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## COVER LETTER

28 February 2025

The Hon Peter McClellan AM KC (Chair) and NSW Sentencing Council

By email: [sentencingcouncil@dcj.nsw.gov.au](mailto:sentencingcouncil@dcj.nsw.gov.au)

Dear Mr McClellan,

Further to my preliminary submission PGC85, I am responding to the NSW Sentencing Council consultation paper on Character in Sentencing.

I am a NSW resident and the youngest sister of Anne-Marie Culleton who was 20 years old when South Australia parolee Jonathan Peter Bakewell absconded from SA and travelled to the Northern Territory where he raped and murdered Anne-Marie in her Darwin flat on 23 February 1988. He strangled her with her own bedsheet.

Bakewell received a life sentence with no parole however in 2004 the NT laws were changed to allow life sentence prisoners to apply for a non parole period. After Bakewell transferred to a SA prison, he appealed to have his non parole period further reduced to just 20 years. After his release in 2019 he breached parole numerous times for taking the same drugs he took the night he murdered my sister. I fought to have his parole cancelled and was successful, however he reapplied and the parole board determined to once again release him. After a failed appeal from the Malinauskas government Bakewell was released for the 6<sup>th</sup> time on 13 February 2025.

My submission is focused on presenting arguments for the NSW Sentencing Council to recommend extending the special rule for exemption from the use of good character and criminal history in sentencing for the following most heinous types of murder:

- Murders involving sexual assault, stalking or sadism
- Murder of a child
- Multiple murders

My submission brings unique and valuable insights from 37 years lived experience as a murdered rape victim family member dealing with the whole spectrum of the legal system. I also bring perspectives from recent years campaigning as a homicide victim advocate alongside other victims across Australia.

To prevent other victim families having to suffer what my family are suffering, and to keep the community safe, I have been campaigning for law reform for life sentencing with no parole for murder with sexual assault. My campaign information is on my website <https://eileenculleton.com/>

In light of the increasing rates of femicide, to more than one woman a week, and violence against women deemed a national crisis, I broadened my campaign to include the most heinous types of murders, of which women and girls are the primary victims.

These reforms are based on previous legislation put before the UK parliament: **Sentencing Bill 2023-2024 introduced a new clause for Whole of Life Orders for the “worst of the worst murderers”**.<sup>1</sup>

*Clause 1 creates a new duty for the court to impose a whole-life order in cases of:*

- *the murder of a child that involves the abduction of the child*
- *murders involving sexual or sadistic conduct, and*
- *murders carried out for the purpose of advancing a political, religious, racial or ideological cause.*

A whole of life order already exists in cases of two or more murders.

The Bill progressed to its Second Reading before being put on hold when the Labor government took power in 2024.

I added the category “murder with stalking” to my campaign to help prevent the high number of domestic violence murders involving stalking. **The Victorian Law Reform Commission Stalking: Final Report 2022 states:**

- Stalking is widespread, gendered, and mostly linked to family violence<sup>2</sup>
- The Personal Safety Survey estimated that nationwide, one in six women (17 per cent) have experienced stalking since the age of 15
- Of the women who were stalked 94% were stalked by a male.
- Most people were stalked by someone they knew, such as an intimate partner or former partner, work colleague, or acquaintance.

The NSW Police website defines stalking:

*“Stalking involves a persistent course of conduct or actions by a person which are intended to maintain contact with or exercise power and control over another person. These actions cause distress, loss of control, fear or harassment to another person and occur more than once.”<sup>3</sup>*

I also have lived experience of murder with stalking, as my 22-year-old cousin Desley was murdered in Brisbane along with her boyfriend in 1975, by an ex boyfriend who stalked and threatened her. He shot them both before killing himself. I understand the constant dread the victim and their loved ones live with day in and day out – and sense of helplessness – before the murder occurs. The lifelong impact on victim families of the trauma inflicted by this horrific crime is utter devastation.

It is well documented that victims of murders involving sexual, stalking or sadistic conduct are primarily women. This occurs in both sexual violence and domestic violence related murders. Children abducted and murdered in sexual violence related murders are also primarily girls. The murder of a child is a most heinous crime, which also primarily occurs in domestic violence crimes.

It is also well documented that victims of murders involving two or more victims are primarily women and children. Domestic violence related murders are the most prevalent but this category also includes sexual violence/sadistic murders. These are gender hate crimes. Crimes of femicide.

