



PART 4

**A FIRST NATIONS
FOCUS ON CHANGE**



This Commission has been tasked with considering how any cultural issues within the Queensland Police Service (QPS) relating to the investigation of domestic and family violence have contributed to the overrepresentation of First Nations peoples in the criminal justice system.

In examining this issue, the Commission sought to explore the historic relationship between the police and First Nations peoples and how that impacts on the relationship today. It also sought to understand how cultural issues in the QPS such as sexism, misogyny and racism can affect the way the QPS responds to domestic and family violence.

However, the issue of overrepresentation of First Nations peoples in the criminal justice system stems from a broader combination of factors than can be considered in detail by this Commission. Colonisation, dispossession, generational trauma and systemic racism are but a few of the factors that have led to this tragic situation. This Commission has not been asked to examine these broader issues and the time given to the Commission would not allow it to do so in any depth. However, the Commission remains conscious of these factors when considering the interplay between the attitudes and beliefs of the police and the policing of First Nations peoples.

The Commission has consulted as widely as possible on this issue in the time available. From those consultations, it is clear that:

- nothing can change without meaningful engagement with First Nations peoples and communities
- police at all levels of the QPS need to be properly educated, by First Nations people, on the history of First Nations peoples in this country, and the role of the police in the violence and oppression inflicted on them
- cultural knowledge is paramount.

The Commission has found cultural issues within the QPS that contribute to the overrepresentation of First Nations peoples in the criminal justice system and has made recommendations to address these issues, however, the real change to the cultural issues will be made when the QPS engages fully and meaningfully with First Nations communities across Queensland.

The QPS has made a step towards meaningful consultation with the formation of the First Nations Reference Group. It is vital that the QPS walk alongside this group to map a way forward. This step needs to be the first of many in the spirit of a commitment to healing and collaboration in the future.

11 Impacts of colonisation

Part 3 of the Report considered the cultural issues of sexism, misogyny and negative attitudes towards domestic and family violence in the QPS identified by the Commission in the course of its Inquiry. This chapter considers the historical and continuing effects of colonialism and colonisation on the relationship between police and First Nations peoples, and the failure of the QPS leadership to provide its members with adequate training on these critical issues.

Queensland's First Nations peoples are significantly over-represented in the criminal justice system.¹ While First Nations peoples represent about 3.8% of the Queensland population (aged 10 and over), they account for 33% of the prison population.²

The issue of overrepresentation is not unique to Queensland, or Australia. Despite differences in culture, history, economy, political relations and power, the overrepresentation of First Nations peoples in criminal justice systems as both victims and offenders is a common characteristic of settler-colonised countries and is documented in New Zealand, the United States of America and Canada.³

Extensive consideration has been given to this issue locally, nationally and internationally. Overrepresentation of First Nations peoples within criminal justice systems has consistently been found to be associated with over-policing, systemic racism and compounding systemic inequalities for First Nations peoples and communities.⁴ Appendix I outlines a summary of reports and reviews that consider this research in more detail.

The foundation of any analysis of the way cultural and structural issues in the QPS have contributed to overrepresentation of First Nations peoples in the criminal justice system must first acknowledge the historical and continuing effects of colonisation and colonialism on the relationship between police and First Nations peoples in this state. As the Institute of Collaborative Race Research stated:

The violent structure of colonialism shapes contemporary interactions between police and First Nations community all over Australia.⁵

In August 2022, the Queensland Government announced the Truth Telling and Healing Inquiry.⁶ That Inquiry will provide an opportunity for the QPS to participate openly and constructively in what will be the telling of the traumatic and challenging history of Queensland.

A NOTE ON COLONIALISM AND COLONISATION

Colonialism and colonisation are interlinked, and their impacts in Australia are mostly indistinguishable. The terms can be, and are, used interchangeably to reflect the control and violence inflicted on First Nations peoples and communities in colonised countries, and the justification for that violence and dispossession.⁷ Generally, colonialism is the ideology that drives colonisation.⁸ Colonialism assumes that the origin country is superior, giving them the right to take over land in another country or region, occupy it with settlers and exploit the area for their own benefit.⁹

Colonisation is the action of settling among, and establishing power and control over, the lands and First Nations peoples of an area.¹⁰ Under colonisation, local people are subjected to the customs, language and religions of the colonising country, but also disconnected from their own cultural practices in ways that are violent and dehumanising through massacres, physical violence, separation from family and kinship groups and enslavement.¹¹

THE COMMISSION'S WORK

The Commission was tasked to consider how any cultural issues it had identified within the QPS relating to the investigation of domestic and family violence contribute to the overrepresentation of First Nations peoples within the criminal justice system.

As discussed elsewhere in the Report, the relevant cultural issues identified by the Commission include:

- a lack of effective leadership
- sexism, misogyny and racism
- negative attitudes towards domestic and family violence
- burnout and fatigue.

The Commission undertook broad consultation about the impact of these cultural issues on First Nations peoples and communities. This added to the information already gathered by the Commission as part of its open call for submissions, surveys of victim-survivors and police, the issuing of notices to produce documents and public hearings. It included:

- writing to Aboriginal and Torres Strait Islander Councils to raise awareness of the Commission's work and inviting submissions by phone, in writing or by other means
- undertaking a comprehensive review of relevant and contemporary literature
- taking meaningful steps to engage with experts who work with First Nations peoples and communities
- obtaining data from the QPS, Queensland Courts and Queensland Corrective Services.

The Commission met with:

- community Elders and leaders
- Mayors and CEOs of Aboriginal and Torres Strait Islander councils
- police officers and Police Liaison Officers who identify as First Nations peoples
- members of the QPS First Nations and Multicultural Affairs Unit

- members of the QPS First Nations Reference Group
- academics with expertise in First Nations justice issues, including academics who identify as First Nations peoples
- representatives of Aboriginal and Torres Strait Islander community-controlled organisations, Community Justice Groups and community engagement groups, the judiciary and government agencies, including the First Nations Justice Office.

Further detail about meetings conducted by the Commission can be found at Appendix E.

The Commission also heard from witnesses at public hearings held in Brisbane, Cairns, Townsville and Mount Isa, focusing on:

- the experiences of community, legal and specialist services with QPS investigations of domestic and family violence and interactions with QPS officers, particularly where they involved First Nations peoples
- the observations and experiences of QPS officers and staff in rural and remote communities, including QPS members who identify as First Nations
- cultural issues within the QPS, particularly racism, which may contribute to the overrepresentation of First Nations peoples in the criminal justice system
- the capacity and capability of the QPS to respond to domestic and family violence as it relates to First Nations peoples
- the role of the QPS First Nations and Multicultural Affairs Unit, and the recruitment and retention of First Nations officers
- the ways race, racism, colonialism and cultural sovereignty intersect in the areas of justice and policy
- integrated service responses to domestic and family violence, particularly from experts in Aboriginal and Torres Strait Islander community-controlled organisations.

Further detail about witnesses called by the Commission can be found at Appendix D.

CONTINUING HISTORY

Queensland's colonial history and the associated violence inflicted upon First Nations peoples, communities and culture, continues to have a profound contemporary impact. An appreciation of colonisation and its impact is essential to meaningfully understand the contemporary challenges for First Nations peoples, as well as to avoid contributing to the associated discrimination and disadvantage. This is particularly important for those in frontline positions of support and authority such as police, health, child safety and other government services.

Of the enduring impacts of colonisation, the Institute for Collaborative Race Research told the Commission:

In settler colonisation, a majority of colonisers come to stay in a place, to replace Indigenous people on their land and to establish a new political society on that land. Most settler colonies have not been decolonised, and there has not been a moment of institutional break or reformation. Therefore, we can meaningfully say that settler colonisation is an ongoing relationship, where questions of jurisdiction, land ownership and resource control are very much live and unresolved.¹²

As Superintendent Kerry Johnson of the QPS First Nations Multicultural Affairs Unit expressed at a hearing on 19 July 2022:

It wasn't that long ago in our 160-odd year history we were part of the White Australia policy.¹³

The Queensland Native Police, established in 1864,¹⁴ was a precursor to the QPS and tasked with dispersing First Nations peoples and suppressing resistance to settlers.¹⁵ Similar units were established across Australia, but Queensland's is regarded as the most violent.¹⁶ It was commonly understood that 'to disperse' meant to shoot and/or kill.¹⁷

Estimates indicate that across the forty-year lifespan of the Queensland Native Police, it was responsible for the deaths of 40,000 First Nations men, women, and children.¹⁸

Oppressive laws and regimes were also introduced in Queensland which:

- restricted where First Nations peoples and families could live and travel, and who they could marry
- forced First Nations peoples from Country and on to reserves and missions
- limited or stopped rights to employment and wages and self-determination
- prohibited the practise of culture, cultural lore, and use of traditional languages
- violently removed children from their families and Country, resulting in the Stolen Generations and the marginalisation and destruction of First Nations social structures.¹⁹

Police were at the forefront of enforcing these laws and policies. Queensland's policies and other civil restrictions on First Nations peoples remained until the late 1970s and 1980s and continue to impact how First Nations peoples are treated by and interact with police and government services today.²⁰

The Commission heard that families are still impacted by their lived experiences of police violence, of failures by police to protect, and of life under oppressive regimes. Ms Andrea Kyle Sailor, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland based on Palm Island, explained to the Commission:

In 1930 on Palm Island we had – the superintendent [a police officer], he went crazy and shot the doctor and the doctor's wife and family. So, one of our local [First Nations] members of the community was instructed by the police at the time to shoot Curry [the superintendent], which he did, and he was then sent to prison for what he had done. So, there's that mistrust and negative attitudes towards police from 1930. Everybody's aware of the 2004 riots as well which has certainly not amended police relations on Palm Island. And in 2022 the relations are no better than they were in 1930.²¹

Elder Aunty Florence Onus, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, also told the Commission about the strength of living memory:

We only became citizens in 1967. So – I mean I was only eight or nine years old at that time. So, you know, the history is very fresh and the fear – so the fear of police has been something that's historical from the first contact to where we are today. So, it's engrained in families and communities.²²

The impact of these experiences and practices is ongoing and causes intergenerational trauma. Elder Aunty Florence Onus told the Commission:

I've got four daughters; we were doing a letterbox delivery- they did it to make money for themselves and I would drive them up and down. We were in a cul-de-sac, and I'd pull up and they'd jump out and go down... and my youngest daughter, who was about five at the time, came running up the street, tearing down the street, eyes bulging out and fear written... I was looking for a dog chasing her. She jumps in the car, she's really upset, and I said, you go 'what's the matter' and she said 'there's a police car there'. I was really quite shocked because our kids are privy to the trauma stories that are happening within family and community, and you don't realise that they're listening and

the impact that has upon them. She was running in total fear [at] just the sight of a police car... It's that ingrained fear that's been handed down from generation to generation.²³

Superintendent Johnson also spoke of the recency of this history and how it continues to impact relationships between police and First Nations peoples and communities. He said:

The young constables out there would sort of question us why – “why do the kids not like us,” “why are they throwing rocks at the car,” or “why do they swear at us,” ... and you take the time to explain that intergenerational trauma. So it's not necessarily the kids – if you asked “Why are you doing that?” they won't know. They just do it. But if you talk to some of the Elders there, like [redacted] and so on, he remembers – he's 84 or 86 now, but [he] was a young boy when he used to see the cattle trucks come in with the Aboriginal kids being taken away. So that trauma is still there by living people. It's not that ancient in history, and it's still passed on through the families.²⁴

Evidence provided to the Commission shows that the intergenerational distrust and fear of police experienced by First Nations peoples is compounded by contemporary, repeated and ongoing experiences of negative interactions with police. Sergeant Matthew Costelloe told the Commission:

Historically, the relationship between the police and the community in Cunnamulla has not always been great, particularly with members of the First Nations community. In my experience, some First Nations community members have a level of distrust of police including and because of historical events of early colonial days as well as more recent events... There have also been more recent incidents that created poor relationships such as the Cunnamulla Riot on 1 January 2017. There was for example an incident of an off-duty police officer getting into a fight with a First Nations community member.

More recently (in around December 2021) a video was released of a plain clothes police officer threatening to assault a First Nations male if he did not surrender to the police station which was filmed and released.

During my time here and working closely with our First Nations community I have found that the historical sentiment was one of distrust due to the events historical and recent as discussed above. There is also still a high level of distrust due to the belief in the [First Nations] community that the

police do not integrate with the community, that ‘they’re just blow ins’, and that they do not let the community see them as people.²⁵

The significant consequences for First Nations peoples that can stem from this intergenerational distrust and fear are demonstrated in the following case study from the Domestic and Family Violence Death Review and Advisory Board, which shows the profound, continuing impact colonisation and the Stolen Generations have on families today:

CASE STUDY: KEIRA'S EXPERIENCE

Keira was a 31-year old Kamilaroi woman. Her partner of one year, Warren, was charged with her murder and several associated offences after she was found dead at her home in South-East Queensland. The police attended an incident of domestic and family violence involving Keira and Warren eleven months prior to her murder but took no action. Officers based their assessment on the fact that Keira was not obviously fearful and that both parties were “*as bad as each other*”.

The police attended the address on multiple occasions over the next eleven months, however there was no answer at the door at each attendance. Despite not speaking with the couple on these occasions, the attendances were recorded as “*always a verbal*” in which the couple would “*eventually calm down*”. On one occasion police attended, speaking only with the neighbour who said the yelling had stopped. This incident was recorded as ‘No DV’ with an explanation “*Persons involved are known to police and is nothing more than a verbal argument, both persons have loud voices and use ‘colourful language’ when arguing.*”

A month later, and one month prior to her death, Keira and Warren were at a job search office and Keira passed a note to the staff asking them to call the police. When officers attended, Keira's partner said there had been no altercation. Keira told the police that she wanted to go to her Aunt's and wanted Warren to give back keys to her place. She told them she was scared Warren would get angry if she told him that. Police recorded this as ‘DV – no offence’.

The Board found that in the five months prior to her death Keira had connected with a number of services regarding domestic violence support. Keira was assessed as high risk due to her fear, pending separation, her partner's use of physical violence including non-lethal strangulation, threats to kill, stalking, and verbal abuse. Keira stated to one agency that she felt strongly about not wanting the police involved in her case, disclosing that her grandparents and her partner's grandparents were part of the Stolen Generations, and she did not want the involvement of police to bring shame to her family.²⁶

Elder Aunty Florence Onus told the Commission that it was critical that police understood the historical relationships between First Nations peoples and communities and police.²⁷ She said:

If you look at the history of relationship between First Nations and the police, it goes way back in the early days of invasion and the establishment of Aboriginal reserves and missions, which I regard as detention centres because the lives of our people were comprehensively controlled, and normally the manager of those institutions, such as Palm Island – [...] the manager, or the protector, which was the title of that time, were the superintendent of police.²⁸

THE NEED FOR CULTURAL CAPABILITY

Historical distrust and fear are exacerbated when police do not have or do not demonstrate cultural capability.

