



## Margarita's story

When I first met Margarita, I found her to be anxious and a bit quiet. However, within weeks of being in her new place, I then came to see her as an insightful, cheery person. She explained in those early days that at her age of 95 years, she had lost many of her friends, her husband had passed away and that sometimes she felt very much alone. Within weeks, she was very reflective, eager to help others, and she was so resilient. She did beautiful sketching and ultimately, many were hung on her bathroom door that fronted into her room. She told me how she had served in the war and had medals for her contributions as a registered nurse (RN). She had seen a lot of life. She and her husband Mick had immigrated to Australia in the 1960s from England. She worked at the Princess Alexandra Hospital as a theatre sister. Her father had Scottish ancestry and she was very proud of that link.

Margarita and I met in 2017 after she was assaulted in 2016. I met her through a friend, David, who had gone over to help her with security in her unit; it was security denied to her by the Managers of the unit in which she was living. Our first meeting was when we picked her up to go to a Fete at the local Catholic Church. We had morning tea together and then lunch. I got to see a wonderful woman who reminded me of my mother. They didn't look the same, but their personalities were very similar.

She was gentle; softly spoken and when she talked to me about the sexual assault, she often said, "I never thought anything like that would ever happen to me. I'm going to try to make sure that it doesn't happen to any other older women."

At the time of the sexual assault Margarita was living in a privately-owned unit complex, in a senior's rental service. It was supposed to be safe and secure for older people. The Managers were going on leave and a Relief Manager and his wife were to take over. The Relief manager came into her room one afternoon, and sexually assaulted her.

Margarita reported the sexual assault to the Managers, who had not yet gone on leave. The female Manager responded that the Relief Manager would not have sexually assaulted her because he was a family friend of theirs and they had known him for years. The Manager added that Margarita must have had a urinary tract infection (UTI) that addled her brain. The Manager told Margarita not to leave her Unit and told her they would have her meals delivered to the Unit. Margarita said she felt she was being punished.

Margarita had been tested for a UTI a week or so before the sexual assault, she knew it was clear, so after the assault she went to her GP to get a copy of the test result. The GP told her the result was all clear but also tested her urine on the spot, which showed she still did not have an infection. When Margarita asked for a printed copy of the test results he wanted to know why; he knew she was a former registered nurse and that he had told her the "clear" results previously. Margarita told him she had been sexually assaulted and explained it all to him. In response, the GP told her that he had to report the sexual assault to the Police. He also said that he would perform a cognitive test and put the result on to the UTI results for her. Margarita scored 28/30 on the test. The GP did not report the sexual assault and no further action was taken by the GP at that time. However, he did give a statement to the Police when asked later down the track.

Margarita attended her weekly session at the Seniors Activity Centre and told the Program Coordinator that she needed to talk with her. The woman was busy that day but caught Margarita as she was getting on to the bus to go home. She told the Coordinator that she had been sexually assaulted. The Coordinator said she would ring her when Margarita got home. She did that, and the next day, the Coordinator and her Manager visited Margarita in her Unit. They took extensive notes and reported the sexual assault to the police.

Two police officers visited Margarita at the Seniors Citizens centre and talked to her about what had happened. Margarita told them she wanted it reported because she didn't want it happening to anyone else. At this stage two other women in the Units reported that they had also been sexually assaulted by the Relief Manager. Sometime later the perpetrator was reported to have sexually assaulted another older woman in a different State.

Margarita was given a brochure about the Elder Abuse Prevention Centre by the Seniors Citizen Activity Centre Coordinator. Margarita contacted the service and was told that they did not deal with sexual assault. That service gave her the contact details for a national advocate for the prevention of the sexual assault of older women. Margarita contacted the

advocate and was supported to make other contacts. I was furious that they would actually just give Margarita, a pensioner, a mobile number, plus ask her to go and find help herself.

An advocate contacted the Aged Care Complaints Scheme and was informed that Margarita was not covered by the Aged Care Complaints Scheme because she was not in a Residential Aged Care Service.

A number of sexual assault services were contacted, before one was found that would visit Margarita at the Centre. Six sessions were provided to Margarita, who reported they helped her to express her anger and she felt a lot better for having the sessions. Margarita said that these sessions helped to positively change her life.

Margarita became anxious about living in her Unit. She was concerned the relief manager would return. She asked the Managers for doweling to put into the sliding door window to prevent it being forced open. They said no. She also wanted her front door lock changed. The Managers again refused. An aged care service providing home care also said they were unable to assist with doweling because of OH&S concerns.

The advocate arranged for David, a friend to visit and insert the doweling into the door. He took his friend, who was a priest, with him. They arranged for Margarita to visit Nazareth House, a nearby Catholic residential aged care home, with a view to relocating. Margarita, a volunteer and the Coordinator later attended a meeting and the leader of the Nuns there offered to take Margarita on a tour of the Facility. Margarita thought it was lovely and was welcomed and relocated within days.

Moving to a Residential Aged Care facility that was committed to resident centred care, helped Margarita to thrive. She hadn't slept for more than a couple of hours a night following the sexual assault, but after her move she slept for 8 hours solid. Margarita had also lost 20 kgs and then began to put on weight with the loving care of staff.

A legal service offered to provide assistance regarding her contract at the Unit, and for Margarita to access Victims Assist Forms.

The police had a warrant for the arrest of the perpetrator and that was finally done in 2017 as he lived interstate. Once he was arrested and brought back to Brisbane, a court date was set. I attended the court on her behalf. The defendant sought a number of remands. We pushed for Margarita's evidence to be video recorded, by the police, in case she died. They wanted to video her in a room that required her climbing 24 stairs. She couldn't do that; she was on a wheelie walker. We had to access another police station.

I was attending the Court for Margarita because she wasn't well enough. I would get there early, court doesn't usually start till 10am. One day I got there at 8.30am and it was all over. Police prosecutors were not helpful in letting us know what was going on.

We had about five or six remand dates all up. I asked the police a number of times about a victim impact statement and was told the public prosecutor would do that at the District Court after the defendant was committed for trial. Margarita had written a letter giving David and I permission to attend court on her behalf because she was not well enough; and the letter included a paragraph outlining the impacts the sexual assault had on her. That was the only victim impact statement there was! The Magistrate read that paragraph on the day.

On the day he pleaded guilty, the Magistrate outlined to the court what the appeal court considers with regard to sentencing. The Police prosecutor said they only knew that one day earlier that he would plead guilty, then said they knew seven days earlier, and later said 30 days. That contributed to the lesser sentence of 6 months, suspended immediately on each of two charges.

I am very disappointed in certain aspects of the investigation, and the prosecution. I was privileged to be able to help Margarita by going to the Court, then going to her room to tell her what had happened. I feel very sorry for those who don't have a support person with them in cases such as this.

Some days after the case was over, the arresting officer attended Margarita's room and explained the outcome. He told her that he had also gone to see the other complainant and had told her the results. It showed me that people needed to listen more closely and keep in regular contact with the complainants. Margarita deserved better and kindness doesn't cost much. She said she felt she had landed in heaven by going to Nazareth House. She also told me that before we came into her life she didn't realise there were such kind people in the world. The legal system needs to lift its game with regard to these types of cases. Police need more training, and when prosecutors get it wrong regarding the time they knew he would plead guilty, Magistrates then need to question why, if it were in fact 30 days' notice, were the two Victim Impact Statements not available to the Magistrate.