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<sup>1</sup> <https://hansard.parliament.uk/commons/2023-12-06/debates/77B5411B-A141-4048-8F1C-A19A28D9EFD8/SentencingBill>

<sup>2</sup> <https://www.lawreform.vic.gov.au/publication/stalking-final-report/> p16

<sup>3</sup> [https://www.police.nsw.gov.au/crime/domestic\\_and\\_family\\_violence/what\\_is\\_stalking](https://www.police.nsw.gov.au/crime/domestic_and_family_violence/what_is_stalking)

Given that the Prime Minister Andrew Albanese acknowledged at the 2024 Canberra anti-violence against women rally that Australia has a national crisis of violence against women<sup>4</sup>, these sentencing reform laws will help to keep women in the community safe. They will also send the strongest possible message that Australia does not tolerate violence against women. This will help to change the culture and attitudes that the Prime Minister spoke of at the Canberra rally. And this sentencing reform will act as a deterrent because potential offenders will know they will never be released back into the community if they commit these crimes.

It is also well documented that those who murder with sexual assault, stalking or sadism and those who abduct and murder a child are psychopaths, sexual sadists and sadists and these are lifelong psychological traits that cannot be rehabilitated. My submission expands on this.

I have made previous submissions to the NSW Sentencing Council - **NSW Review of Sentencing for Murder and Manslaughter**. I made a 29 page Preliminary Submission on 8 March 2019<sup>5</sup> to inform the consultation paper and a 39 page Submission on 7 February 2020<sup>6</sup> in response to the consultation paper. This review was called by the previous Attorney General to address the increasing murders of women and community sentiment that sentencing was not strong enough to act as a deterrent or to provide justice. I, along with many others was disappointed to see the NSW Sentencing Council recommended no changes to strengthen murder sentencing laws.

I sincerely hope the NSW Sentencing Council makes recommendations this time to strengthen sentencing for the most heinous categories of murder I have outlined, by adding them to the list of serious crimes to be made exempt from the use of character and history in sentencing.

I also support the exemption of all sexual offences and domestic violence offences.

Sincerely

**Eileen Culleton**  
**Sister of Murdered Rape Victim Anne-Marie Culleton**  
Homicide Victim Advocate  
<https://eileenculleton.com>

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<sup>4</sup> <https://www.news.com.au/national/crime/prime-minister-anthony-albanese-will-join-canberra-rally-calling-out-violence-against-women/news-story/92604400ff0abc1193ae57ba1271429e>

<sup>5</sup> <https://sentencingcouncil.nsw.gov.au/documents/our-work/homicide/PMU14.pdf>

<sup>6</sup> <https://sentencingcouncil.nsw.gov.au/documents/our-work/homicide/MU30.pdf>

## 5 OPTIONS FOR REFORM - Extend the special rule to more offences

### MURDER - The most heinous types of murder: murder with sexual assault, sadism, stalking, murder of a child and multiple murders

It is my position that character, criminal history and prospects for rehabilitation are irrelevant to determining sentencing for offenders of the most heinous types of murder crimes: murder with sexual assault, murder with stalking, murder with sadism, murder of a child and multiple murders.

I will primarily draw on the example of rapist murderers to make my case. These arguments can also be applied to the other most heinous murders above.

#### Character

If an offender has the most heinous types of murder: murder with sexual assault, stalking, sadism, murder of a child or two or more murders; by the extreme severity of their actions, they are evidently not a person of good character, despite how they appear to others in the community.

In fact it makes the offender more dangerous that they can put on the façade of being a normal member of society, with an outward appearance of being of good character, yet still commit the most heinous of murders.

#### The offender's vocation

The offender's vocation is used to support the case for their 'good character' however, just as it is irrelevant to child sexual assault offences, so it should be made irrelevant to the most heinous types of murder crimes: murder with sexual assault, stalking, sadism, murder of a child or two or more murders.

**The Royal Commission into Institutional Child Abuse**<sup>7</sup> has shown that it is people operating in leadership roles in the most trusted and respected professions, in institutions that are pillars of the community such as religious organisations, educational institutions, sporting organisations, youth organisations, state institutions who are the most prolific child sex offenders. The reason for this being that child sex offenders use these vocations in order to gain access to their victims and trust from the community.

Similarly, it has been found with rapist murderers including serial killers that they are from the most trusted profession – being the police force.