Cultural capability in this context refers to the skills, knowledge, behaviours and systems that are required for police officers to plan, support, improve and deliver services for First Nations peoples and communities in a manner that is culturally respectful and appropriate.

Elder Aunty Onus told the Commission that police lack an understanding of the fear that First Nations peoples and communities have of police. She said that this stems from a lack of education about the historical relationship and the continuing effects:

...probably because they haven't had the education on it, you know, through the training. So that's the sort of training that we provided in the past, to have a look at the historical relationships between the police and First Nations people, because I think it's really important that young recruits that are coming in, they have that education and understanding of that, and that's why the relationships between First Nations and the police have always been fraught.²⁹

The QPS has not provided its staff with appropriate cultural capability training about colonisation and the impacts of the historical and contemporary relationships between First Nations communities and police.

A QPS Baseline First Nations Cultural Awareness Survey conducted by the First Nations and Multicultural Affairs Unit in 2021 found that most QPS members had not received training about historical relationships between First Nations communities and the police or contemporary social issues. The report outlined that this training was necessary and should be provided by an appropriate external provider to enhance QPS members' knowledge of First Nations peoples' history, practices and cultural protocols.³⁰

When the Commission commenced its work in June 2022, cultural capability training had either ceased, been reduced to an in-house session or been modified into an online learning product.³¹ A number of the relatively new QPS officers who gave evidence before the Commission had limited recollection of the cultural training they had received, if any.³²

Training about the historical relationship between the police and First Nations peoples must be designed, delivered and evaluated by First Nations peoples. Elder Aunty Florence Onus told the Commission of her previous experience with providing external cultural capability training to police recruits. She said:

I think when they first established the academy here in Townsville I was working at James Cook University as a lecturer, and we delivered to the new recruits every year cultural awareness training, where they would come out to the university, all the new recruits, and we delivered that for about I think five years, the Indigenous unit.

I was part of the Indigenous unit, and then QPS decided they were going to deliver that inhouse, which has happened since then. So this is going back quite a while now. I can't remember. Maybe 15 years ago. But I was really concerned and so was the school at the time that we weren't privy to the actual program that was being delivered to the QPS because, you know, as an Indigenous unit we really delivered a lot of the historical context and relationship between Aboriginal and Torres Strait Islander people and the police going back to the early days of invasion or settlement to where we are today.³³

The Commission also heard that online learning in isolation is not appropriate for ensuring new recruits and existing officers are working in culturally intelligent and culturally safe ways.

Cultural intelligence in this context refers to the skills, capability and knowledge police require to work effectively in, and adapt sensitively to, situations involving First Nations peoples and communities. Working in a culturally safe way describes a way of working which aims to create an environment that acknowledges and incorporates cultural practices which are important to First Nations peoples and communities. Superintendent Johnson said:

It's not something you should learn on a computer screen. That can prepare you for – because it's very different to, you know, major centre living and so on, and the reality is, the number of the staff that we employ, recruits that go through may never have stood in a discrete community or had anything other than a pass in the street of a First Nations person. So it's absolutely imperative. It's absolutely necessary.³⁴

At the commencement of the Commission in June 2022, the cultural capability training offered by the QPS largely consisted of an online SBS inclusion package.³⁵ At a public hearing on 12 July 2022, Assistant Commissioner Mark Kelly of the QPS People Capability Command gave evidence that a new, two-day cultural capability training program was then being planned for recruit training at the Academy.³⁶ Assistant Commissioner Kelly told the Commission that the QPS would consult with relevant organisations to co-design and co-deliver the training in order to best cover the relevant topics, including First Nations history and culture.³⁷ While this new training is only in a planning and development stage, it is a positive step by the People Capability Command and should continue to be supported within the QPS.

The Commission recognises that cultural capability training which is co-designed and co-delivered by First Nations peoples is critically important. The Commission makes recommendations at the end of this chapter that the cultural capability training provided by the QPS to recruits and serving members should be strengthened. This will include the establishment of a First Nations panel incorporating representative community members to assess the training and provide advice to the People Capability Command.

However, training is only one part of the change required within the QPS. A change of attitude in some officers is also necessary. Feedback in the QPS Baseline First Nations Cultural Awareness Survey indicates some officers may be reluctant to engage with this type of training. This reluctance was exhibited in survey responses which said:

The ongoing of this being shoved down our throats. There was a public apology. Do not guilt this generation about what happened prior to me being alive.³⁸

Obviously, the fact that they are overrepresented in jail and more likely to have a criminal record is not police fault, but this constant contact can lead to officers becoming racist.³⁹

CONTEMPORARY IMPACTS OF DISTRUST AND FEAR OF POLICE

The distrust and fear of police can influence how and when First Nations peoples make a report of domestic and family violence to police, and what they choose to disclose.

Research suggests that due to a lack of cultural safety, police are not always perceived as a safe avenue of assistance for First Nations victim-survivors. This is exacerbated by a range of factors including mistrust of police, fear of child removal and child safety intervention, fear of death in custody risks for the perpetrator and other systemic barriers (Figure 26).⁴⁰

This means that by the time First Nations victim-survivors do seek protection from police, it is highly likely they have experienced abuse for an extended period of time and the violence has escalated significantly.⁴¹



Figure 26: Additional barriers to help-seeking faced by First Nations victim-survivors

The following case study from the Domestic and Family Violence Death Review Unit in the Coroners Court of Queensland demonstrates the contemporary impacts of First Nations peoples distrust and fear of police even when facing extreme risks from domestic and family violence:

CASE STUDY: FIONA'S EXPERIENCE

Fiona, a 47 year old First Nations woman, had been in a relationship with Richard, 45 years old, for approximately six months. They did not live together. Their case was reviewed by the Queensland Domestic Violence Death Review Unit in the Coroners Court of Queensland following Fiona's death from self-inflicted injuries. Police had attended two previous calls for service, both made by Fiona's neighbours in the three months prior to her death.

On the first occasion, Fiona was heard screaming. When the police attended, Fiona and Richard said they'd had an argument and that Fiona had thrown her handbag to the ground in frustration. Police offered referrals to support services which were refused by both Fiona and Richard. There is no indication that police questioned Richard or Fiona separately or asked what the argument had been about. Police records also indicate Fiona had been subjected to numerous 'street checks' by police in the lead up to her death.

The second call for service, two weeks prior to her death, was made by Fiona's landlord who called the police and told them that Fiona had been strangled. Police arrived as Fiona was being taken to hospital in an ambulance. Fiona refused to speak with police, but they noted dark bruises on her face and legs, and redness around her neck. Fiona's landlord told police that she had observed physical injuries on Fiona the week before, she believed Fiona was being assaulted and that the violence was escalating.

Police made an application for a Protection Order against Richard including extensive conditions, but there is no record they followed up with Fiona again or undertook a risk assessment. Fiona told the hospital staff that she did not want to go home in case Richard was there. The hospital referred her to DVConnect and she disclosed that Richard had physically assaulted her almost every day including four events of non-fatal strangulation.

On the day of her death, Fiona went to Richard's home. Five hours later, neighbours heard yelling and went to investigate. Fiona asked them to call the police. She was bleeding and reported that Richard had thrown hot water on her and punched her in the face. The neighbours phoned Richard's mother instead who told them not to call the

police but to remind Fiona of the Protection Order conditions. When the neighbours went over, they found Fiona with self-inflicted injuries and she was taken to hospital.

In addition, multiple bruises and marks were found on Fiona's body, and her mother told police she had concerns about Richard's violence. Fiona died from her injuries five days later.⁴²

RESISTIVE VIOLENCE

Research undertaken by Professor Heather Douglas and Associate Professor Robin Fitzgerald has also found that reduced access to culturally safe services or responses, including those by police, may leave First Nations women to resort to the use of resistive violence to keep themselves and their children as safe as possible from the perpetrator of the violence.⁴³

This is also confirmed by other studies that show that First Nations women may use resistive violence in an attempt to preserve their own life and safety, but also to avoid exposing their partner to the risks of being a First Nations man in custody. In a 2020 research report, Australia's National Research Organisation for Women's Safety recognised that:

Another oft-cited reason is the fear among many victims that by reporting perpetrators to the police they will place them at risk of being incarcerated, thereby contributing to the extremely high Aboriginal incarceration rates and placing them at risk of dying in custody.⁴⁴

Resistive violence builds upon the established concept of 'self-defence', or the right to physically defend yourself with reasonable force provided that the force is authorised, justified, or excused by law.⁴⁵

Resistive violence can be misinterpreted when actions are considered in isolation from the underlying pattern of control within the relationship. For example, victim-survivors who respond to the abuse they are experiencing with resistive violence may:

- use violence to protect themselves or others (most commonly children) and this may not always occur during an abusive episode where there is an immediate risk of harm (although the risk of harm in the relationship may be high or escalating)
- use violence to pre-empt an abusive episode so they can better manage when and where it occurs
- be more likely to use weapons due to the (generally speaking) inherent size differences between men and women.

LIMITED OPTIONS FOR CULTURALLY SAFE REPORTING

The Commission heard evidence about the lack of cultural safety afforded to First Nations peoples when reporting their experiences of violence in a police station, and how this acts as a barrier to accessing safety.

Ms Kyle Sailor told the Commission that police stations are quite intimidating and cold and that some women she has worked with are reluctant to attend to make a report.⁴⁶ She provided an example of a relatively common experience of taking a young woman to the front counter of the station to make a report, where the officer behind the counter stood with folded arms and asked, “*what’s the problem now?*”⁴⁷ The young woman had been hesitant to make a complaint at all, due to fear of police, and immediately felt she was not going to be believed and that her complaint was not important.

Sergeant Costelloe also acknowledged the challenges for First Nations peoples expected to attend police stations. He said:

The victims of the crime may not want to come down to the police station or been [sic] seen to be reporting with police. So, for us to physically take the victims down to the police station and take a statement and stuff, that can obviously cause a little bit of harm and detriment to the victim of the thing as well to be seen to be cooperating with the police. So that’s definitely another challenge.⁴⁸

Associate Professor Marlene Longbottom, School of Medicine, Indigenous, Allied Health at the University of Wollongong, told the Commission her research had found that a barrier to reporting for First Nations women is that a police station is not a welcoming or culturally safe and supportive place.⁴⁹ She told the Commission:

Clearly police stations are not the optimal site where disclosures can be made. They are often not culturally inviting and in most circumstances are unsafe for [Indigenous] women, children, and gender diverse people to attend. Police stations do not provide for culturally safe storying to the point of there being limited confidential exits or entrances. Moreover, there are limited safe environments for children if they attend with their parent or carer.⁵⁰

Associate Professor Longbottom further explained that there needs to be an alternative option for First Nations women to report violence outside of a police station due to their fears, or past experiences, of sexism and racism and how these intersect to compound discrimination.⁵¹ She said:

A police station is not culturally safe. If you have been in a police station, it’s not very welcoming. It’s very cold and very sterile. The places that are usually provided for in the community are community organisations that actually take them to sit down and talk to people and understand their story.⁵²

The Commission agrees and makes a recommendation to this effect at the end of this chapter. It should be noted that an agreement for an alternative space to interview witnesses does not need to be costly or overly formal, and can be, for example, an arrangement between the QPS and a local council for the use of a room within the council building when the need arises.

FINDINGS

- Queensland's colonial history and the associated violence inflicted upon First Nations peoples, communities and culture, continues to have a profound contemporary impact on First Nations peoples and their relationships with the police.
- The intergenerational distrust and fear of police that is experienced by First Nations peoples is compounded by contemporary experiences of negative interactions with police. Historical distrust and fear of police is further exacerbated when police do not have cultural capability or cultural intelligence.
- An appreciation of colonisation and its impact is essential to meaningfully understand the contemporary challenges created for First Nations peoples, as well as to avoid contributing to the associated discrimination and disadvantage.
- The Queensland Police Service has not sufficiently prioritised developing cultural capability within the organisation with a recent survey showing that Queensland Police Service members lack the foundational knowledge to understand the impacts of colonisation, racism and other historical and contemporary issues that shape how First Nations peoples view police.
- Inherent distrust and fear of police means that First Nations peoples face additional barriers to reporting domestic and family violence to the Queensland Police Service.
- First Nations victim-survivors may also be more likely to use resistive violence to protect themselves when they do not feel that it is culturally safe to make a report to police.
- There are limited alternative options available to make a report outside of a police station for First Nations victim-survivors. Police Stations are not always culturally safe places to seek assistance or safety.

RECOMMENDATIONS

Recommendation 41

Within 12 months, the Queensland Police Service strengthen its cultural capability training by introducing Academy and ongoing training which is:

- co-designed in consultation with First Nations peoples and communities
- co-delivered by First Nations peoples and communities.

Recommendation 42

Within 12 months, the Queensland Police Service establish a First Nations panel incorporating representative community members to assess and advise on its cultural capability training and report to the Assistant Commissioner, People Capability Command.

Recommendation 43

Within 12 months, the Queensland Police Service consult with First Nations peoples and communities in every police district to obtain permission to use an alternative space to interview witnesses.

HUMAN RIGHTS CONSIDERATIONS

Developing and improving the cultural capability of the QPS through consultation, training and stronger relationships with First Nations peoples and communities will help police address the unique barriers and challenges First Nations peoples encounter when interacting with, and seeking assistance from, police.

Improved cultural capability will also promote the human rights of victim-survivors and First Nations peoples and lead to improved relationships between the QPS and First Nations peoples. More broadly, improving the way that the QPS engages with First Nations peoples and communities will elevate a number of human rights, including cultural rights generally (s27 HRA), cultural rights of First Nations peoples (s28 HRA) and the rights of recognition and equality (s15 HRA).

12 Understanding overrepresentation

This chapter provides an overview of current data to demonstrate the overrepresentation of First Nations peoples in both the civil domestic and family violence protection system and the criminal justice system (where contraventions of Protection Orders and domestic and family violence related offences are dealt with).

Over the course of its Inquiry, the Commission obtained multiple datasets relating to police responses to domestic and family violence which included:

- Queensland Police Service (QPS) QPS QPRIME occurrence data for all police activity relating to domestic and family violence over a 10 year period⁵³
- Queensland Courts data relating to Protection Order applications, hearings, contraventions, and offences over a 10 year period⁵⁴
- Queensland Corrective Services data on prisoner populations over a five-year period.⁵⁵

These datasets were analysed with the assistance of the Queensland Government Statistician's Office and a statistician seconded to the Commission.

