‘I am that girl’: how the Saxon Mullins account disrupted consent laws in New South Wales

**As a survivor of sexual assault, Saxon Mullins’ right to anonymity is by law, set in stone. So it was a riveting moment on May 6, 2018 to wake up in Australia to her face and her voice, telling her story in her own words. Sue Joseph analyses the broadcast which led to the NSW Attorney General referred the state’s consent laws to the NSW Law Reform Commission.**

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**Introduction**

As a survivor of sexual assault, Saxon Mullins’ right to anonymity is by law, set in stone. So it was a riveting moment on May 6, 2018 to wake up in Australia to her face and her voice, telling her story in her own words. Social media exploded with it more than 24 hours before *Four Corners* went to air – excerpts on Facebook and Twitter, retagged and resent as the day went on. The story was also picked up by Reddit. By 8.30pm the following evening, 785,000 viewers tuned into the national broadcaster to watch the long form current affairs broadcast entitled ‘I am that girl’. The program was tagged ‘The case that put sexual consent on trial’ – and it did. As Camera writes: ‘As Saxon Mullins bravely told her rape story on Four Corners, Twitter lit up in horror and disbelief’ (Camera, 2018). The following morning after airing, the New South Wales government referred the state’s consent laws to the Law Reform Commission. What the long form documentary I am that girl offers the nation is the words of a survivor, who up until the day before, was de-identified. Goddard et al discuss the current affairs genre within television: ‘Current affairs is a programme category where television’s powers of popular engagement and visual impact intersect most directly with its functions as a provider of knowledge and as a major ‘forum’ of the public sphere’ (Goddard et al 2001, p. 74). Mullins shared her story with Four Corners ‘in the hope it will provoke a discussion about consent’ (Mullins in Milligan and Carter, 2018). As it happened, response was immediate: Four Corners and Saxon Mullins set the scene for a wide and far-reaching debate about consent laws in Australia.

**The case**

Saxon Mullins was an 18-year-old virgin at the time of the sexual assault, on a night out (May 12, 2013) in Kings Cross, Sydney with her best friend Brittany Watts. They were drinking and Mullins admits she drank too much. By 4am, Mullins and Watts were dancing in well-known nightclub Soho, owned by Andrew Lazarus at the time.[[2]](#footnote-2) A young man started dancing with Mullins; he was the 21-year-old son of Andrew Lazarus, Luke Lazarus. He told her he was part-owner of the club and offered to take her to the VIP section. She agreed and followed him. They are caught on CCTV at 4.02am, Lazarus leading her through an exit door to an outside lane. Mullins is seen pointing backwards up the stairs.

Hourigan Lane runs behind the club. It was here that Lazarus – ten minutes after meeting Mullins on the dancefloor – sexually assaulted her. In 2015, Luke Lazarus, after a jury trial found him guilty of the sexual assault of Saxon Mullins, was sentenced to five years jail, with a three-year non-parole period. Lazarus was incarcerated for 11 months before his appeal was heard in May 2017, when his conviction was quashed by Judge Robyn Tupman. Tupman believed Mullins did *not* consent but that Lazarus did *not* know that. She acquitted Lazarus.

The NSW Court of Criminal Appeal in Sydney later that year in November, in a second appeal submitted by the Crown, found that Judge Tupman erred in her findings ‘by failing to state in her judgement what steps Lazarus took to determine whether Saxon was consenting, as required under the law’ (Milligan 2018). But it also decided that Lazarus would not be retried saying it ‘was not in the interests of justice’ (Milligan 2018).

**Text analysis – long form broadcast journalism**

I am that girl is 45 minutes, regarded as long form in broadcast investigative journalism. It was broadcast on the night of May 7, 2018,[[3]](#footnote-3) reported by Louise Milligan. In the 24 hours before the program went to air, it was accompanied by teasers on Facebook and Twitter, with accounts run by the ABC and Fairfax. There is also a long form digital version of the program[[4]](#footnote-4) written by Louise Milligan, uploaded in the early hours of the day of the broadcast. The following analysis focuses on the long form broadcast artefact.

I am that girl performs as a linear story from the point of view of Saxon Mullins before folding back on itself time-wise, when we hear, through court transcript, Luke Lazarus’ version of the night; and then from various experts. It demonstrates the hallmarks of documentary reporting using literary journalistic technique as opposed to tabloid or popular television format: scene re-creation, dialogue, face to face in depth interviewing, balance, personalised film-making, showing and not telling, point of view and drawing on expert voices. It has a simple six talking head format, with tracking shots and voice over. The program is chronological, with attempts at balance, despite the Lazarus family not agreeing to take part. Transcript from the trial and appeal of Luke Lazarus are used in the stead of his personal participation.