- UK rapist murderer Wayne Couzens was in the most trusted profession – a police officer and was working guarding diplomats at the US Embassy.<sup>8</sup>
- USA serial killer and rapist Joseph James DeAngelo was a police officer.<sup>9</sup>
- Paris serial killer and rapist Françoise Verove was a police officer.<sup>10</sup>

Other high profile rapist murderers have also held trusted vocations:

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<sup>7</sup> <https://www.childabuseroyalcommission.gov.au/>

<sup>8</sup> <https://www.bbc.com/news/uk-58746108>

<sup>9</sup> <https://www.theguardian.com/us-news/2020/jun/29/golden-state-killer-joseph-deangelo-guilty-plea>

<sup>10</sup> <https://www.theguardian.com/world/2021/oct/01/paris-serial-killer-of-80s-and-90s-was-ex-police-officer-dna-shows>

- Perth serial killer rapist Bradley Edwards was working in a trusted role as a Telstra technician.
- Queensland child serial killer and rapist Barry Hadlow was working in the local Woolworths supermarket and toyshop and was also an SES volunteer.<sup>11</sup> Hadlow was such a prominent member of the community he played Santa Claus for the town's children's Christmas party.<sup>12</sup>

Domestic violence statistics also reveal that men who murder women, including with stalking, come from all walks of life and vocations.

Therefore vocation is irrelevant as is character in sentencing for the heinous types of murders listed above.

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<sup>11</sup> <https://www.mamamia.com.au/sherele-moody-red-heart/>

<sup>12</sup> <https://www.couriermail.com.au/news/queensland/sunshine-coast/one-monstrous-day-in-may-a-child-killer-changed-our-lives/news-story/6568143c31df0d3297aac22d1b6f41dd>

### The offender's marital status

The offender's marital or relationship status, which goes to character, has no relevance to their propensity to commit murder with sexual assault and therefore no relevance to potential rehabilitation prospect.

The reason for this is because murder with sexual assault is not about sex or the lack thereof. It's about power and control and misogyny. It is a deliberate gender hate crime in which the male exerts power and control over the female to terrify, torture and degrade the victim.

There are many examples of rapist murderers who were in relationships at the time they attacked their victims:

- Victoria serial killer Paul Denyer (also known as the Frankston Serial Killer) was living with his partner when he stalked and murdered three women and attacked others in 1993.
- Queensland serial child rapist and killer Brett Peter Cowan, was married with a baby son when he abducted, indecently assaulted and murdered 13 year old Daniel Morcombe in 2003.
- Queensland rapist murderer Barrie John Watts was married when he raped and murdered school girl Sian Kingi in 1987 and attempted to abduct a number of women. In fact he used his wife as an accomplice in the crimes.
- Western Australia serial killer and rapist couple David and Catherine Birnie were married when they committed their crimes together.
- Western Australia Claremont stalker, rapist and serial killer Bradley Edwards was married when he committed some of his crimes.
- United Kingdom policeman Wayne Couzens was married with two children when he raped and murdered Sarah Everhard in 2021.
- Queensland serial killer and rapist who abducted his child victims, Barry Hadlow, was married at the time he murdered his second victim in 1990.

Any court that continues to give marital or relationship status any consideration in sentencing murderers who sexually assault their victims is using an archaic outdated premise and myths. We need sentencing legislation that reflects this.

### **Murder with stalking is also a gender crime with the purpose being power and control**

The NSW Police website states:

"Stalking is a crime. It is an offence under the Crimes Domestic and Personal Violence) Act 2007."<sup>13</sup>

"Stalking involves a persistent course of conduct or actions by a person which are intended to maintain contact with or exercise power and control over another person. These actions cause distress, loss of control, fear or harassment to another person and occur more than once."<sup>14</sup>

### **The Victorian Law Reform Commission Stalking: Final Report 2022 states:**

- Stalking is widespread, gendered, and mostly linked to family violence<sup>15</sup>
- The Personal Safety Survey estimated that nationwide, one in six women (17 per cent) have experienced stalking since the age of 15

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<sup>13</sup> [https://www.police.nsw.gov.au/crime/domestic\\_and\\_family\\_violence/what\\_is\\_stalking](https://www.police.nsw.gov.au/crime/domestic_and_family_violence/what_is_stalking)

<sup>14</sup> [https://www.police.nsw.gov.au/crime/domestic\\_and\\_family\\_violence/what\\_is\\_stalking](https://www.police.nsw.gov.au/crime/domestic_and_family_violence/what_is_stalking)

<sup>15</sup> <https://www.lawreform.vic.gov.au/publication/stalking-final-report/> p16

- Of the women who were stalked 94% were stalked by a male.
- Most people were stalked by someone they knew, such as an intimate partner or former partner, work colleague, or acquaintance.