This data reflects actions taken by the QPS, and the criminal justice system more generally, in response to First Nations peoples who experience domestic and family violence, but does not capture the full narrative of First Nations peoples' experiences of domestic and family violence. It does not provide any reliable indication of the number of First Nations peoples in Queensland who have, or are, experiencing or perpetrating domestic and family violence. Nor is it necessarily reflective of the patterns of perpetration or victimisation within a relationship. The true rates of violence against First Nations peoples are difficult to establish due to:

- underreporting
- a lack of accurate recording of status by police and other service providers
- variations in police responses to reports of domestic and family violence
- misidentification by police of the person most in need of protection from domestic and family violence
- other limitations in obtaining and comparing data.⁵⁶

The Commission acknowledges that the causes of domestic and family violence for First Nations communities are complex and multifaceted. Theories which blame or characterise First Nations identity as inherently violent are incorrect and unhelpful.⁵⁷

As discussed in the *Connecting the Dots* (March 2021) report by the Queensland Sentencing Advisory Council,

underlying factors stemming from the impacts of colonisation, dispossession, genocide, racism and the large-scale removal of children all increase risks of trauma and vulnerability to using or experiencing trauma-based violence.⁵⁸ Additionally, being pushed to the margins of society creates situational factors such as unemployment, lack of suitable housing and a lack of access to culturally safe social supports which may, in some circumstances, elevate levels of tension, conflict and violence within personal relationships.⁵⁹

The Commission heard evidence from members of the Institute of Collaborative Race Research, who spoke of the political function of statistical stories and how they can construct a narrative that perpetuates stereotypes and controlling interventions. The statistical story that the Institute of Collaborative Race Research speaks of is data confirming the overrepresentation of First Nations peoples in the criminal justice system. They outlined in their Report to the Commission:⁶⁰

This statistical story can reproduce racialized imaginings of Indigenous people's communities and cultures as inherently violent. People know these statistics: governments and media recite them. There is an implicit assumption that these experiences of violence are, on one way or another, the result of Indigenous people's behaviour. This behaviour might be understood as the result of a violent/savage culture, or community dysfunction due to substance abuse and disadvantage, or even (in the most progressive formulation) as the 'reverberating intergenerational effects' of colonialism creating social trauma. However, these explanations all locate the violence, and the behaviour that leads to that violence, within Indigenous communities.⁶¹

The shortcomings of using data to gain an understanding of an issue can be illustrated by the increasing number of women in custody, and the limits to what the data about that issue can reveal. The data shows that Australian women's imprisonment has been increasing since the 1980s at a much faster rate than men's imprisonment. The fastest growing prison population is First Nations women and girls.⁶²

However, this is not necessarily reflective of an actual increase in offending behaviour. Rather, as reported within *Pathways to Safety* (2021), a report which called for a dedicated First Nations Women's Safety Plan:

These statistics highlight the dual failure of the criminal legal system's response to Aboriginal and Torres Strait Islander women: it criminalises women who seek safety, and it fails to protect even those it recognizes as at risk of harm.⁶³

Despite the limitations of data to tell a full story, the available data can provide important insights when it is appropriately contextualised.

DATA OBTAINED BY THE COMMISSION

As noted above, when considering the data obtained from the QPS, Queensland Courts and Queensland Corrective Services, it is important to recognise that it reflects agency actions in response to domestic and family violence.

This data is not a true reflection of the levels of domestic and family violence within any community. Any increase in domestic and family violence related applications, occurrences or offences are likely to be a result of a complex interplay of (among other things) the following changes that have occurred over the last decade in Queensland:

- improved reporting, community awareness and information sharing
- a broader definition of domestic and family violence within the *Domestic and Family Violence Protection Act 2012* (DFVPA)
- a shift to a more proactive police response to domestic and family violence as recommended by the Special Taskforce on Domestic and Family Violence (2015)
- changes in the way data about domestic and family violence is recorded
- the introduction of a default term of five years for Protection Orders.

For example, data from the QPS revealed a sharp increase in the number of domestic and family violence calls for service recorded between 2020 and 2021, and an associated increase in people being named as aggrieved or respondents. However, the Queensland Government Statistician's Office identified that this significant increase may be a reflection of several changes over this period as opposed to an increase in the overall number of domestic and family violence related occurrences in Queensland.⁶⁴

The QPS data about Protection Order applications reflects who police identified as an aggrieved or respondent when they responded to a report of domestic and family violence. This is not always reflective of the pattern of control in the relationship and for this reason this Report adopts the following terms in this Part:

AGGRIEVED

A legal term to describe the person for whose benefit a Protection Order, or a Police Protection Notice, is in force or may be made under the *Domestic and Family Violence Protection Act 2012*. For the purpose of this Report, particularly when considering issues pertaining to the misidentification of the person most in need of protection, it is recognised that a person who has been listed as an aggrieved in a Police Protection Notice, Protection Order application, Protection Order or occurrence may in some instances be the primary perpetrator of violence within that relationship.

RESPONDENT

A legal term to describe a person against whom a Protection Order, or a Police Protection Notice, is in force or may be made under the *Domestic and Family Violence Protection Act 2012*. For the purposes of this Report, particularly when considering issues pertaining to the misidentification of the person most in need of protection, it is recognised that a person who has been listed as a respondent in a Police Protection Notice, Protection Order Application, Protection Order or occurrence may in some instances be the primary victim-survivor of violence within that relationship.

Figure 27: Definitions of aggrieved and respondent

This data also categorises persons as Indigenous or non-Indigenous and male or female. The Commission acknowledges that this does not reflect the language used elsewhere in this Report nor does it encompass the nuances of cultural or gender diversity. Compiling this data also relied on how a person self-identified when engaging with police. Data quality can be influenced by a police officer asking these questions as well as a person's comfort or willingness to respond.

WHO ARE THE POLICE IDENTIFYING AS AN AGGRIEVED?

Figure 28 outlines the rates at which people in Queensland were identified as an aggrieved by police between 2012 and 2021.

QPRIME data over 10 years shows that, by numbers alone, the highest number of aggrieved persons were non-Indigenous women, however this can be explained by the difference in population sizes between Indigenous and non-Indigenous people. When the numbers are placed in the context of relative population sizes, the extent of the overrepresentation of Indigenous people as aggrieved persons becomes clear.

Consistent with other research, Indigenous women were identified by police as an aggrieved at rates of around five to six times higher than non-Indigenous women.

The below graph demonstrates the high rates of police identification of Indigenous women as aggrieved persons in the 10 years between 2012 and 2021:

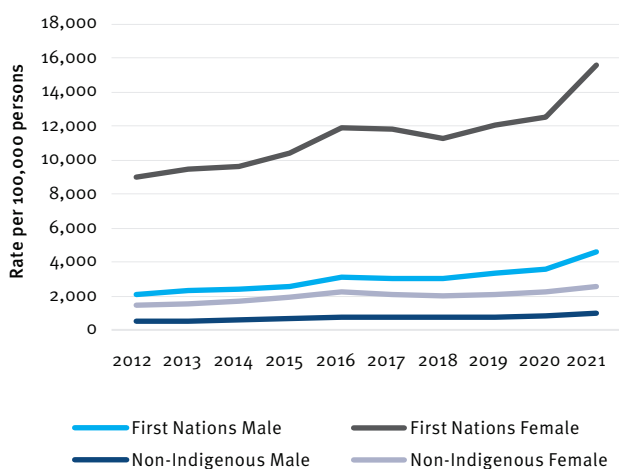


Figure 28: Rates of persons assessed as an aggrieved by police in response to a report of domestic and family violence by Indigenous⁶⁵ and non-Indigenous status and sex from 2012 to 2021ⁱ

WHO ARE THE POLICE IDENTIFYING AS A RESPONDENT?

Similarly, QPRIME data over 10 years shows that Indigenous people were overrepresented among people identified by police as respondents.

Indigenous men were identified as respondents at a rate that was, on average, 6.4 times higher than that for non-Indigenous men over the 10 years. While the data confirmed that identification as a respondent was more common among Indigenous people regardless of gender, this was particularly evident for Indigenous women over the period under review.

Over the same 10 year period, the rate at which Indigenous women were identified as respondents was, on average, 7.7 times higher than that of non-Indigenous women. In 2021, the rate at which Indigenous women were identified as respondents was almost three times higher than that for non-Indigenous men.

These rates must be considered in the context of other evidence provided to the Commission and the substantial research that shows Indigenous women are often misidentified as perpetrators of domestic and family violence (as discussed further in Chapter 14).

The following graph demonstrates the high rates of police identification of both Indigenous men and women as respondents in the 10 years between 2012 and 2021:

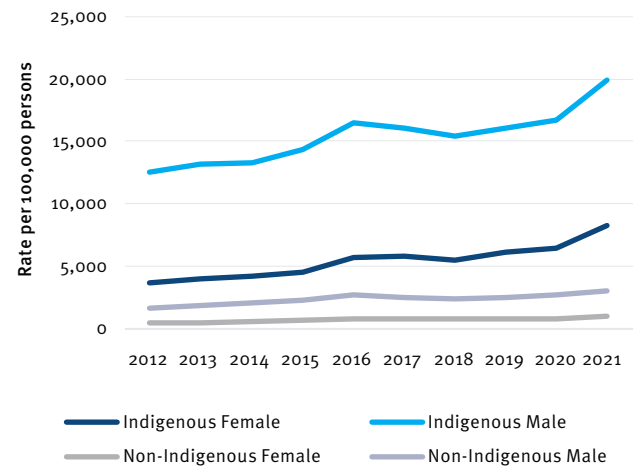


Figure 29: Rates of persons assessed as a respondent by police in response to a report of domestic and family violence by Indigenous and non-Indigenous status and sex from 2012 to 2021ⁱⁱ

While information was sought from both the QPS and Queensland Court Services with respect to cross-applications and orders, only information about cross-orders taken out on the same day was available. This does not accurately reflect situations where Protection Orders are established within a relationship more broadly either through police initiated cross orders in response to different calls for service, or where one party has sought a private application following the making of an order listing them as the respondent.

WHO ARE THE POLICE CHARGING WITH BREACHES OF PROTECTION ORDERS?

Data from Queensland Courts Services⁶⁶ provided to the Commission identified the number of defendants charged with an offence of contravening a Protection Order whose matters were dealt with in a Queensland Court between 1 January 2012 and 31 December 2021.

This data shows that, over that 10 year period, Indigenous people were on average 10.8 times more likely to be charged with contravening a Protection Order than non-Indigenous people. The following graph shows the relative rates at which Indigenous and non-Indigenous people were charged with contravening a Protection Order:

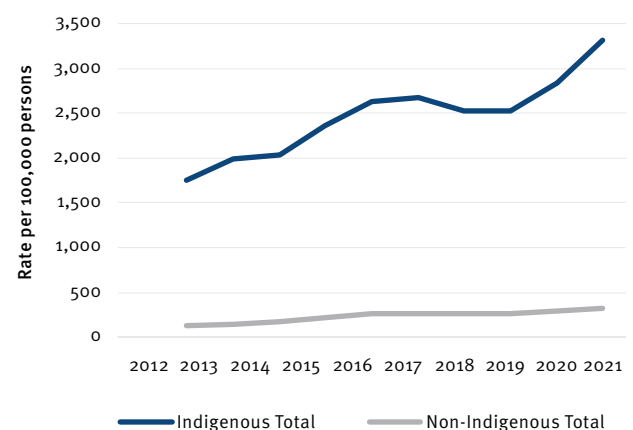


Figure 30: Comparative rates of people charged with contravening a Protection Order by Indigenous and non-Indigenous status from 2012 to 2021

Data from Queensland Courts Services also shows that:

- Indigenous men were, on average, 10.4 times more likely to be charged by police with offences of contravening a Protection Order than non-Indigenous men
- Indigenous women were, on average, 13.4 times more likely to be charged by police with offences of contravening a Protection Order than non-Indigenous women, and twice as likely to be charged as non-Indigenous men.

The following graph shows the break down of the rates at which Indigenous and non-Indigenous men and women were charged with contravening a Protection Order:

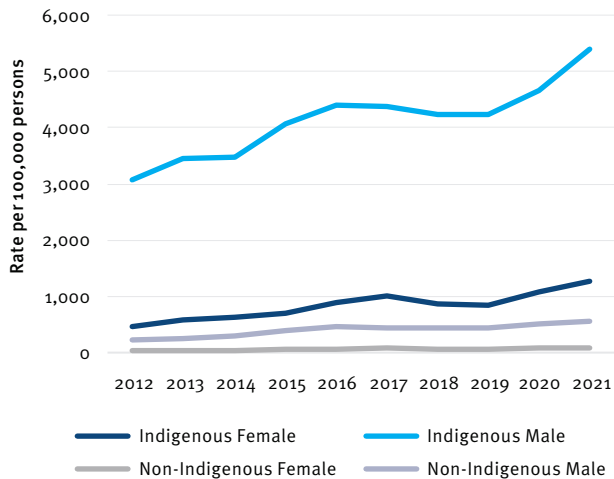


Figure 31: Comparative rates of people charged with contravening a Protection Order by Indigenous and non-Indigenous status and sex from 2012 to 2021.ⁱⁱⁱ

WHO ARE THE POLICE CHARGING WITH DOMESTIC AND FAMILY VIOLENCE RELATED OFFENCES?

The Commission also analysed data from Queensland Courts Services about domestic and family violence related offences. This includes charges relating to assault, strangulation, sexual offences, stalking, willful damage, dangerous operation of a motor vehicle, weapons offences, threats, and/or computer hacking. It excludes charges of contraventions of Protection Orders.

Courts data recording and collation changed following reforms associated with the Special Taskforce on Domestic and Family Violence (2015), so the relevant data available to the Commission is from a shorter time period than the data for Protection Order contravention charges. From 2015, Queensland Courts Services was able to identify distinct domestic and family violence related offences within the Queensland Wide Interlinked Courts database (QWIC).

The data shows that on average, between 2016 and 2021:

- Indigenous people were almost 16.9 times more likely to be charged with a related domestic and family violence related offence than non-Indigenous people
- the rate at which Indigenous women were charged with these offences was 23.2 times higher than the rate for non-Indigenous women, and 3.6 times higher than the rate for non-Indigenous men
- Indigenous men were charged at a rate 15.8 times higher than non-Indigenous men.