Through piece to camera and point of view shots, the narrative unfolds. It opens with a night time sequence shot of Saxon Mullins walking through the streets of King Cross; together with ambient sound, the wander through the Cross is thought tracked with Mullins’ voice: ‘I never knew what panic attacks felt like until my incident. I never knew what it felt like to be utterly helpless’ (I am that girl, 2018). Next is a full head shot as Mullins does a piece to camera – to her audience: ‘My name is Saxon Mullins. In 2013, when I was 18 years old, I was raped in an alleyway in King's Cross’. This entry to the programme with only Mullins speaking establishes it as her story. It is powerful in its simplicity, and sets up the journey trope. Her voice is strong and her eyes clear. The program continues, setting the scene with electronic music and a collage of moving shots of night life in Kings Cross. Throughout, there are copious point of view shots and re-enactments, still photos of Mullins as a teenager, and Mullins with her friends, interspersed with real CCTV footage.

Four Corners is known for its sparse studio set – a person sitting in front of a black back-drop so there are no distractions, either speaking across the screen to the interviewer, off-camera, or addressing the audience through piece to camera technique, with viewer focus on the person speaking. During sequence shots, reporter Louise Milligan explains and contextualises the story: ‘In May 2013, two 18-year-olds caught a train from the NSW Central Coast to Sydney's King's Cross looking forward to their first big night out in the city’. Through re-enactments and CCTV footage, the story continues, set against dance music and fade-in and -out shots of different nightclub spots in the Cross. Milligan narrates against the music; CCTV footage shows Mullins and her best friend Brittany Watts entering Soho nightclub just before 4am. It is here that Mullins meets Luke Lazarus. They are caught on CCTV leaving the club through a back exit into Hourigan Lane. Mullins is seen gesturing back up the stairs. The last thing the CCTV shows is Luke Lazarus taking Mullins by the hand and leading her out the rear exit into the lane, four minutes after they meet on the dance-floor.

In sequence shot after sequence shot, the grimness of a dark alleyway in the middle of Kings Cross in the middle of the night is evoked. There are close-ups of the gutter and the wall, and leaves on the ground – simple structural shots. Tracking shots, collages of music and scene recreation perform effectively. Drew explains: ‘What the prime-time documentary adds to the journalistic spectrum is the ability to let viewers experience the sense of being somewhere else, drawing them into dramatic developments in the lives of people caught up in stories of importance’ (Drew 2001). Four Corners manages these techniques for optimum point of view effect. The darkness of the shots conjures a sense of foreboding. High production values are used here to create atmosphere. Next, according to Mullins, she told Lazarus she wanted to go back to her friend; when he pulled her stockings and underwear down, she pulled them back up; and when she turned to leave, he pulled her back. It was at this point Mullins says he told her to ‘put your fucking hands on the wall’ (I am that girl, 2018).

She did as she was told. She says: ‘It was a demand. From someone I had never met before. In a dark alley way. Alone. And I was scared’. A re-enactment shows extreme close-ups of shadows, spider-webs and the fence, set against strained music. There are two hands seen against the fence. This is a perspective shot re-enactment with dark close-ups and silhouettes – we see what Mullins would have seen during the attack. At this point of her story, the close-up of Mullins talking to Milligan shows distress; she tears up and struggles to find the words. She looks away and is clearly suffering. Milligan does not interrupt but waits for her to tell her story, in her own way. The music stops and time is protracted as Mullins tries to find the words – her emotional distress is palpable. She tells Milligan in an extreme close-up: ‘And... And that's kind of when, he ah, um, I don't know how to say that bit, I umm... He ah, he had anal sex with me’. Milligan asks her: ‘And you had never had any sex before’. Mullins shakes her head and whispers, with another extreme close-up enabling focus visually on her emotions, while listening to her words: ‘No… It was pretty painful. And um, I just kind of froze, you know? … Like just wait ‘til it was over’ (I am that girl, 2018).