Given that by their nature, murder with sexual assault, murder with stalking, murder with sadism, murder with murder of a child and murder of two or more people are deliberate crimes, antecedents and subjective factors such as character are irrelevant to sentencing.



## Criminal history

It is my position that the offender's criminal record (or any significant record) of previous convictions is irrelevant to sentencing for the most heinous types of murder: murder with sexual assault, murder with stalking, murder with sadism, murder with abduction of a child and multiple murders.

One of the reasons for this is that given that 80% of sexual assaults go unreported<sup>16</sup> the fact that the offender does not have a previous criminal record does not guarantee they have not raped before.

According to an Australian Bureau of Statistics (ABS) Personal Safety Survey 2016, the majority of women (9 out of 10) who were sexually assaulted did not contact the police (87% or 553,900).<sup>17</sup>

When you also consider that of those rapes that are reported, only a small percentage proceed to trial, and according to an ABC Report<sup>18</sup>, a high number of cases are rejected by police or withdrawn by the victim, this also adds to the uncertainty about the offender's previous history.

Of those cases that do proceed to trial only a small percentage result in a conviction.

According to sex offender recidivism statistics and sex offender profiling it is highly likely the rapist murderer has raped before but hasn't been caught or convicted.<sup>19</sup>

In fact it is often the case with serial killers that once they have been arrested for murder or sexual assault and DNA sampling taken, the police are then able to connect them with previous sexual assaults and cold case murders based on DNA matching.

Serial child rapist and killer Lloyd Clark Fletcher who committed his crimes in Queensland and Victoria is a prime example.<sup>20</sup>

Another example is double rapist murderer Troy James O'Meara who after being convicted and sentenced for murdering and raping a woman, was then convicted for a rape and murder he committed 35 years earlier based on DNA matching.<sup>21</sup>

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<sup>16</sup>

[https://www.aph.gov.au/about\\_parliament/parliamentary\\_departments/parliamentary\\_library/publications\\_archive/archive/violenceagainstwomen](https://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/publications_archive/archive/violenceagainstwomen)

<sup>17</sup>

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4906.0~2016~Main%20Features~Key%20Findings~1>

<sup>18</sup> <https://www.abc.net.au/news/2020-01-28/how-police-are-failing-survivors-of-sexual-assault/11871364>

<sup>19</sup> <https://aic.gov.au/publications/archive/recidivism-of-sexual-offenders>

<sup>20</sup> <https://9now.nine.com.au/a-current-affair/victorian-woman-pleads-for-rapist-and-child-killer-lloyd-clark-fletcher-to-stay-in-jail/769f4180-2b16-465c-ba37-350d7a53db64>

<sup>21</sup> <https://www.goldcoastbulletin.com.au/truecrimeaustralia/police-courts-gold-coast/linda-reed-gold-coast-womans-1983-cold-case-rape-and-murder-at-the-hands-of-troy-james-omeara/news-story/525b90cda887d1625d697890a5d3ad47>

## Prospect of Rehabilitation

Character and criminal history are used to influence the judge's consideration of the offender's prospects of rehabilitation, in a bid to reduce sentencing.

In the case of the most heinous types of murder: murder with sexual assault, stalking, sadism, murder of a child or two or more murders, it is my position that this is not just irrelevant, but totally inappropriate.

In addition, it is important to draw the NSW Sentencing Council attention to the following relevant issues that support my additional position that prospects of rehabilitation should not apply to the most heinous types of murder:

### Psychopathic Traits

Another key argument for not considering rehabilitation prospects for offenders of the most heinous type of murders: murder with sexual assault, stalking, sadism or murder of a child is the criminal profile of these offenders - that they possess psychopathic traits, which cannot be treated.

It is well documented that these murderers are psychopaths, sexual sadists and sadists - life long conditions that cannot be rehabilitated.

This was made very clear by Queensland forensic psychiatrist Dr Josephine Sundin in the recent parole hearing for Barrie Watts who abducted, raped and murdered 12-year-old Sian Kingi in Queensland.