The following graph shows the rates at which Indigenous and non-Indigenous men and women were charged with

domestic and family violence related offences between 2016 and 2021:

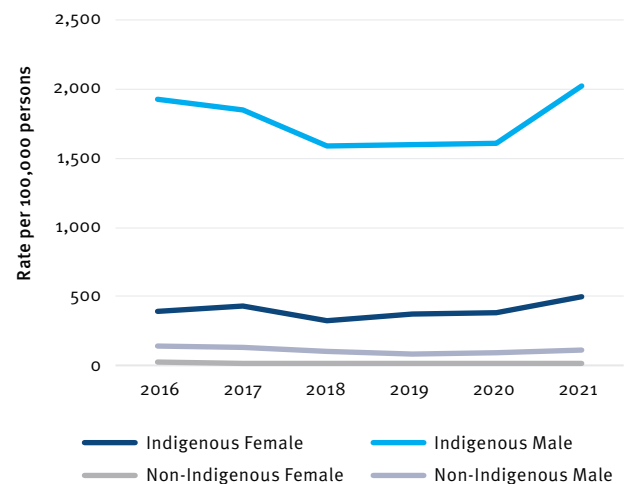


Figure 32: Comparative rates of people charged with domestic and family violence related offences by Indigenous and non-Indigenous status and sex between 2016 and 2021^{iv}

WHO IS BEING INCARCERATED FOR DOMESTIC AND FAMILY VIOLENCE OFFENCES?

Australian Bureau of Statistics data shows that in 2021 there were 3,479 Indigenous people incarcerated in Queensland, just over a third of the total Queensland prison population of 9,952.⁶⁷ When considered in the context of general state population data, this means that in 2021 Indigenous peoples were incarcerated at a rate approximately 14 times higher than non-Indigenous people.

Queensland Corrective Services provided data to the Commission on the number of admissions to prison for the last five financial years. Admissions to custody included people on remand⁶⁸ and those serving a custodial sentence.

This data revealed that Indigenous peoples are overrepresented in the rates of admission to custody, and that domestic and family violence related offences are an increasing driver of admissions to custody.

Queensland Corrective Services data demonstrated that admissions to custody for domestic and family violence related offences and/or contraventions of Protection Orders account for an increasing proportion of total admissions to custody. In the 2017-18 financial year, admissions to custody for domestic and family violence related offences represented 5% of total admissions, however by 2021-22, this accounted for 35% of the total.⁶⁹

On average, over the last five years:

- Indigenous people were incarcerated for a domestic and family violence related offence and/or breach of a Protection Order at a rate that was 26.4 times higher than the rate for non-Indigenous people
- Indigenous women were incarcerated for a domestic and family violence related offence and/or breach of a Protection Order at a rate that was 37.3 times higher than the rate for non-Indigenous women, and 2.3 times higher than the rate for non-Indigenous men
- Indigenous men were incarcerated for a domestic and family violence related offence and/or breach of a Protection Order at a rate that was 25.7 times higher than the rate for non-Indigenous men, and 417.3 times higher than the rate for non-Indigenous women.⁷⁰

The following graph demonstrates the higher rate of admissions to custody for domestic and family violence related offences and/or breaches of Protection Orders for Indigenous men and women than for non-Indigenous men and women:

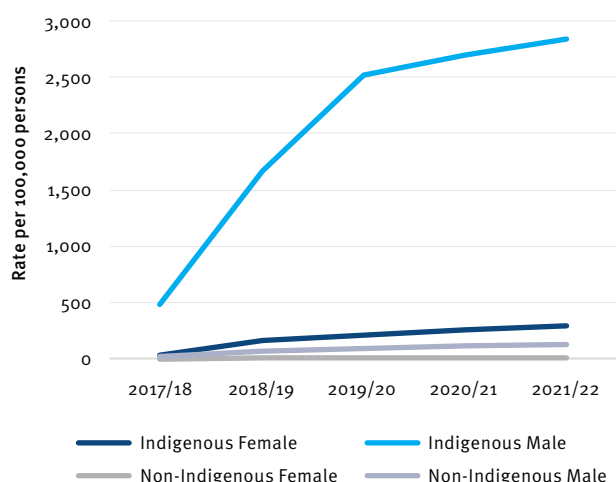


Figure 33: Rates of admission to custody for domestic and family violence related offences, including breaches of a Protection Order by Indigenous status and sex from 1 July 2017 to 30 June 2022^v

WHERE ARE POLICE RESPONDING TO DOMESTIC AND FAMILY VIOLENCE THROUGHOUT QUEENSLAND?

Australia’s National Research Organisation for Women’s Safety (ANROWS) research from 2018 shows that “Indigenous women living in rural and remote areas were up to 45 times more likely to experience family violence than other Australian women living in rural remote areas,” a figure that has remained relatively stable since the 1990s.⁷¹

QPS data reveals that, over 10 years, the majority of domestic and family violence occurrences recorded by police happened in Queensland’s major cities. This reflects the relatively high population size of these locations.

However, when taking the relative population size of rural and remote communities into consideration, the data revealed that police have responded to domestic and family violence related occurrences at higher rates in rural and remote locations.

Over the 10 year period, growth in the rates of domestic and family violence occurrences was also highest in remote locations compared to major cities. For example, when comparing data from between 2012 with 2021, the rate of recorded domestic and family violence occurrences per 100,000 persons grew as follows:

- +151.9% in remote locations
- +125.6% in outer regional locations
- +93.0% in inner regional locations
- +99.1% in major cities.

This growth in the rates of domestic and family violence occurrences in cities and rural and remote areas is illustrated by the following graph:

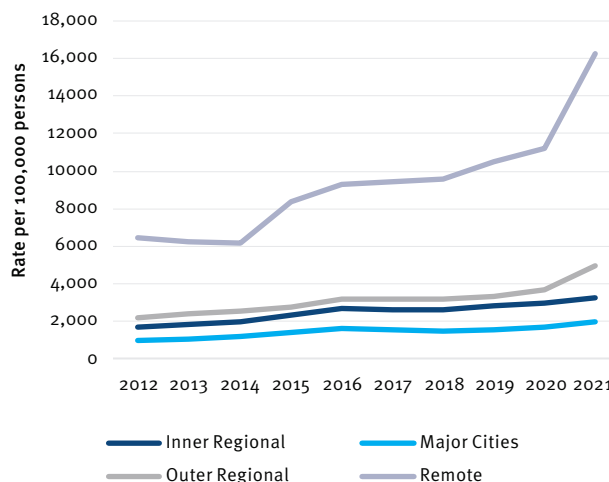


Figure 34: QPS Occurrence data by location from 2012 to 2021^{vi}

Data provided by Queensland Courts Services on the proportion of court events⁷² involving domestic and family violence in each Magistrates Court district provides further insight into police actions that have resulted in court outcomes (Figure 35).

For example, in 2021, domestic and family violence court events represented a higher proportion of total court events in rural and remote areas than in major metropolitan areas.

Caution is recommended when interpreting the proportions of domestic violence matters heard by Magistrates Courts. Courts in urban areas such as Brisbane and the Gold Coast hear greater numbers and broader ranges of matters than courts in more rural or remote settings which influences statistical results. The information presented provides an indication of the proportion of domestic and violence matters heard by Courts as opposed to an indication of the incidence of domestic and family violence in these communities. These proportions are not population based.

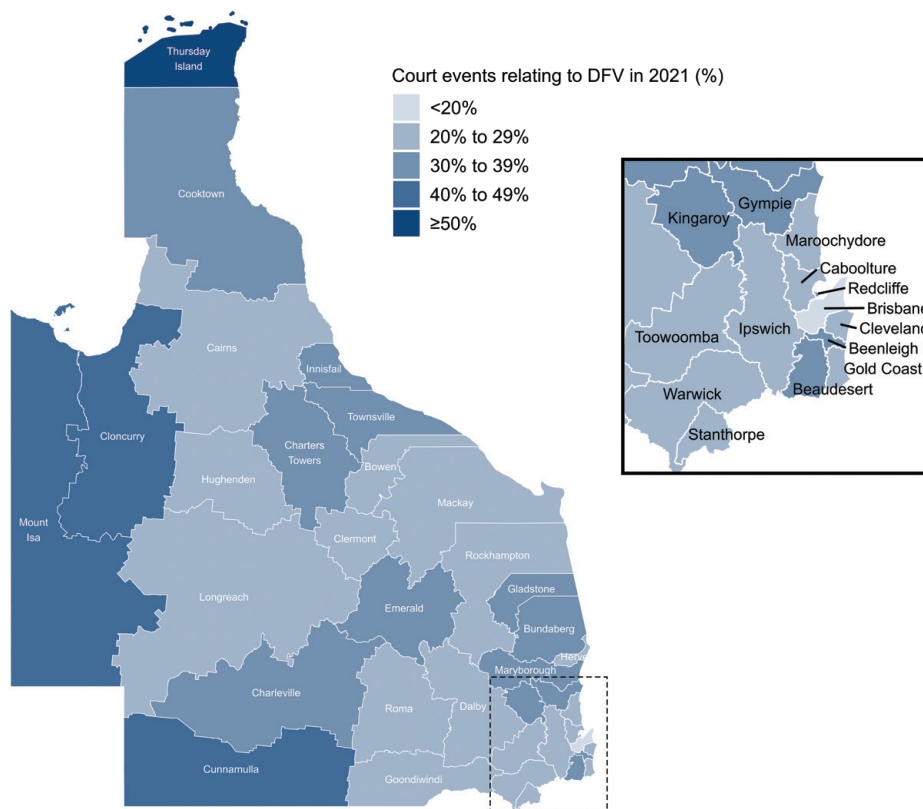


Figure 35: Proportion of Court events in each Magistrates Court District that relate to domestic and family violence matters

FINDINGS

- First Nations peoples are overrepresented, both in the civil domestic and family violence protection system, and the criminal justice system where breaches of Protection Orders and domestic and family violence related offences are dealt with.
- While First Nations peoples are identified by police as an aggrieved person at significantly higher rates than non-First Nations people, First Nations women are vastly overrepresented as aggrieved persons.
- Both First Nations men and women are identified by police as respondents at higher rates than non-First Nations men and women. First Nations men, in particular, are vastly overrepresented as respondents.
- First Nations peoples are charged with domestic and family violence related offences and contraventions of Protection Orders at higher rates than non-First Nations men and women. The higher rates of police charges are particularly stark for First Nations men.
- First Nations men and women are also imprisoned for domestic and family violence related offences and contraventions of Protection Orders at higher rates than non-First Nations men and women. First Nations men are substantially overrepresented in this area.
- The high rates of domestic and family violence related offences and contraventions of Protection Orders contributes to the overrepresentation of First Nations peoples in the criminal justice system generally.
- While the majority of domestic and family violence occurrences recorded by police occurred in Queensland’s major cities, when taking the relative population size of rural and remote communities into consideration, police have responded to domestic and family violence related occurrences at higher rates in rural and remote locations.

13 Racism and lack of cultural capability

Racism is the behaviours, practices, beliefs and prejudices that underlie inequalities based on race, ethnicity or culture. This chapter considers what the Commission heard from QPS members, including sworn officers and Police Liaison Officers, about their experiences and observations of racism within the organisation. The material considered by the Commission shows racism in the QPS is a significant cultural issue.

This chapter also discusses the connection between racism and inadequate responses to calls for service involving First Nations peoples. Evidence heard by the Commission raises concerns about police responding differently to First Nations peoples who are experiencing domestic and family violence.

The Commission also heard evidence about the failure of the senior leadership of the QPS to consistently support First Nations officers brave enough to disclose their experiences of racism and the need for change within the organisation.

The Commission acknowledges that there have been recent efforts by the QPS to address racism within the organisation, including initiatives that aim to improve relationships between the QPS and First Nations peoples and communities. These efforts are to be commended. The QPS will need to prioritise this work if it is to address racism, enhance the cultural safety of its responses to domestic and family violence and improve relationships between the organisation and First Nations peoples and communities.

RACISM IN THE QPS

The Commission heard from many QPS members, both sworn officers and Police Liaison Officers, who have been subjected to racism within the QPS.

QPS members told the Commission about racist language, attitudes and actions, directed at police officers and members of the public alike. Such language included:

Black cunts.

Stupid black cunts.

Dumb black cunts.

Smelly black cunts.

You're a coon lover.

We should just napalm Aurukun.

We should drop a bomb on Yarry (Yarrabah) and the communities. Problem solved.

QPS are just ticking the black fella box.

Bring out the black shiny shinys for NAIDOC so we can take photos for Workplace.

Get up here and get the black fellas off my esplanade. They are distracting my view, I don't want to see them.

No one wants to work with PLOs.

We should sack all the PLOs and put the money into more police.

We don't want to be in the car with the PLOs because then we can't talk shit about black fellas.

Why would we get the PLOs cars, they would just stink them out.

We don't want PLOs in the car 'cause they stink like parkies.⁷³

QPS members also told the Commission about racist behaviours they experienced beginning as early as induction training at the Queensland Police Service Academy (Academy). The Commission heard that First Nations recruits, already a small group at the Academy, were at times subjected to bullying. One QPS member told the Commission about behaviours witnessed:

I witnessed the bullying of recruits by a civilian facilitator for more than five years. I complained to the Senior Sgt and Inspector continually with the matter always being swept under the carpet. Many recruits came to me in tears due to the belittling and targeting during their recruit training. It was difficult for them to make formal complaints due to the power imbalance.

However I would still report the behavior and it would continue to be ignored. The facilitator targeted mainly First Nations and gay or lesbian recruits. It was disgusting behavior. At one point six recruits, mainly First Nations persons made formal complaints and there was an investigation where I was interviewed as a witness. Still no changes in the behavior as there were no consequences.⁷⁴

The conduct referred to above is of serious concern. First Nations police officers and Police Liaison Officers make up a small cohort of the QPS and have been subjected to significant levels of racism, compounding the already complex roles these members have walking in two worlds and balancing the tensions of community and organisational pressures.

Another QPS member told the Commission about a culture of racism at the Academy:

Culture might be set at the top, but recruits are being exposed to a culture of racism right from the start.⁷⁵

The Commission obtained a recording from a teaching session at the Academy in late 2021 where the facilitator can be heard expressing racist attitudes. The Sergeant, speaking of First Nations peoples, told the assembled recruits:

You can smell them before you see them.⁷⁶

The Commission is particularly disturbed by this example of explicit racism. The person who made the comment was a relatively senior member of the QPS. The formal setting in which the statement was made in such a blatant, yet casual way, is indicative of a level of impunity and suggests that the racism behind the statement is tolerated by the organisation. Moreover, the Academy is where recruits learn the values of the QPS. It is concerning that the recruits who heard that statement are likely to have learned that displays of racism are acceptable within the organisation.