Voice over from Milligan tells the audience Saxon Mullins says she told Luke Lazarus to stop. We then go back to the studio, with Mullins talking to Milligan. Milligan asks her: ‘And what did he do when you told him to stop?’ Mullins replies: ‘Nothing’. Milligan then asks a leading question: ‘Would you ever have wanted your first sexual experience to be on your knees in the gravel, anal sex?’ Mullins replies, having regrouped from her earlier distress: ‘… I didn't even get kissed until I was 17 years old. I had this grandiose… romantic – it'll be by candlelight on a bed of roses; with someone who loves me’. She appears wryly cynical, but then looks straight at Milligan and says, emphatically, in another extreme close-up: ‘… you know, no-one dreams of their first time being in an alleyway with someone whose name they can't even remember. No-one wants that’ (I am that girl, 2018).

Milligan then switches to back-fill some of Luke Lazarus’ behaviours the day after the assault. Accompanied by an iconic El Alamein Fountain view with tracking shots down the main street of Kings Cross, text message bubbles appear and are read in voice-over by two male actors:

LUKE LAZARUS: I honestly have zero recollection of calling you, was a sick night. Took a chick's virginity, lol.

FRIEND: Bahahaha. Nice popping cherries. Tight?

LUKE LAZARUS: So tight. It's a pretty gross story. Tell ya later (I am that girl, 2018).

Immediate cutaway back to Mullins in the studio, juxtaposed against previous texts. She tries to explain her week, following the assault. She becomes emotional: ‘I took a week off work. I sat in the bath. I didn't want to see anyone. I was so humiliated. I didn't want to do anything. I just wanted to sleep’ (I am that girl, 2018).

With more shots of Kings Cross, including the famous Coca Cola sign, archived actuality headline footage of newsreader Hugh Riminton rings out: ‘The son of a wealthy Sydney businessman is facing fourteen years jail for a sexual assault outside a King's Cross nightclub part-owned by his father’. Milligan spells out what is needed for a conviction in NSW. She says, back-dropped with archived actual footage of Lazarus arriving and leaving the Downing Centre in Sydney: ‘The prosecution had to prove three things: that Luke Lazarus and Saxon Mullins had sex, that Saxon was not consenting and that Luke Lazarus knew that or didn't care’ (I am that girl, 2018). And then there is a shift to transcript from the first Lazarus trial, and we hear Luke Lazarus’ defence (I am that girl, 2018). Lazarus pleaded not guilty. Voiced by an actor, and backed by still photographs of Luke Lazarus and thumping techno music, against the same tracking shots of the back alley and re-enactment of a couple there, we hear Lazarus’ version of events: ‘What happened on the night between Saxon and I, I honest to God believed, was consensual’ (I am that girl, 2018).

We see the CCTV footage again, as Lazarus leads Mullins out into the laneway that night. With repeated footage of the laneway, we hear Lazarus’ court testimony and an apology to Saxon Mullins. He was sentenced to a minimum of three years jail, with no parole. When Milligan asks Mullins what her reaction was to the verdict, we have a close-up of her, choosing her words carefully, her distress palpable. She tells Milligan: ‘It's pretty complex. There's a bit of relief. Not only for, it's over, but they believed me. And then there's the inevitable bit of guilt. I can't help but feel I destroyed someone's life’ (I am that girl, 2018).

As mentioned above, Lazarus appealed his sentence and won. That appeal was then overturned later in 2017, but it was decided at that point that there would not be a retrial. There is archived footage of Lazarus leaving the Appeals Court. Milligan asks Mullins how she felt after the final appeal: ‘I guess it's just this instant feeling of deflated. That was it. That was all we had and they, two seconds, just went, no. It's over’ (I am that girl, 2018).

Night and day act as bookends to Mullins’ story: it begins with her walking through Kings Cross at night; juxtaposed against this are the program end shots of Mullins walking through the Cross in daylight. We see close-ups in the laneway of Mullins, tracking shots through the main road of Kings Cross. At the end, there is a close up of Mullins talking to Milligan; she is emphatic:

… I think we need to teach people about making sure that the person that you are with wants to be with you. Enthusiastic consent is really easy to determine. And I think if you don't have that, then you're not good to go. All you need to say is, 'do you want to be here?’ And very clearly, 'do you want to have sex with me? Do you want to be doing what we're doing?' And if it's not an enthusiastic yes, then it's not enough. If it's not an enthusiastic yes, it's a no. That's it. And then, you're committing a crime. Simple as that (I am that girl, 2018).