*"Forensic psychiatrist Dr Josephine Sundin told the board Watts met the criteria for anti-social personality disorder, psychopathy and sexual sadism."*<sup>22</sup>

*"The doctor told the board that psychopathy and sexual sadism were "lifelong" conditions."*

Rapist and Murderer Jamie John Curtis who was released on parole in Tasmania in February 2025 for the third time has also been described as having psychopathic psychological traits that cannot be treated.

One of Curtis' victims, Tameka Ridgeway, in her submission regarding the draft Sentencing Amendment (Dangerous Criminals and High-Risk Offenders) Bill 2020 stated the following:

*"The psychological assessment of Curtis in 2016, when he unsuccessfully applied for parole, concluded that there was clear evidence of a personality disorder with a high number of psychopathic traits. In their decision to release him last year, the Parole Board commented that Curtis' treating psychologist noted that a personality disorder is enduring and essentially a way of being and therefore cannot be cured. In other words, Jamie John Curtis cannot be rehabilitated and will pose a serious threat to society for the rest of his natural life."*<sup>23</sup>

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<sup>22</sup> <https://www.couriermail.com.au/truecrimeaustralia/police-courts-qld/sian-kingi-killer-barrie-watts-blocked-from-parole-bid/news-story/13a7e721fbf4a48f10c9219b45d7cbc8#:~:text=Schoolgirl%20Sian%20Kingi's%20murderer%20Barrie,Beck%20on%20November%2027%2C%201987.>

<sup>23</sup> [https://www.justice.tas.gov.au/\\_data/assets/pdf\\_file/0004/581521/Submission-05-Tameka-Ridgeway-31-January-2020.pdf](https://www.justice.tas.gov.au/_data/assets/pdf_file/0004/581521/Submission-05-Tameka-Ridgeway-31-January-2020.pdf) p3

It is also equally important to listen to the words of Curtis surviving victim Ms Ridgeway who experienced first hand the pure evil of his personality in his horrific attack when he abducted and raped her repeatedly and tortured her and her fiancé whom he murdered:

*“My concerns regarding Curtis are based on the occasion he had me under his control, at which time I witnessed firsthand his true evil, violent and dangerous character. I believe the traits in this man cannot be rehabilitated and will never leave him.”<sup>24</sup>*

These types of heinous murderers will always remain a danger to the community because you cannot rehabilitate an evil personality.

No research proving rapist murderers can be rehabilitated

There is no research proving that rapist murderers can be rehabilitated. No state correctional authority in Australia has undertaken studies of repeat offending of homicide offenders let alone rapist murderers.

In a Centre for Criminology article “Counting the risk of murderers re-offending” by Roderic Broadhurst, Professor of Criminology and Ross Maller, Professor of Probability and Statistics at the Australian National University, the authors note that no state correctional authority has undertaken accurate studies of recidivism (repeat offending) of homicide offenders.<sup>25</sup>

In regard to the effectiveness of treatment of sex offenders, a report prepared by the Australian Institute of Criminology for the Office of the Status of Women, “Recidivism of Sexual Assault Offenders: Rates, Risk Factors and Treatment Efficacy” found this to be questionable:

*“While it is assumed that treatment will reduce the risk of sexual recidivism, the evidence is ambiguous. There have been few systematic evaluations of treatment programs and no definitive results regarding treatment efficacy.”<sup>26</sup>*

Rapist murderer recidivism

There is plenty of real life case evidence that rehabilitation programs do not work when it comes to rapist murderers.

One prime example is rapist murderer Terrence Leary. 17-year-old Vanessa Hoson was asleep in her family home in Sydney in 1990 when Leary broke in, attacked and murdered her.<sup>27</sup>

Prior to his first parole release, Terrence Leary had been deemed a “model prisoner” who had ‘ticked all the boxes’ for his rehabilitation.

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<sup>24</sup> [https://www.justice.tas.gov.au/\\_data/assets/pdf\\_file/0004/581521/Submission-05-Tameka-Ridgeway-31-January-2020.pdf](https://www.justice.tas.gov.au/_data/assets/pdf_file/0004/581521/Submission-05-Tameka-Ridgeway-31-January-2020.pdf) p2

<sup>25</sup> <https://criminology.research.southwales.ac.uk/cirn/research-projects/reoffending/>

<sup>26</sup> Lievore D 2004. *Recidivism of sexual offenders: rates, risk factors and treatment efficacy*. Archive. Canberra: Australian Institute of Criminology. <https://aic.gov.au/publications/archive/recidivism-of-sexual-offenders> (Accessed 29 November 2019)

<sup>27</sup> <https://www.smh.com.au/national/nsw/terrence-leary-given-another-chance-for-parole-after-explosive-attack-20160329-gnsq8w.html>

Then NSW Attorney-General Greg Smith reported “Mr Leary completed programs to address his drug and alcohol issues and sex offending behaviour prior to his release on parole.”<sup>28</sup>

Leary even completed a university degree in prison including a Bachelor of Arts studying sociology and anthropology.