The Commission heard that QPS members continue to experience racism from their colleagues after they leave the Academy. Examples of racism that was experienced by QPS members over the course of their careers include:

- a non-First Nations sworn officer in North Queensland made a comment in front of a First Nations Police Liaison Officer about genocide, saying “*Tasmania got it right*”⁷⁷
- “*I have personally heard officers refer to going to the toilet as ‘going to drop some ATSI’s off at the pool’. This comment was extremely racist and highly offensive*”⁷⁸
- a non-First Nations Constable in North Queensland said in front of a First Nations officer “*Why don’t we round ‘em all up, put them in the back of cattle trucks and send them to the NT with a fence around them to lock em all up*”⁷⁹
- “*I was at an Australia Day BBQ in a regional area when a First Nations employee of the QPS approached me and said ‘Happy Invasion Day’ in jest. A sworn officer standing nearby replied, ‘Don’t wave that blackfulla shit around me, every other day you don’t care, you’re just acting like a typical abo*”⁸⁰
- an Officer in Charge was asked whether they should organise a Welcome to Country for a formal ceremony, and responded, “*Yeah, but we’ll have to have a proper Abo do it*”.⁸¹

QPS members told the Commission of ‘casually’⁸² expressed racist remarks they had witnessed or experienced. Superintendent Kerry Johnson explained the effect of ‘casually’ expressed racism as follows:

It’s that lower level – and maybe it’s just a slang term but they call it canteen culture. It’s just that general chat at station level, in meal rooms or – and some of the conversation that can go on, whilst the people having it mightn’t think they’re doing the wrong thing, somebody who might be multicultural background or First Nations heritage could be deeply offended by it.

So if a number of members are talking about, you know, “*the blacks down at Smith Street have been playing up again*”, now, on the surface they mightn’t think what they’re saying is anything overly bad or otherwise; it’s just general, as they call it, canteen culture.

Now, if you’re a First Nations person and you hear that, you’d be deeply offended by that. You’ll see instances where – and the odd allegation is made where somebody might be racially profiled or something like that.⁸³

The Commission heard evidence from another police officer about racism that he witnessed during his career:

Like, I've worked with young people that will drive along the street and point out the boongs and the coons and criticise their appearance and their activities when they're just living their lives.⁸⁴

This officer also told the Commission about entrenched racism within the station that he had worked in for the last seven years. He said:

Entrenched cultures of racism and xenophobia in the QPS also inform the way in which we respond to domestic violence. Many officers at my station believe that Muslim and Aboriginal men are inherently violent and that, due to this, violence in these families should be expected and tolerated. I regularly hear officers make disparaging remarks about Muslim and Aboriginal people, e.g. "the ATSI's are out of control", and "what do we expect? He's a savage." And, on occasions, have heard police officers imitating accents.⁸⁵

In addition to the submissions and evidence provided by QPS members, the Commission obtained complaints data from the QPS which included records in relation to recent examples of racist conduct in the organisation.

One instance of racist conduct from 2020 involved a Senior Sergeant referring to a First Nations female officer as a "smelly old dugong".⁸⁶

In November 2021, a Senior Constable, the administrator of a closed QPS Facebook group accessible by members of his station, posted racist messages including a picture of a dark-skinned baby asleep with his arms behind his back, captioned, "How cute! Baby dreaming about being arrested like his father." Another post involved a video of a naked First Nations woman captioned, "Someone fucked up my day so I'm gonna do the same for you."⁸⁷

In March 2022, a non-First Nations Senior Constable used a First Nations accent when conducting an Acknowledgement of Country at the beginning of a meeting at a First Nations community-controlled organisation.⁸⁸

In April 2022, a QPS staff member used racist language in front of an Officer in Charge and a First Nations woman from a youth co-responder team when she asked a colleague whether he was taking "the boong car".⁸⁹ The comment left the First Nations woman feeling uncomfortable, culturally unsafe, disrespected and upset.⁹⁰

Each of these incidents were dealt with by way of Local Management Resolution, except for the November 2021 matter involving several racist posts to the closed Facebook group, where no further action was taken against the officer. The Commission is concerned that, as with sexism and misogyny, Local Management Resolution is being used inappropriately to deal with racist conduct.

As discussed in further detail in Part 5, Local Management Resolution is intended to be used for minor errors and genuine mistakes that are unlikely to be repeated. Conduct arising from racist attitudes and beliefs should not be dealt with by Local Management Resolution as it fails to support the person offended against and fails to send the appropriate message that such conduct is not tolerated by the QPS.

QPS officers are community role models, and their attitudes and behaviours set the standards for the broader community. When the QPS fails to act against racist attitudes and behaviours the failure to act reinforces societal biases towards First Nations peoples and communities.

There is a risk that the use of Local Management Resolutions will fail to properly address racism within the QPS, and, by failing to stamp out the problem, allow the conditions in which racism exists to flourish. Dealing with racism by Local Management Resolution is also likely to discourage victims of such conduct from reporting.

TREATMENT OF POLICE LIAISON OFFICERS

As representatives of diverse groups including First Nations communities and culturally and linguistically diverse (CALD) communities, Police Liaison Officers are a valuable resource for the QPS and communities, contributing to the development of community relationships and providing cultural insights. It is important that Police Liaison Officers are valued for their cultural expertise, treated with respect and supported in a culturally safe workplace.

The racism discussed in this chapter impacts Police Liaison Officers from all backgrounds. Consistent with the Commission's terms of reference addressing the overrepresentation of First Nations peoples, the evidence that the Commission received has predominately focused on First Nations Police Liaison Officers.

The Commission heard from many Police Liaison Officers who feel excluded, unsupported and disrespected by the organisation. One QPS member told the Commission:

Police Liaison Officers (PLOs), we supposedly are part of the Police team, yet we are "Police Left Overs" branding.

We are not made to feel part of the QPS team because we are ignored and not consulted when police are attending cultural specific jobs.

There is no respect shown to PLOs, from some levels of police, those who don't know what PLO's are and what work we do. Police culture of neglect. We are treated like second class citizens.

In DV matters PLOs are not consulted, often there is breaches and misunderstanding of Australian law, cultural issues and we are ignored and not called upon, yet it is our job and role to educate.

Police culture is that there is a lot of discrimination against us because of our colour. Racism is alive and well in the QPS. On face value these look good

but on the other hand we are a different colour. Leadership team get up in public and say they value us, but they don't. They ignore us, they don't give us training, and they don't give us resources to do our job. What they say and what they do are completely separate.⁹¹

Material obtained by the Commission from the QPS included examples of racist treatment of Police Liaison Officers. In one case, in 2021, a complaint of bullying and unprofessional conduct was made against an Officer in Charge of a Cross Cultural Liaison office where he was the supervisor of 13 Police Liaison Officers.⁹²

The complaint involved 10 allegations of bullying staff and acting unprofessionally towards members of the broader community. The QPS Ethical Standards Command assigned the complaint to the district where the conduct occurred for investigation. The Superintendent from that district observed, in relation to the seriousness of the conduct, that:

The subject member assumed responsibility for the supervisory management of Police Liaison Officers (PLO's), in 2013. In that time between assuming responsibility to the receipt of the complaint subject of this matter, there have been significant, identified and corroborated instances of abuse towards PLO members.

...Excessive use of obscene and threatening language coupled with intimidatory behaviour and threats to the livelihood and employment of certain PLO's, represent to me a clear abuse of power (Misconduct), and a failure to properly manage in a fair and equitable way, members of the police community under his supervision.⁹³

The matter was referred to the Office of State Discipline. That office declined to commence a disciplinary proceeding and instead, having formed the view that three of the allegations were capable of being substantiated on the evidence, referred the matter back to the district for the Officer in Charge to be dealt with by Local Management Resolution.

As with the cases referred to in the previous section, the Commission considers that it is inadequate to address this matter by Local Management Resolution. The officer's conduct involved swearing at his staff, belittling and ridiculing Police Liaison Officers with comments including, "I got you your job" and, "if it wasn't for me, you'd still be driving a taxi."⁹⁴

In another example of racist conduct seen by the Commission, an Officer in Charge in South-East Queensland said to a Police Liaison Officer he disagreed with, "If you don't like it, go and live under the bridge with the rest of your kind."⁹⁵

The racism experienced by Police Liaison Officers is significant and has damaging consequences, with many already feeling ostracised and unsupported by the QPS. The QPS must make significant efforts to address the treatment of Police Liaison Officers and support their unique and valuable role.

THE LOSS OF GOOD OFFICERS

The QPS has very few officers who identify as First Nations peoples, particularly at senior levels. Material considered by the Commission suggests there are presently six officers at the rank of Inspector, and none above.⁹⁶ The Commission notes that evidence provided by the Police Commissioner suggested there were at least two officers at higher ranks, but she did not seem to appreciate that, although these people may have First Nations backgrounds, they may not identify as First Nations people.⁹⁷

One QPS member told the Commission that many First Nations members have left the QPS over the years because of the racism and lack of cultural safety in the organisation:

Numerous FN [First Nations], CALD [Culturally and Linguistically Diverse], and POC [People of Colour] police have left over the years due to the racist environment. I know of First Nations members sitting on sick leave due to racism and lack of culturally safety within the QPS...

The QPS has approximately 330 Commissioned officers (Inspector to Commissioner level), all of whom are white. There are no FN, CALD (if they are, they are white-passing), or POC within commissioned officer ranks. Therefore, the people with delegated positional power have no actual insight into the impact of racist policing practices and policies. I have spoken with many leaders to try and gauge their levels of understanding about racism. I have been met with blank stares, have been censored, and met with denial about its existence and impacts...

Additionally, if you ask FN, CALD and POC employees there will be evidence to suggest that the environment is unsafe for FN, CALD or POC to speak up about racism.

There are numerous FN, CALD, and POC women and men in Queensland for their safety who need the QPS to deal with its internal racism. The inability of the QPS to deal with its internal racism will impact the effectiveness of future DFV policies and policing practices.⁹⁸

The Commission was provided with a separation notice sent to the Police Commissioner by a First Nations Sergeant when resigning in late 2022. The letter identified the reasons for the resignation as follows:

As you are aware I have been on Sick Leave since [REDACTED], suffering cultural fatigue/cultural burnout. Whilst the symptomatic conditions diagnosed is cultural fatigue, it is acutely related to my personal, lived experiences of racism and discrimination, seen, heard, and felt throughout the total expanse of my career and the various areas I worked within the QPS.

Racism does exist in the QPS and continues to thrive and be accepted as an 'organisational cultural norm'. It presents in forms of micro and macro aggression of racism.

It is evident in the daily experiences of this organisation's cultural experts, Police Liaison Officers & Torres Strait Island Police Liaison Officers (PLO). The QPS has no insight into PLO experiences of racism, as PLOs know that they are the most devalued and unsupported cohort in the QPS. The QPS is dismissive of the fact that some of them are cultural leaders, traditional custodians, academics, and some hold high dignitary roles culturally and professionally across their communities. I have borne and taken carriage of PLO, indigenous and POC afflictions relating to micro and macro aggressions of racism, for a long time and it has broken me.

...In 26 years, I have not seen any Aboriginal and or Torres Strait Islanders represented at executive level or higher than the rank of Inspector. The last indigenous QPS Inspector, recently resigned from the QPS, after 30+ dedicated years of service. Did the QPS recognise and celebrate the service of this officer? Will there ever be another like that officer? There has only ever been five appointed Inspectors, who proudly identified as Indigenous, in the history of QPS. This speaks volumes on how 'unsafe' the QPS environment is for First Nations Aboriginal and Torres Strait Islanders. If indigenous persons or a POC never attain leadership roles across the QPS, then how will there ever be progressive, authentic, and genuine reforms to support its indigenous and POC members internally. "If we get it right internally, we will do an exceptional job externally".

I no longer feel that the QPS affords a working environment that is 'culturally safe' for me, to bring my true, authentic self to work as a recognised indigenous person and POC.

...in 2020, I along with several other QPS members met with Commissioner Katarina Carroll, Deputy Paul Taylor (former), Deputy Commissioner Doug Smith (former) and Deputy Commissioner Tracy Linford, to speak about lived experiences of racism, with the expectation that the CoP along with her Deputies will address the topic organizationally. It is now 2022 and nothing has been done by the QPS to address racism.⁹⁹

These were not the words of a bitter and disgruntled employee. The officer is known and highly regarded by the Police Commissioner, who gave evidence on 6 October 2022 that she personally knew this officer and in relation to the matters raised in his separation notice, said:

They would have some validity to them, yes.

...

I would have to look into everything that he said. There is a lot in those statements. I've known [the officer] for a long period of time. I think the world of him, and when I got this I was upset, I suppose, because I do know him very, very well.¹⁰⁰

The Commission considers the resignation of this senior, long-serving officer speaks volumes about the impact of the racism experienced throughout a career, and the lack of support provided by the organisation.

This officer's experience was not isolated. Another QPS member, who identifies as a First Nations person, who has served the QPS for more than two decades, told the Commission:

There is so much nastiness, bullying, corruption, nepotism, racism and cultural ignorance happening within the Queensland Police Service that I have become mentally, physically, socially, emotionally and culturally effected due to the way the Queensland Police Service has / is handling my complaint. I am on WorkCover, see a psychologist and have recently had an IME which was required by WorkCover. But I am trying to build myself up to return to work as I had once loved working for the Queensland Police Service.¹⁰¹

There is a culture of fear and silence in the QPS, which is discussed in Parts 1 and 3 of the Report. It operates to inhibit the making of complaints for fear of retribution, fear of being perceived to be a 'dog' by colleagues, fear of career damage or fear that nothing will change even if a complaint is made. Racism is therefore likely to be under-reported within the QPS. This means that it is difficult to measure the extent of the racism, however the material before the Commission indicates it is a significant problem.

Racism within the QPS is unlikely to be addressed in a meaningful way unless the QPS prioritises the cultural capability and cultural safety of the organisation.

Cultural capability can be enhanced by workplace diversity and it is vital that there are First Nations peoples employed at the QPS, including at a senior level. QPS members who spoke to the Commission said that they did not always feel the QPS was a culturally safe workplace. Culturally safe and relevant employee support services should be available to ensure First Nations employees are able to access assistance and support, including from Units such as the Integrity and Performance Group (within the Ethical Standard Command) responsible for maintaining the ethical health of the organisation.