**Metrics**

Interestingly, 785,000 viewers across the country watched *Four Corners* on the night which is 11% below the series average for 2018; but a further 38,000 watched it on the ABC’s iview (45% *more* than series average for 2018). The feature article by Milligan the morning of the broadcast was shared broadly on social media by influencers, journalists and organisations. The video posted the day before the program went to air had: 80,000 views on Facebook; reached 162,000 people; generated 2,500 comments/reactions; and 400 shares. The second video posted the morning of broadcast had: 104,000 views; 250,000 reach; 1,630 comments/reactions; and 200 shares. The videos posted on Twitter were viewed close to 40,000 times. Across three days – before, during and after broadcast – the *Four Corners’* Twitter account generated well over 200,000 impressions and #4Corners trended on the Monday and Tuesday (author correspondence, April 9, 2019). But it was the online feature by Louise Milligan that proved the most successful in terms of reach. Produced by the *Four Corners*’ digital team, it was the best performing article for the year, with more than 540,000 views.

**Conclusion**

This is a classic account with a he-said/she-said flavour. Saxon Mullins is the hero of this particular narrative, stepping forward out of her anonymity in a bid to instigate change. The last the public really heard of the case was the acquittal of Lazarus; the over-turning of this decision was more low-key. But not to Mullins. Badly let down by the judiciary she says about Judge Tupman: ‘Basically she didn't believe my account. She didn't believe my timeline. She didn't believe me’ (I am that girl, 2018).

This is not merely a depiction of Saxon Mullins – the effectiveness of the Four Corners format is that the audience is given access, albeit it guided by the reporter, to the people involved. We watch Saxon Mullins discuss her experience. We see her attempt to control her emotions; we see true trauma affect on her face and in the way she holds her body. We even get to hear her empathic response to sending another young person to jail.

Nine months after the programme was aired, Saxon Mullins was awarded the Young People’s Human Rights Award by the Australian Human Rights Commission. The judging panel:

…Saxon exhibited immense bravery in publicly sharing her story of sexual assault in order to promote debate around the need for legal reforms. Her advocacy triggered a review into NSW sexual assault laws to better protect victims and survivors of sexual assault and violence (Australian Humans Rights Commission 2018).

As Drew writes: ‘The right kind of documentary programming should raise more interest than it can satisfy, more questions than it should try to answer’ (Drew 2001). Submissions to the Law Reform Commission into what constitutes legal consent in sexual offences in New South Wales (s 61HA of the Crimes Act 1900) closed on Friday, 1 February, 2019.

**References**

Australian Humans Rights Commission (2018) Winners announced – 2018 Human Rights Awards, December 14, 2018. Available online at <https://www.humanrights.gov.au/news/stories/winners-announced-2018-human-rights-awards>, accessed on April 2 2019

Camera, Cathy (2018) Sex without consent is rape. Courts around the world must catch up, The Guardian, May 9. Available online at <https://www.theguardian.com/commentisfree/2018/may/09/sex-without-consent-is-courts-around-the-world-must-catch-up> accessed on April 11 2019

Drew, Robert (2001) A Nieman Year Spent Pondering, *Nieman Reports*, Fall, September 15. Available online at <https://niemanreports.org/articles/a-nieman-year-spent-pondering-storytelling/> accessed on April 2 2019

Goddard, Peter, Corner, John and Richardson, Kay (2001) The formation of World in Action A case study in the history of current affairs journalism, *Journalism*, Vol.2, no.1, London: Sage pp 73-90

I am that girl (2018) *Four Corners*, ABC, May 7. Available online at <https://www.abc.net.au/4corners/i-am-that-girl/9736126> accessed on May 7 2018

Milligan, Louise (2018) ‘I am that girl’, *ABC*, May 7, Available online at <https://www.abc.net.au/news/2018-05-07/kings-cross-rape-case-that-put-consent-on-trial/9695858> accessed on March 1 2019

Milligan, Louise and Lucy Carter (2018) NSW Attorney-General calls for review of sexual consent laws following Four Corners program, *ABC News*. Available online at <https://www.abc.net.au/news/2018-05-08/nsw-attorney-general-calls-for-review-of-sexual-consent-laws/9734988> accessed on March 1 2019

NSW Government directs Law Reform Commission to review consent laws (2018) *ABC News*. Available online at <https://www.abc.net.au/news/2018-05-08/law-reform-commission-to-review-consent-laws/9738402> accessed on March 1 2019

1. Saxon Mullins in I am that girl, *ABC*, 2018 [↑](#footnote-ref-1)
2. After 20 years of operation, the club closed in June 2015 [↑](#footnote-ref-2)
3. produced by Lucy Carter, Mary Fallon and Saskha Koloff [↑](#footnote-ref-3)
4. produced by Brigid Anderson [↑](#footnote-ref-4)