Leary was released on parole despite Vanessa Hoson’s family’s protests, and in 2013 tried to rape and stabbed a woman at a bus stop. The victim is only alive today because the police arrived on the scene in time to save her.

Yet, incredulously, Justice Syme, in sentencing Leary for his rape and knife attack on the women at the bus stop, still took into account Leary’s rehabilitation programs in prison before his parole release - when evidently the prison rehabilitation programs did not work.

And this was despite Justice Syme saying Leary was still a danger to the community.

*“His unpredictability makes his management in the community a challenge,”<sup>29</sup>  
Judge Syme said.*

*“Not all forms of antisocial behaviour can be treated through therapy.”*

It is critical to note, if a so called “model prisoner” like Terrence Leary could repeat his crimes, this is clear evidence that sexual offending rehabilitation programs do not work. It is also evident that psychiatrists and psychologists who have input to parole release applications cannot predict human behaviour.

Shockingly, Terrence Leary was released on parole once again in September 2024.<sup>30</sup>

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<sup>28</sup> <https://au.news.yahoo.com/murder-victims-sister-breaks-23-year-silence-17791130.html>

<sup>29</sup> <https://www.smh.com.au/national/nsw/terrence-leary-given-another-chance-for-parole-after-explosive-attack-20160329-gnsq8w.html>

<sup>30</sup> <https://9now.nine.com.au/a-current-affair/terrence-john-leary-convicted-murderer-walks-free-vanessa-hoson/17de19eb-30cd-410a-a0a6-37b2cd1a1e5f>

### Sex Offender Recidivism

There has also been little research on Australia sex offender recidivism rates. The Australian Institute of Criminology report<sup>31</sup> stated that sex offender recidivism rates are underestimated due to the lack of recorded data for this crime.

One reason for this is that repeat sexual offenders may be identified for the principal offence for which they were convicted, which may not be the sexual offence.

Also, importantly, according to a Australian Bureau of Statistics (ABS) Personal Safety Survey 2016, the majority of women (9 out of 10) who were sexually assaulted did not contact the police (87% or 553,900).<sup>32</sup> When you consider that of those rapes that are reported, only a small percentage proceed to trial, it makes estimating sex offending recidivism rates problematic. What is clear from the existing evidence is that sex offender rehabilitation programs do not guarantee success. Hence why we need to err on the side of women's safety. No risk to a woman's life is an acceptable risk.

The countless examples of sex offenders repeating their crime after being released from prison point to the fact that rehabilitation programs do not work.

### **Repeated recidivism of serial rapist Wayne Wilmot involved in abduction, gang rape and murder of Janine Balding**

The repeated recidivism of serial rapist Wayne Wilmot involved in the abduction, gang rape and murder of Janine Balding in Sydney is a prime example that sex offender programs do not work.

In June 2024 Wayne Wilmot was jailed once again, just 2 weeks after release for breaching parole by accessing online violent child pornography.<sup>33</sup>

Before the attack on Ms Balding, Wilmot was found guilty of committing two other violent sexual assaults on women in public places.<sup>34</sup>

In a report for the court during one of his recent appeals for release, a forensic psychologist said Wilmot would most likely commit "a penetrative sexual attack upon a young woman previously unknown to him".<sup>35</sup>

*"Any offence would probably be impulsive, opportunistic, and target a vulnerable woman," the report said.*

*The risk of such a scenario eventuating was "well above average" with the risk of violent re-offending "even higher".*

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<sup>31</sup> Lievore D 2004. *Recidivism of sexual offenders: rates, risk factors and treatment efficacy*. Archive. Canberra: Australian Institute of Criminology. <https://aic.gov.au/publications/archive/recidivism-of-sexual-offenders> (Accessed 29 November 2019)

<sup>32</sup>

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4906.0~2016~Main%20Features~Key%20Findings~1>