Recent efforts to support First Nations members include the establishment of the QPS First Nations Network which is an internal support network accessible via the QPS Workplace website and the Employee Assistance Program “13YARN” which commenced in April 2022. These efforts are positive and should continue to be supported by the organisation

FACTORS WHICH INHIBIT CHANGE

QPS members told the Commission it is difficult to speak out about racism. The culture of fear within the organisation extends to complaints about racism. The Sergeant who resigned in September 2022 said:

Whilst my experiences, have accumulated over the course of my service, there has always been a genuine sense of fear and reprisal by coming forward and speaking up about my experiences of racism. The fear existed as the QPS has never established a culturally appropriate and culturally sensitive area (or Unit) to support members coming forward to report instances. Existing reporting measures (ESC) only causes fear, anxiety, and trauma for indigenous people and POC. How does an indigenous person of POC feel confident coming forward to report racism, where there is a high probability that the senior assessment/investigating officer will be white? Where is there fairness if the member taking the complaint has no context or understanding of racism, particularly from a member who is already marginalised by being indigenous or POC.¹⁰²

It is important for QPS members who identify as First Nations peoples or People of Colour to have an avenue of complaint that is culturally safe, particularly within an organisation where complaints are discouraged by cultural and structural barriers, and can even lead to derision and rejection.

Currently, the QPS complaints system does not have a unique code to identify race-based complaints. This inhibits change as it limits the ability of the QPS and the Crime and Corruption Commission (CCC) to identify, monitor and address complaints about racism. This deficiency must be actioned as a matter of urgency. The Commission makes a recommendation to this effect at the end of this chapter.

In August 2020, a number of officers who identify as First Nations peoples and People of Colour met with the Police Commissioner and other senior QPS leaders to discuss their experiences of racism within the

organisation spanning decades. It was noted by the Police Commissioner that the officers were “*visibly upset*” when they recounted their experiences. The officers identified participation in this meeting was “*traumatic*” and they were “*fearful*” of sharing, but did so hoping that it would lead to improvements in the organisation.¹⁰³

Afterwards, a Senior Sergeant wrote to the Police Commissioner and the other senior leaders present at the meeting to express gratitude, saying:

We truly appreciated how you made us all feel at ease, comfortable sharing our stories and enabling us to genuinely ‘speak truth to power’. We all walked out of that room feeling like we had finally been ‘heard’ for the first time in years.

We know it is a long road ahead, however, we are all feeling positive that genuine change can come. Whilst things may move slowly, we just are happy to start moving in a direction that will create a better QPS for all.

...That is why I will never forget 7 August 2020, because all the indignities that we had suffered over the years was finally turned into something that can be used for good to try and bring change. I walked out of that room yesterday proud to be a Queensland Police Officer.

Thank you and I truly look forward to seeing what evolves next.¹⁰⁴

The following month, in September 2020, a First Nations woman died in custody. A public protest was held condemning systemic racism within the QPS. The Police Commissioner made a media statement in which she said she was upset to hear some protesters labelling the organisation as racist. She said:

I am really upset about that. We’ve done the right thing here all along. We’ve been extraordinarily open and transparent about this investigation, like we should be and always are.

Sadly, she did pass away – sadly, it was of natural causes, *but we are in no way racist.*¹⁰⁵

The Commission acknowledges this was a complex situation for the Police Commissioner to handle. It was important to address any public perception of police racism to ensure those needing QPS support maintained their confidence in the organisation. However, her statement that the QPS is “*in no way racist*” is likely to have distressed the officers who had, just the month before, informed the Police Commissioner of their experiences of racism in the QPS. The Commission is also concerned these comments may have deterred these officers from speaking out again and discouraged other QPS members from feeling confident they would be believed if they came forward.

When she was asked about her statement that the QPS is “*in no way racist*” at a Commission hearing, the Police Commissioner said:

That is saying that 17 and a-half thousand members of the QPS are racist. That is speaking on behalf of 17 and a-half thousand people who are watching me.¹⁰⁶

...And then I went on to say that there are a few that might say and do the wrong thing. I know I have racist people in the organisation. I know that.¹⁰⁷

...I could have chosen another word. But when you stand up and say that – and I should have chosen “the organisation as a whole is not racist”.¹⁰⁸

...When I look at benefit of hindsight, I would have reframed it, because I know and I know we have racist people in the organisation. It was just saying that the whole organisation is not racist.¹⁰⁹

...I accept that saying it in that manner would have upset my people in the organisation.¹¹⁰

As with sexism and misogyny, when it comes to racism, language matters. The Commissioner let down the people she had met with, and the organisation as a whole, when she declared that the QPS was “*in no way racist*”.

Language which minimises racism is one factor which inhibits change. Another is a lack of organisational response to complaints about racism. In that respect, the Commission heard of a lack of action taken by the Ethical Standards Command in relation to a complaint of racial profiling of one of the organisation’s own members. The circumstances of the incident and complaint are contained in the following case study:

CASE STUDY: A SENIOR CONSTABLE’S EXPERIENCE

In early 2021 a First Nations off-duty Senior Constable was walking down the street at night near her home. A police car drove past her, then braked and reversed back to speak to her. The police officer asked her what was going on. The woman was polite and said nothing was going on and she was on her way to see her friend. The officer said “*you have been breaking into cars and houses*” and asked for her name. The woman denied this and declined to provide her name.

The officer made his allegation repeatedly and continued to ask for her name and address. The woman continued to decline to provide these details until the police eventually drove off. She did not disclose that she was a police officer. The woman felt harassed and racially profiled. She did not observe anyone else being stopped by police. A couple of

months later, she commenced work at the same station the officers who had stopped her were based. She questioned the officers about why they had stopped her but she did not get a response.

She raised the issue with her Officer in Charge who said that the officers were just doing their job and she should forget about it. This matter was reported to Ethical Standards Command, who determined the allegations were not capable of being substantiated.¹¹¹

Words and actions of the organisation’s leaders which fail to recognise and acknowledge racism in the organisation inhibit change. Until the QPS leadership demonstrates, by its words and actions, that it accepts responsibility for this significant cultural issue and engages more meaningfully with First Nations peoples and communities, little will change in the organisation.

THE LINK BETWEEN RACISM AND POOR POLICING RESPONSES

The Commission heard about the impacts of racism on police responses to First Nations peoples and communities. One QPS member described an incident where a police officer expressed racist views about two women:

A First Nations police officer was in the car with a non-Indigenous officer. They were driving down a main street and approaching two Aboriginal women arguing or fighting on the side of the road. The non-Indigenous officer said to the First Nations officer “Look at this pair of gins having a go”. The First Nations officer replied, “That’s my Aunty” and was offended by the derogatory language.¹¹²

The Commission also obtained complaints data from the QPS which included records demonstrating the link between racism by QPS members and poor interactions with the community.

In one instance, between October and November 2021, a watchhouse Sergeant referred to prisoners in her care as “*coons*” and “*the black ones*”.¹¹³

In another instance from December 2021, a Senior Constable pushed a member of the public and demanded he speak to the officer in English, saying to him, “*mate, we’re not fucking retarded*.”¹¹⁴

In the above incidents, the officers were dealt with by Local Management Resolution, which the Commission considers to be inappropriate for dealing with racist conduct.

Racist attitudes held by police can influence their response to domestic and family violence matters. Racist attitudes influence how officers treat victim-survivors, and can result in victim-survivors feeling dismissed, or feeling they are somehow complicit in their abuse.¹¹⁵ The impact of these attitudes on overrepresentation of First Nations peoples in the criminal justice system as victims and offenders is outlined in more detail in Chapter 14.

CULTURAL CAPABILITY

In addition to a failure to respond appropriately to incidents of overt racism, the evidence before the Commission demonstrates that the QPS has not sufficiently prioritised developing the cultural capability of the organisation. As a result, QPS officers, at times, lack cultural awareness, leading to police responses involving First Nations peoples and People of Colour which do not always meet community expectations. One QPS member told the Commission:

Racism is alive and well within the QPS. It is seen, heard and felt amongst its members and embedded within the systems, procedures and policies that the organisation operates within. This makes it impossible for any genuine, authentic and purposeful engagement across its Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse Communities across this state. This includes the area of DFV. There are many instances where Torres Strait Islander Police Liaison Officers have had to deal with DFV, with very limited and lack of support from the QPS. But, it is not just limited to TSIPLD's, its also felt across the whole of the QPS PLO cohort.

I know from my experience that DFV is not advocated or represented with [sic] within the QPS and its internal reporting systems, which fails our Indigenous and CALD community. It has created a lack of trust and faith in the organisation. There is 'a complete lack of cultural awareness' to support appropriately supporting and developing authentic cultural capability.¹¹⁶

The Commission is concerned about the way that the QPS leadership has failed to respond appropriately to racism within the QPS, as well as the lack of investment in, and the under-utilisation of, existing resources such as the First Nations and Multicultural Affairs Unit, the First Nations Reference Group and Police Liaison Officers.

The Police Commissioner gave evidence on 6 October 2022 at which time she described the August 2020 meeting with First Nations members of the QPS about their experiences of racism within the organisation in the following way:

It was an important meeting, and it was extraordinarily moving.¹¹⁷

... what it did to me was cause me grave concerns.¹¹⁸

However, it appears that no action was taken to support these members following this meeting. Only a month later the Police Commissioner made her statement to the media that *"we are in no way racist"*.¹¹⁹

QPS members told the Commission that better leadership is required to confront the issue of racism in the organisation. A Police Liaison Officer told the Commission:

The Commissioner is out of touch with what is happening. The Executive leadership team is out of touch with what is happening at the ground level. They get their information to make them look good, none of the bosses want to criticise when reporting information upwards. Nobody wants to rock the boat; they don't want to be in the bad books.

The bosses come to us when the problem goes out of hand, instead of coming to us when the problem is building. They want us to fix things but they don't include us in meetings, they don't include us in responses, they don't include us in conversations.¹²⁰

THE QPS FIRST NATIONS REFERENCE GROUP

The QPS established a First Nations Reference Group in September 2021 to provide advice to the Police Commissioner about police practices and First Nations communities, and inform QPS strategic decision-making, understanding, and relationship building.¹²¹

The Commission commends the development of the First Nations Reference Group as a valuable initiative to ensure that the QPS is well-informed about the issues impacting police relationships with First Nations communities, and consequently is best able to make suitable strategic decisions.

Unfortunately, there has been a lack of action and transparency from QPS leadership, resulting in delayed meetings and a failure by the QPS to progress the status or work of the group in any meaningful way.¹²² The QPS leadership has also failed to engage with the Group in a transparent and respectful way. When questioned by the Group about this, the QPS advised that difficulties had been caused by QPS staff changes and the ongoing finalisation of the membership of the Group, causing significant confusion for the Group as it had received confirmation of their membership three months earlier.¹²³

The QPS also made a number of inaccurate statements about the Group, including that it was not properly representative and that there had not been a proper selection process.¹²⁴ The material obtained by the Commission demonstrates this was not correct.¹²⁵ There was an open selection process including a nominations process and candidate interviews. As the Police Commissioner accepted in her evidence,¹²⁶ the Group is a representative and diverse group, from areas covering most of Queensland, and includes academics, leaders and respected community members.

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships told the Commission that, in March 2022, the QPS sought advice about the process for properly establishing the Group.¹²⁷ It appears the Department gave advice about what might constitute 'best practice'¹²⁸ but there is in fact no standard government-wide recruitment and selection process for an advisory group.¹²⁹ While it appears 'best practice' was not followed when the Group was established six months earlier, the process conducted by the QPS is, in the Commission's view, adequate. This advice, sought belatedly, is not justification for failing to meaningfully engage with the Group to date.

Since the Police Commissioner's evidence on 6 October 2022, the Commission has been advised that a further First Nations Reference Group meeting is scheduled to occur in November 2022.¹³⁰ Genuine engagement by the QPS with this Group should be encouraged and continue.

The role of the Group should be strengthened to ensure they are best supported to provide strategic advice to QPS leadership. There should be a mechanism by which the Executive Leadership Team receives information and advice from the Group in a timely way, and the Group should be supported to provide advice to the leadership in a meaningful way. The Commission makes recommendations regarding the support and utilisation of the First Nations Reference Group at the end of this chapter.

STRATEGIC PLANS AND CULTURAL CAPABILITY

In addition to elevating the role of the First Nations Reference Group, the QPS can embed cultural capability and intelligence through processes such as a Cultural Capability Plan and a Reconciliation Action Plan. With meaningful commitment, plans such as these can assist in enhancing and prioritising cultural capability across the organisation, especially when linked with the organisation's Strategic Plan and Operational Plan. The QPS developed a Cultural Capability Plan in May 2021 which includes a number of initiatives and performance indicators but does not include any timeframe for achievement. Additionally, there are minimal cultural capability priorities in the 2022-2023 QPS Operational Plan.¹³¹

The QPS has not developed its own Reconciliation Action Plan despite this being considered beneficial by the First Nations and Multicultural Affairs Unit.¹³² The Unit recognised the importance of a QPS-specific Reconciliation Action Plan, and how this would contribute to the current organisational Strategic Plan, and reflect similar initiatives undertaken by other Australian police services.¹³³ The Unit noted that a QPS Reconciliation Action Plan would provide an opportunity for the QPS to partner and meaningfully engage with First Nations communities, and that without a Reconciliation Action Plan other QPS actions may appear tokenistic.¹³⁴

The Police Commissioner said in her evidence on 6 October 2022 that she had not been briefed on the benefits of a Reconciliation Action Plan but that she would support the development of such a plan if it were recommended.¹³⁵ The Commission considers it would be appropriate for the QPS to have a Reconciliation Action Plan and makes a recommendation to that effect at the end of this chapter.

THE QPS FIRST NATIONS AND MULTICULTURAL AFFAIRS UNIT

It would appear that some of the difficulties with progressing the First Nations Reference Group, and the development of other initiatives such as a QPS Reconciliation Action Plan, have been associated with, at least in part, governance, capability and capacity issues within the First Nations and Multicultural Affairs Unit, which sits within the Communications, Culture and Engagement Division.¹³⁶

A recent review of the Division, ordered by the Police Commissioner, found the Unit was *"neither well organised, nor structured, nor governed well, nor has good capacity or capability"*.¹³⁷ In reality, the Unit faces similar challenges to those encountered by the Domestic, Family Violence and Vulnerable Persons Command outlined in Part 2 of

this Report.

The Unit was established in 2020. It is comprised of two portfolios that operate alongside each other: First Nations and Multicultural Affairs. There are staff responsible for the coordination of Police Liaison Officers, the recruitment of First Nations officers and matters of governance.

