne-Marie and I were so close in age, only a year apart, her rape and murder at age 20 was a traumatic event that changed my life forever. We were close as we shared a bedroom until we left home. Anne-Marie was a really sweet girl. She loved animals. When she was younger she kept rabbits.

The last time I saw Anne-Marie was at my 19th Birthday. She was 20. She was beautiful and glowing. Three weeks earlier she had moved out of home into a flat and had found her wings of independence. She had a job, a car and hopes and dreams that she was excited about.

I remember Anne Marie was a talented, budding artist who loved beauty and painting nature scenes. She had dreams to travel. Greece was the top of her list. She loved classical music. Anne-Marie was a beautiful, talented young woman with a bright future ahead of her. With dreams she never got to realise.

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I feel so angry that her life was cut short, and that she didn't reach her full potential.

Anne-Marie was a person of strong faith with a strong social conscience. The main thing Anne-Marie's friends tell me is how kind she was to people. She volunteered at the Community College helping migrant Greek women learn English. She also got her First Aid Certificate so she could help save lives in emergencies.

Two weeks after my 19th birthday, while interstate at university, I received the phone call that changed my life forever. I vividly remember the moment that I was told Anne-Marie was dead. Mum and my elder sister Rita had found her body in her flat.

I was prevented from being able to say goodbye to Anne-Marie because she was too decomposed. Bakewell had washed her body in a scalding hot shower and wedged her body face down so that it remained immersed in scalding hot water with the shower running. These actions, together with the high humidity in the closed bathroom served to initially conceal the murder method by advancing body decomposition. I am still haunted by these facts today.

I had to say goodbye to her in a cold, closed coffin, which deeply upset me and has added to my trauma and I have struggled with complicated grief. I remember I would have dreams that she was alive but then wake up to the devastating reality. I felt desperately hopeless.

I remember that our family was so traumatised and devastated that we were unable to deliver a eulogy at her funeral.

As a result of Annemarie's rape and murder I lost my sense of personal security and safety. Knowing that Bakewell broke down Anne-Marie's locked back door in the middle of the night to rape and murder her in her bed is every woman's worst nightmare. It became my living nightmare and I suffered from post-traumatic stress. I felt constantly vulnerable at night and when my trauma was triggered I was afraid to go to sleep. I remember in the years after her murder I felt extremely scared and vulnerable. I felt anxious if I was at home alone, even during the day. I suffered nightmares and would often try to stay awake until dawn - then I would feel safe enough to sleep for a few hours.

After Bakewell's parole release and repeated breaches and my campaign to have Bakewell's parole cancelled, I put in a security door on my back door in my rental property to help me feel safe. Anne-Marie's home did not have a security door and I continually wonder whether this would have prevented Bakewell breaking into her home and murdering her.

After the criminal trial, I did my best to rebuild my life. I pushed through by implementing a number of avoidance behaviours including moving interstate. I felt saddened that I could not return to my home town because when I did I was overcome with memories that were too painful to face. My mother had moved to an outlying suburb and staying with her meant driving past the prison creating a painful and chilling reminder. Words cannot describe the anguish I felt to witness my mother's grief and ongoing heartbreak at losing her daughter so young and in such a horrific way.

I moved to Western Australia to create a new life where, apart from one close friend, no one knew what my family had suffered. I purposefully isolated myself from family and friends in a desperate attempt at self-preservation. I kept my sister's rape and murder a secret. It became my burden and I felt it was unfair to inflict fear on my young female friends. I wanted them to sleep peacefully at night in their beds.

Keeping my sister's rape and murder a secret meant that I felt I could never talk about Anne-Marie. When people asked about family, I'd have to bend the truth and say I only have two sisters. I felt I

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was betraying her, but the reality of having to tell people the horrors that my family had suffered because of the offender was too much.

I turned anxiety, fear, grief and trauma into a drive that allowed me to help and empower others. I finished my university degree and worked at a senior level for a number of high profile charities, to help people impacted by heart disease, breast cancer and youth suicide. I then worked in the private sector and government, providing strategic and communications advice.

After the 2011 Queensland floods which resulted in significant loss of life, I founded a charity providing an online information hub to help communities locally and globally to use social media to save lives in disaster. I was sponsored by the federal Attorney General's Department to present at a United Nations conference in Switzerland, making recommendations to UN policy makers.

I was at the height of my career when, in 2015, my life was shattered because I was made aware that Bakewell was due to be released on parole. The veracity of the PTSD symptoms I experienced were debilitating. I struggled to sleep at night and the nightmares came back with a vengeance.

The nature of Anne-Marie's rape and murder will always cause me great anguish. It tortures me to think about the terror, cruelty, degradation and suffering that my sister endured at her death.

However, the continual breaches of parole and repeated chances the judicial system has given Bakewell fuels a different kind of re-traumatisation. Each time he is released on parole I am trapped in a vortex of trauma, anger and fear for the community.

Due to the increasing severity of my complex post-traumatic stress disorder with each parole breach, I recently decided to take prescribed medication.

I resent the fact that this crime and Bakewell's parole and continued breaches continues to impact every aspect of my life. I resigned from my role as CEO of the charity I founded and I was forced to cut back on clients for my business consultancy. I'm now on the Disability Support Pension. I find this to be a great source of shame due to the social stigma. While I find it painful to talk about publicly, I have chosen to do so today as it shows the ongoing, significant physical, emotional and financial impact this crime has, and continues to have, as a result of Bakewell's parole release and repeated parole breaches, on my life.

I feel I have limited social relationships and I suffer from social anxiety, am hyper vigilant and feel extremely uncomfortable in crowded places. I grapple with intense fear that he will commit another horrific crime in the community.

I am alarmed that Bakewell has breached parole by taking drugs on 6 occasions, the same drugs he took the night he raped and murdered my sister. This fuels my fear for community safety and now my safety as a result of my public campaign to have his parole cancelled. I am aware that Bakewell has historical offences of breaching parole in which he crossed interstate borders in an attempt to evade authorities and that he breached parole in SA when travelled to the NT where raped and murdered my sister. I am also aware he used fake names in his escape which add to my fears.

I am concerned that these multiple breaches demonstrate a refusal to follow the rules of parole, and of society in general. My fears about Bakewell have escalated with each parole breach.

As stated earlier, I have recently gained access to and read the murder trial transcripts and I found it galling to read how the rape and murder was characterised in 1989 as a crime of lust and loss of control. It is well documented today that rape has nothing to do with desire or sexual attraction or loss of control. It is a hate crime enacted to terrorise, torture and degrade the victim and is about

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the offender exerting power, control and dominance over their victim. Rape and murder is an intentional gender hate crime of the most heinous kind and I feel horrified that my sister fell victim to such a brutal crime at Bakewell's hands.

Since I began publicly campaigning for Bakewell's parole to be cancelled, I have been contacted by community members who express concern for community safety. It upsets me to know that people in his local area are feeling fear.

During the day I am constantly on edge now also. This was made worse by the fact that I was not allowed a photo of what Bakewell looks like now, which I believe is appalling. I believe murder victim families and the community should have a right to know what the murderer looks like when they are paroled so they can be forewarned.

Since Bakewell's parole was cancelled in October last year, the nightmares have reduced. But they haven't stopped because I have been aware that this day would come and he would ask for his freedom again.

The anniversary of Anne-Marie's death was last Wednesday 23 February. Words cannot describe how hard these days are for me. I am grateful that I have been given the opportunity to write this victim impact statement and I hope that my plea to refuse to grant a non parole period to Bakewell is heeded.