<sup>33</sup> <https://www.9news.com.au/national/wayne-wilmot-charged-breaching-court-order-two-weeks-after-release/ee91d5f9-4b90-4a6c-ab12-8569c009acdc>

<sup>34</sup> <https://www.newcastleherald.com.au/story/8671148/serial-rapist-in-balding-abduction-back-behind-bars/>

<sup>35</sup> <https://www.newcastleherald.com.au/story/8671148/serial-rapist-in-balding-abduction-back-behind-bars/>

Psychological assessments conducted on Wilmot in 2019 found him to have an IQ of just 74 and to be highly callous, manipulative and deceptive, consistent with psychopathy.<sup>36</sup>

*“In a judgment published on Friday, Justice Julia Lonergan noted Wilmot has an extensive history of violent sexual offending and had been diagnosed as displaying psychopathic traits.*

*Psychological assessments conducted on Wilmot in 2019 found him to have an IQ of just 74 and to be highly callous, manipulative and deceptive, consistent with psychopathy.”*

### Sex Offender Recidivism escalating to murder

This are also many examples of sex offenders escalating to murdering their victims after release.

ABC Journalist Jill Meagher’s rapist murderer Adrian Bayley is a prime example of a repeat violent sex offender who escalated to murder. Bayley had a long history of rapes spanning more than 20 years.<sup>37</sup>

Adrian Bayley also admitted faking his way through a sex offenders program to get parole release before murdering Jill.<sup>38</sup>

Daniel Morcombe’s killer, child rapist and murderer Brett Peter Cowan, had completed a sex offenders program while in prison for the second time for violent sexual assault of a child. Yet upon release Cowan abducted and murdered Daniel who was 13.

This begs the question, how many other prisoners have faked their way through sex offenders programs?

Michael Cardamone who raped and murdered Karen Chetcutti was also on parole.<sup>39</sup>

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<sup>36</sup> <https://www.illawarramercury.com.au/story/8228816/psychopathic-traits-rapist-to-remain-behind-bars/>

<sup>37</sup> <https://www.abc.net.au/news/2013-06-11/violent-past-of-jill-meagher-killer-adrian-bayley-revealed/4745406?nw=0&r=Map>

<sup>38</sup> <https://www.abc.net.au/news/2015-03-26/adrian-bayleys-violent-history-of-sex-attacks/6349852>

<sup>39</sup> <https://www.theguardian.com/australia-news/2019/aug/27/victorian-murderer-never-released-horrific-killing-karen-chetcutti>

No proof rehabilitation programs work for murderers who stalk their victims

**Stalker recidivism**

**The Victorian Law Reform Commission Stalking: Final Report 2022 states that 50 percent of those sentenced for stalking reoffend within 4 years.**<sup>40</sup>

- There has been little evaluation of how effective the criminal or civil responses are to prevent stalking
- There are signs that these responses are not working well.
- Half of all people sentenced for stalking reoffend within four years.

These statistics reinforce my argument that prospects for rehabilitation should not be considered for murderers who also stalked their victims.

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<sup>40</sup> <https://www.lawreform.vic.gov.au/publication/stalking-final-report/> p5

## ALL CHILD SEXUAL OFFENCES

I support the arguments made in preliminary submissions by made by Your Reference Ain't Relevant (PGC34) The Survivor Hub PGC45 and other individuals to extend the special rule for child sexual offences to be made exempt from the use of Character and Criminal History in sentencing.

## SEXUAL OFFENCES IN RELATION TO OTHER VULNERABLE GROUPS

I support adding this category to the list of exempted offences.

## ADULT SEXUAL OFFENCES

I support arguments made in preliminary submissions (listed below) to extend the special rule for adult sexual offences to be made exempt from the use of Character and Criminal History in sentencing.

1. Rape and Sexual Assault Research and Advocacy (PGC42),
2. Full Stop Australia's Preliminary Submission (PGC78)
3. Grace Tame Foundation (PGC43)
4. Older Women's Network (PGC60)
5. And other individuals

## DOMESTIC VIOLENCE

I support arguments made in preliminary submissions by Full Stop Australia PGC78, Jaime Simpson PGC15 and anonymous PGC26 calling for domestic violence offences to be made exempt from the use of Character and Criminal History in sentencing.

## ALL OFFENCES

I do not believe all offences should be exempt from consideration of good character or criminal history, as I understand their benefit in enabling the judge to determine individualised sentencing.