The Commission separately interviewed 12 members of the Unit in September 2022. It was apparent from these interviews the members were hard-working, dedicated, and passionate.¹³⁸

The Unit's capacity to meaningfully enhance the cultural capability of the QPS is hampered by a lack of strategic direction, under-resourcing and staffing uncertainty. Seventy per cent of the Unit's staff are employed in temporary positions, impacting the ability to build both internal and external relationships.¹³⁹ Inspector Jacquelin Honeywood told the Commission:

So a lot of the work that we do within the unit, the portfolios, is it's a long-term strategy, it's a long-term planning. Cultural capability can't be enhanced overnight. So it's about building those relationships, and building relationships internally and externally takes time and trust. If you've got a continual turnover of staff, which we tend to in certain positions, it's really difficult to maintain those consistencies in relationships. So I think I'm on to my fifth superintendent, acting superintendent in charge of the unit, and it's a complex space as it is. So then each time a new person comes in they bring a different perspective and a different investigation and then, you know, it all sort of starts again. So very difficult to maintain relationships when you've got this constant revolving door of people.¹⁴⁰

Concerns were raised about the consolidation of First Nations and Multicultural portfolios within one Unit.¹⁴¹ The cultural considerations for First Nations peoples and their ownership of and connection to this country, as well as specific and significant reporting obligations that relate only to First Nations matters, mean that, despite a shared strategic focus on community engagement, the nature and focus of the work done by these two portfolios is very different.¹⁴²

The Commission considers that it would be appropriate to have a separate First Nations Unit and a Multicultural Affairs Unit, rather than separate portfolios within a single Unit and makes a recommendation to this effect at the end of this chapter. The Police Commissioner indicated support for this in her evidence on 6 October 2022.¹⁴³

Additionally, further consideration must be given to the staffing of these Units. The First Nations Network¹⁴⁴ ran a recent 'Nothing About Us Without Us' campaign to remind the QPS and its members that First Nations voices need to be involved in all strategic matters relating to First Nations peoples and communities. The Commission is aware that there are only a limited number of First Nations peoples in the Unit. Multiple QPS members raised this concern with the Commission.¹⁴⁵ Only one position is an identified First Nations position.

Of the 12 staff members who spoke with the Commission, four told the Commission that they identify as a First Nations person.¹⁴⁶

It is important that the QPS prioritises the proper structuring and staffing of the First Nations Unit so it can work effectively to address racism in the QPS, enhance cultural capability, and progress initiatives to improve relationships between the QPS and First Nations communities. The Commission makes recommendations regarding the First Nations Unit at the end of this chapter.

In her evidence, the Police Commissioner agreed that strengthening the Unit was important *“so that any issues of racism within the QPS can be appropriately addressed moving forward.”*¹⁴⁷

FINDINGS

- **Racism is a significant problem within the Queensland Police Service. It manifests in discriminatory behaviours directed towards First Nations employees, employees from other cultural backgrounds and members of the community. Such behaviours are a breach of their human rights.**
- **The Queensland Police Service has not consistently dealt with racist conduct in an appropriate manner. When the organisation’s response does not send a clear message that racism will not be tolerated, it fails the members who suffer as a result of the conduct, and fails its membership as a whole.**
- **The Queensland Police Service has not consistently provided a culturally safe workplace for First Nations employees.**
- **The Queensland Police Service has not sufficiently prioritised the development of cultural capability within the organisation. As a result, Queensland Police Service responses, at times, lack cultural capability which leads to responses that do not meet community expectations.**
- **The First Nations Reference Group has the potential to perform an important function in providing expert advice to the Queensland Police Service to assist in improving the cultural capability of the Queensland Police Service and its relationships with First Nations communities. Its role should be strengthened, and there should be a mechanism by which the Executive Leadership Team receives timely information about the Group’s advice to the Queensland Police Service.**
- **The First Nations and Multicultural Affairs Unit has the potential to play an important role in enhancing the cultural capability of the Queensland Police Service, however the Unit’s effectiveness has been constrained by structural and resourcing limitations. As a result, it has been unable to provide the strategic direction necessary to drive improvements in cultural capability and other initiatives to improve relationships between the Queensland Police Service and First Nations communities.**
- **The development of a Reconciliation Action Plan will assist the Queensland Police Service in developing cultural capability.**
- **Strengthening structures aimed at improving the cultural capability of the organisation is likely to address racism within the Queensland Police Service as well as lead to more culturally appropriate responses to domestic and family violence.**

RECOMMENDATIONS

Recommendation 44

Within six months, the Queensland Police Service establish an additional complaint code to explicitly capture complaints involving allegations of racism.

Recommendation 45

Within three months, the Queensland Police Service elevate the role of the First Nations Reference Group by requiring that:

- the Group be co-chaired by a member of the Queensland Police Service and one of the community members of the Group and meet regularly but no less than every three months
- members of the Group report any issues identified by or reported to them to the Group at each meeting
- the Group discuss those issues and make recommendations about matters the Queensland Police Service should consider in order to enhance police responses to First Nations peoples and communities, including in relation to domestic and family violence in Queensland
- the Queensland Police Service member report on those recommendations and any actions taken to the Executive Leadership Team after each meeting
- the Queensland Police Service member advise the group at the next meeting any decisions of the Executive Leadership Team made supporting their recommendations and actions
- the terms of reference for the Group be confirmed
- an initial action plan be developed.

Recommendation 46

Within 12 months, the Queensland Police Service separate the First Nations and Multicultural Affairs Unit into two distinct and standalone units.

Recommendation 47

Within 12 months, the Queensland Police Service establish the First Nations Unit as a permanent organisational unit with current staffing positions transitioned to permanent, including designating First Nations identified positions, and resourcing levels reflective of its current and future role.

Recommendation 48

Within 12 months, the Queensland Police Service make explicit its commitment to culturally safe policing by:

- developing a Reconciliation Action Plan with input from the First Nations Reference Group, and the Queensland Police Service First Nations Unit
- ensuring a direct link is made within the Queensland Police Service strategic and operational plans to the Reconciliation Action Plan commitments.

HUMAN RIGHTS CONSIDERATIONS

Creating a new complaint code to recognise racist behaviors will help promote the human rights of victim-survivors and First Nations members who may be subject to racism, including cultural rights (s28 HRA) and the rights of recognition and equality (s15 HRA).

The cultural capability of the QPS can be improved by strengthening relationships with First Nations peoples and communities and ensuring that structures are in place to support engagement and collaboration. Achieving those improvements will be assisted by the establishment of a First Nations Unit, elevating the role of the First Nations Reference Advisory Group, and developing a Reconciliation Action Plan. This will engage and promote the human rights of First Nations peoples including their recognition and equality before the law (s15HRA) and cultural rights (s28HRA).



14 Impacts of cultural issues

The Commission was tasked with considering how the cultural issues it identified in QPS responses to domestic and family violence contribute to the overrepresentation of First Nations peoples in the criminal justice system.

As discussed in Part 3 of this Report, the Commission identified sexism and misogyny, negative attitudes towards domestic and family violence and a cultural aversion to responding to domestic and family violence within the QPS. The Commission also found continued failings in the QPS response to these issues.

As discussed in the preceding chapter, the Commission found that racism is also a significant issue within the QPS. A lack of cultural awareness among its officers also hampers its response to domestic and family violence.

The Commission recognises that a person's experiences of domestic and family violence may be compounded by intersections of oppression or privilege in gender, age, race, disability, sexual orientation and gender identity, geographical location, language, employment and education.¹⁴⁸

These intersections inform how victim-survivors respond to their experiences of domestic and family violence and how they engage with police. As Dr Heather Nancarrow of Monash University explained in her research:

A racially marginalised woman does not experience the barbs of sexism, merely as a woman; nor does she experience the barbs of racism, merely as raced. The shape of the barb and the harm it inflicts are produced within simultaneous multiple factors that are gendered, racialised, and classed and mutually constitute her identity and experience.¹⁴⁹

This chapter examines how the intersection of various cultural attitudes and practices within the QPS combine with systemic inequalities to contribute to the overrepresentation of First Nations peoples in the criminal justice system at every stage of a domestic and family violence investigation.

As discussed briefly below, these issues are compounded for First Nations peoples by an increasing focus on criminal justice system responses to domestic and family violence following recent changes in legislation, policies and practice in Queensland.

UNINTENDED CONSEQUENCES OF A STRENGTHENED CRIMINAL JUSTICE RESPONSE

Over the past 10 years, there has been a growing policy focus on strengthening the criminal justice system response to domestic and family violence to better protect victim-survivors and their children, and hold perpetrators accountable for their use of violence.¹⁵⁰

However, this focus has also directly contributed to the increasing overrepresentation of First Nations peoples within the criminal justice system. Dr Nancarrow told the Commission that, "*the quasi-criminal Domestic and Family Violence Protection Act 2012 (DFVPA) is a significant pathway to the criminal justice system for First Nations people*".¹⁵¹

Indeed, when the *Domestic and Family Violence Protection Bill 2011* was introduced in Queensland it recognised that increased criminalisation of domestic and family violence can be counter-productive and have a range of unintended consequences, including preventing victims from seeking help and/or creating further disadvantage.¹⁵²

This policy focus has been driven by reforms associated with the Special Taskforce on Domestic and Family Violence (2015) which concentrated on strengthening police and justice responses to domestic and family violence through:

- the introduction of a new offence of strangulation and suffocation¹⁵³
- increasing the maximum penalties for breaching Protection Orders¹⁵⁴ and Police Protection Notices¹⁵⁵
- extending the minimum period of the operation of Protection Orders to five years¹⁵⁶
- expanding the scope of Police Protection Notices.¹⁵⁷

Further changes included that the QPS developed and implemented a strategy to increase criminal prosecution of perpetrators of domestic and family violence through enhanced investigative and evidence-gathering methodologies.¹⁵⁸

Notably, the Special Taskforce on Domestic and Family Violence (2015) did not give in-depth consideration to the potential adverse impact of its recommendations on First Nations peoples and communities. Instead, it primarily focused on First Nations peoples residing in discrete First Nations communities and their experiences.

Its recommendations were tailored accordingly and included:

- development of a place-based, culturally appropriate integrated response to domestic and family violence¹⁵⁹
- development and support of an effective local authority model to respond to crime and violence in communities¹⁶⁰
- training for specialised circuit magistrates to be used in areas where a specialist court was not feasible (e.g. rural and remote areas).¹⁶¹

Since the release of the Special Taskforce's Final Report, the Domestic and Family Violence Death Review and Advisory Board (the Board) and coroners have raised concerns about QPS responses to domestic and family violence involving First Nations peoples, in respect of death reviews that showed:

- the devastating consequences for First Nations women identified as respondents and prosecuted for the use of resistive violence¹⁶²
- limited investigation of complaints and a tendency for police to take no action when parties were intoxicated, even with reliable witnesses¹⁶³
- inconsistent pursuits of criminal charges and reliance on Protection Orders, despite extremely violent behaviour by the perpetrator¹⁶⁴
- limited risk assessments and responses to calls for service, and delays in the service of orders which prevented police from charging timely breaches¹⁶⁵
- failure of police to identify Aboriginal and Torres Strait Islander status resulting in a lack of referrals to culturally safe supports.¹⁶⁶

The Board has also found that in some cases police and other services focused on single acts of violence and did not consider the ongoing patterns of control present in a relationship, and consequently failed to take appropriate action to mitigate risks for victim-survivors.¹⁶⁷

In its submissions to the Commission, the QPS acknowledged the issue of misidentification of victim-survivors.¹⁶⁸ Accordingly, the QPS has added training about misidentification to existing domestic and family violence training.¹⁶⁹ It has also amended QLITE to make it easier for QPS members to identify previous domestic and family violence history.

Misidentification was raised in multiple submissions to the Women's Safety and Justice Taskforce in 2021. While the Taskforce's report acknowledged concerns that further criminalising domestic and family violence and coercive control would exacerbate the over-representation of First Nations peoples in Queensland's criminal justice system,¹⁷⁰ it ultimately found that failing to strengthen the legislative response to domestic and family violence would not meaningfully address the overrepresentation of First Nations peoples in the criminal justice system.¹⁷¹ Instead, direct action against the drivers of overrepresentation was needed as part of any legislative reform against coercive control.¹⁷² The Taskforce identified racism and discrimination,¹⁷³ and the ongoing impacts of colonisation and intergenerational trauma, as key considerations in the rates of First Nations peoples subject to Protection Orders.¹⁷⁴

The Women's Safety and Justice Taskforce recommended the establishment of a dedicated strategy for First Nations peoples in contact with the criminal justice system to address the issue of overrepresentation.¹⁷⁵ It also recommended strategies to increase community awareness of coercive control,¹⁷⁶ and investment in culturally safe and capable services that provide support and choice to First Nations peoples.¹⁷⁷

STAGES OF AN INVESTIGATION

This section specifically examines how police responses to domestic and family violence contribute to the overrepresentation of First Nations peoples in the criminal justice system. The analysis that follows builds on the understanding of colonisation, racism and the lack of cultural capability among police discussed in the previous chapters.

Contact with police at each stage of an investigation represents an opportunity to work towards achieving strong protective outcomes for victim-survivors and their children (see Figure 36). However as discussed in Part 1 of this Report, this contact can fall short of community expectations and at times be inadequate. This is especially so for First Nations peoples and communities.

INITIAL REPORT

- First Nations women may avoid making a report of domestic and family violence to the QPS due to mistrust, previous negative experiences with police, the risk of child safety involvement, and fears of arrest and death in custody.
- This means that by the time First Nations women seek help from police it is likely they have endured abuse for an extended period of time and the violence has significantly escalated.
- Some victim-survivors reported that they do not feel heard or believed and that their experiences of violence are minimised by police. Some First Nations women feel they are treated differently because of their race.
- Negative experiences of reporting (such as dismissal, victim blaming or criminalisation) can lead to a reluctance by victim-survivors to call for help even when their safety is at immediate risk.

THROUGHOUT AN INVESTIGATION

- There are significant community concerns that police use domestic and family violence laws and Protection Orders inappropriately for violence which is not intended to exert control over another (e.g. resistive violence).
- Police also have an incident-based response that does not consider the broader pattern of power and control in a relationship.
- Police may often be influenced by ‘ideal victim’ stereotypes. The use of resistive violence by First Nations women to protect themselves or others is often misinterpreted as them being aggressors, or it can result in the misconception that the violence is ‘mutual’.
- Misidentifying power dynamics and the person most likely to use violence in the relationship can isolate victim-survivors, placing them at risk of systems abuse and impact their willingness to involve the police in the future.

TAKING ACTION

- First Nations women are over-policed as police-assessed respondents and under-policed as victim-survivors.
- In some circumstances, police responses to First Nations peoples may be harsher or disproportionate to interventions for non-First Nations people. While individual situations vary, it is more likely that a call for service involving a First Nations person will result in a Police Protection Notice or an application for a Protection Order.
- Police may also apply for Protection Orders with onerous conditions which are impractical to comply with or they do not tailor orders to meaningfully enhance safety. This makes compliance difficult and increases the likelihood of contraventions.
- Police use of cross-applications or cross-orders may be indicative of a lack of understanding of the dynamics of domestic and family violence and a lack of cultural capability.

COURT PROCEEDINGS

- Police can discourage parties from attending court with comments such as, “*you don’t need to attend court*”.
- When applications for Protection Orders are heard without the parties present, the risk of contraventions increases. A greater understanding of an order, particularly one placing restrictions on contact and movement, decreases risks of unintentional breaches.
- When parties are not in court to hear about the conditions on a Protection Order, police officers must provide a full and clear explanation of the meaning of the order. This relies on an officer’s cross-cultural communication skills.
- In locations where there is no permanent court, there can also be long periods of remand in custody for people awaiting court dates.
- At times, a defendant’s decision to plead guilty to charges is influenced by long remand periods stemming from infrequent court sittings and an inability to obtain bail (because of a person’s lack of housing, previous history etc).
- Many of these issues are compounded by a lack of funded legal representatives.

Figure 36: Summary of issues with the QPS response at different stages of a domestic and family violence related investigation

INITIAL REPORT

The Commission heard that many First Nations women feel that police respond to them differently because of their race. Submissions and evidence received by the Commission reported that First Nations women are not believed, their disclosures of the violence they have experienced are minimised, or police misidentify them as perpetrators.¹⁷⁸ The North Queensland Women's Legal Service submitted to the Commission:

Women report being brushed off by police and made to feel foolish if they seek help.¹⁷⁹

The Commission heard many examples of reports from First Nations women being minimised or dismissed, including the following examples provided by a QPS Intelligence Assessment of domestic and family violence in the Mount Isa District:

CASE STUDY: YOLANDA'S EXPERIENCE

In February 2022, police attended a call for service where Richard, a First Nations man, was seen yelling and screaming at his partner Yolanda, a First Nations woman, before punching her in the face. Richard attempted to punch Yolanda a second time, but she had moved, resulting in Richard punching the wall instead. When police arrived, Richard told them he had been upset because he believed Yolanda was cheating on him. Richard admitted to punching Yolanda and attempting to punch her again. The police logged this event as "DV-Other Action" and the officer stated there was insufficient evidence for a Protection Order or to charge Richard with a criminal offence. The officer did not request any scenes of crime photographs for the damage or Yolanda's injuries and did not take a statement from Yolanda or any witnesses. The officer also did not request ambulance assistance or offer to transport Yolanda to hospital for medical treatment.¹⁸⁰

CASE STUDY: LISA'S EXPERIENCE

In March 2022, First Nations woman Lisa received text messages from her ex-partner Michael threatening her. Lisa felt these were serious, and plausible, so she reported them to police. Police recorded this as "DV-Other Action" because the threats were made by phone and not in person, and there had been no other recorded physical violence or property damage. There is no record of police attempting to speak with Michael to assess his ability to carry out any of the threats made.¹⁸¹

The Commission also heard that when First Nations victim-survivors did contact the police for help, they were frequently referred to as uncooperative or unwilling to work with police.¹⁸²

First Nations victim-survivors often seek immediate protection from critical harm, while simultaneously mistrusting the police response, the consequences of a legal intervention, fear of death in custody and fear of child safety's involvement.¹⁸³

The experience of victim-survivors not being heard or believed by police is not unique to First Nations women, however the Commission recognises that these issues are compounded for First Nations peoples experiencing domestic and family violence because of existing social and structural inequalities. The Queensland Sentencing Advisory Council reported in 2021 that underlying factors stemming from the impacts of colonisation, dispossession, genocide, racism and the large-scale removal of children all increase risks of both trauma and vulnerability to using or experiencing violent behaviour associated with trauma.¹⁸⁴ The report outlined that:

Situational factors created by being pushed to the margins of society such as unemployment, poor housing, and a lack of culturally appropriate social supports can also contribute to high levels of conflict and violence.¹⁸⁵

In its submission to the Commission, the Institute for Collaborative Race Research said:

Aboriginal and Torres Strait Islander women 'are victimised at alarmingly high rates compared with the wider community'. This fact should elicit particular care and concern from the QPS for these women's experiences.¹⁸⁶

The following case study from the Domestic and Family Violence Review and Advisory Board demonstrates the extreme consequences that can result when police fail to understand why First Nations peoples may delay contacting police:

CASE STUDY: AMANDA'S EXPERIENCE

Amanda was a 39 year old First Nations woman, who lived with her partner John. John was convicted of manslaughter after Amanda died following a sustained physical assault. They had separated and reconciled multiple times over ten years and had most recently reconnected a few months prior to Amanda's death. John had also spent time in custody for multiple contraventions of a Protection Order made to keep Amanda safe and had Protection Orders against him from other relationships.

Police had responded to multiple domestic and family violence calls for service involving the couple. Two years prior to Amanda's death, John had held Amanda hostage over two days and assaulted her repeatedly, resulting in serious injuries.

On the afternoon of the homicide, Amanda and John had been drinking before John carried Amanda into their room. Amanda's Aunt, Cheryl, was also present. Cheryl overheard what sounded like John slapping Amanda and pushing her head into the wall repeatedly. Cheryl knocked on the bedroom door and called out for John to stop multiple times. John would not let her into the room to check on Amanda. Cheryl could hear Amanda calling out "oh leave me alone" and "I am sore". After several hours Cheryl decided to call the police as she still could not get into the room and Amanda was no longer calling out.

Cheryl phoned Policelink and told them that her niece was living with a man who had been violent in the past, and that he was now bashing Amanda's head against the wall and he had not let her in when she had asked him to stop, and that she herself was scared of him. Cheryl asked for someone to come and help quickly.

When Policelink connected the call for service to the Police Communications Operator, they described "*she's just reporting a domestic disturbance there in her unit, um her niece feels in danger with another male person.*" When connected, Cheryl told the operator that she did not know if Amanda was conscious as Amanda had been screaming out for help but had now stopped.

The police did not attend for a number of hours, and Amanda was dead when they arrived.

The State Coroner examined the police response at inquest. As part of the coronial investigation, the operator said she understood Cheryl's concern that Amanda may be unconscious, but that the noise Cheryl had heard could have been a fist on the wall, or some furniture, and not necessarily Amanda's head. The operator was also confused as to why Cheryl had waited so long to call the police if she really was concerned. The operator acknowledged she should have called an ambulance but did not think of it at the time as there was no confirmation Amanda was injured. The operator said that as the assault had been going on for so long that it almost appeared police were required to do a welfare check, rather than an urgent response.¹⁸⁷

The Commission also heard concerns that police behave differently when responding to domestic and family violence in relationships where one person is First Nations and the other person is not.

The Commission was provided with the following case study from Sisters Inside and the Institute for Collaborative Race Research:

CASE STUDY: WENDY'S EXPERIENCE

Wendy was a First Nations woman who was in a relationship with a non-First Nations man. Wendy told her support organisation "*The fighting got so bad that I started calling the police – in total 17 times. We both ended up taking out DVOs on each other. I would be the one who was taken away or ordered to leave every time the police came because it was his house. They would always chat to him like he was a mate and would always take his side of the story over mine. A constable once said to me "if you don't stop making these calls, you'll end up in jail"*".¹⁸⁸

As well as examples of under-policing domestic and family violence involving First Nations women, the Commission also heard evidence of the over-policing of First Nations victim-survivors.

A NOTE ON OVER-POLICING AND UNDER-POLICING

While over-policing and under-policing may seem like contradictory terms this is not the case. Generally speaking, they refer to the differential actions that police may take when responding to First Nations peoples as victims or offenders.

Over-policing is a term used to describe police responses that are identified as discriminatory, unfair or oppressive, and that are not taken with non-First Nations peoples or communities. For example, this may include targeted operations in communities where there has been no call for service.

Under-policing is used to describe a lack of response by police which is identified as discriminatory, unfair or oppressive, and is not the approach taken with non-First Nations people or communities. This may include a failure to respond to multiple domestic and family violence related calls for service involving a First Nations person or First Nations peoples.

In relation to under-policing and over-policing of First Nations women, Dr Strakosch of the Institute for Collaborative Race Research explained:

While it might seem like there's a contradiction between people talking about the lack of police response to domestic violence and then talking about the over-policing and the criminalisation of Indigenous women, there's actually not a contradiction in our understanding.¹⁸⁹

Dr Strakosch further described that these practices by police contribute to tension between communities and police and result in the differential treatment identified by victims of domestic and family violence. She said:

These under-policing and over-policing of particular types of experiences by Indigenous women all relate to the fact that their status as genuine victims is devalued. So, they are over-policed as perpetrators but they're under-policed as victims, and that is part of the violent structure.¹⁹⁰

The Commission heard of police charging or threatening to charge First Nations victims-survivors with obstruction or assault of police where they either refused to assist with an investigation they did not want to proceed with or wanted to withdraw a complaint.¹⁹¹

Ms Toni Bell, Director of Family Law and Civil Justice Services at Legal Aid Queensland, provided an example to the Commission about experiences in the First Nations community of Woorabinda (a dry community):

Police will often charge a female aggrieved/ respondent to a cross-application with possession/consumption of alcohol which has the effect of deterring women from reporting [domestic and family violence]. Often consuming alcohol with the respondent is the safer option for these women.¹⁹²

The submission from Dr Emma Buxton-Namisynk at the School of Law, Society and Criminology at the University of New South Wales highlighted a case example where the QPS intervened to rescue a First Nations victim-survivor held captive by an abusive man, but then arrested her on outstanding warrants.¹⁹³

The Commission understands that the police hold a duty to uphold and enforce laws. However, when First Nations victim-survivors are dismissed or even criminalised when seeking police help, their mistrust in police is intensified, which can leave victim-survivors feeling abandoned and less likely to call for police assistance when their safety is at risk in the future.

The Aboriginal and Torres Strait Islander Women's Legal Service, North Queensland provided the Commission with the following example of the over-policing of a First Nations woman:

CASE STUDY: NANCY'S EXPERIENCE

Nancy, a First Nations woman, sought support from police following an assault by her partner. Nancy had been assaulted a number of times by her partner during their relationship, resulting in significant injuries, but had not previously called the police. On this occasion, Nancy's partner

had escalated to choking her until she struggled to breathe. When Nancy got away from him, she grabbed a knife from the kitchen, believing this would deter him from assaulting her again until the police arrived. Nancy did not threaten him with the knife or use it against him in any way. There is nothing to indicate police reviewed their records of Nancy's partner which showed an extensive history of violence against women. The police accepted his version of the events. Nancy was bleeding and had visible bruises to her body. Police did not interview any witnesses. The police arrested Nancy and applied for a Protection Order against her. This application was eventually withdrawn, and an order protecting Nancy was taken out. However, the experience of not being believed, dismissed, arrested, detained in police custody, and subjected to a lengthy court process by police was both traumatising and dehumanising for Nancy.¹⁹⁴

Ms Andrea Kyle Sailor, a Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, spoke of the barriers created by police when First Nations women turn to police for assistance. She said:

Police election to close the station during business hours is increasingly becoming a frustration in community. For example, in June 2022, a young woman went to report a domestic violence incident. The police refused to open the door to take a statement and sent her away to report it to Police Link. This woman did not have credit on her phone and struggled with literacy, so reporting was a huge barrier once she was turned away for no reason. In the end, she abandoned the idea of reporting the violence, as she felt [it] was easier to risk going home to an unsafe environment instead of working with Palm Island police.

On the same day, a male attended the police station to make a report and was let in.

This experience of police picking and choosing when they respond based on the individual in front of them is further accentuating a mistrust in police.¹⁹⁵

By the time First Nations victim-survivors do seek support from police it is highly likely they have endured abuse for an extended period of time and that the violence has escalated significantly.¹⁹⁶ As a result, police are often responding to First Nations victim-survivors at a crisis point, where there is an increased likelihood of resistive violence being used.

Poor police responses at this initial stage exacerbate the historical distrust of police and mean First Nations victim-survivors may not reach out again, or delay until they have no other option.

DURING AN INVESTIGATION

Police have an obligation to respond to a report of domestic and family violence when it is made to them. It is critical that they take the necessary steps to gather sufficient evidence to inform the most appropriate actions to take, and who the person most in need of protection is.

The Commission heard concerns about the issue of police using domestic violence laws and Protection Orders for acts of violence and aggression which, on balance, are not acts of domestic and family violence.¹⁹⁷ This can result in people facing inappropriate interventions. As Dr Nancarrow told the Commission:

We have a problem where the situations that have nothing to do with power and control in relationships are being caught up in the [domestic and family violence] legislation, largely due to this problematic definition and a whole range of other cultural and practice issues.¹⁹⁸

Police may take a formulaic approach in responding to domestic and family violence events where they only consider whether an act of violence has occurred and whether there is a relevant relationship.¹⁹⁹ This does not facilitate consideration of the patterns of power and control within the relationship, and which party poses the greatest risk of perpetrating future violence, or even if there is a risk at all. It also fails to consider acts of resistive violence, the role of trauma, and can result in misidentification of the person most in need of protection.²⁰⁰

As discussed in Part 3 of this Report, the Commission has found that this approach is influenced by cultural issues within the QPS, including that police feel burnt out and fatigued. The Commission heard that officers:

- feel increasing pressure when responding to domestic and family violence
- feel a sense of futility when responding to domestic and family violence and that their actions do not make a difference
- believe that domestic and family violence is not ‘real’ police work
- are afraid to make a mistake, which is contributing to a culture where officers are taking action to ‘cover their arse’ instead of undertaking a fulsome investigation.

MISIDENTIFICATION AND THE ‘IDEAL VICTIM’

Multiple submissions received by the Commission raised concerns about the misidentification of women as respondents to Protection Orders, particularly where they had used resistive violence or do not present as an ‘ideal victim’. This represents instances of both:

- under-policing (where police do not take the necessary steps to identify the person most in need of protection) and
- over-policing (where police respond to a victim-survivor using resistive violence in a way which is contrary to the intention of domestic and family violence legislation).

The consequences of misidentification are particularly profound for First Nations women.²⁰¹ The Queensland Indigenous Family Violence Legal Service told the Commission that:

The misidentification of offenders occurs for a variety of reasons including lack of cultural awareness, lack of training and either negative stereotypes and/or negative views of the victim-survivor. At QIFVLS, we witness on a weekly basis situations where police have misidentified an offender through a failure to adequately investigate a report of violence, be it sexual or family violence that does not have a sexual component. On several occasions, it has been left to QIFVLS lawyers to undertake the investigative work and raise the clients’ circumstances in the Magistrates Court thus forcing a reconsideration of the client’s circumstances.²⁰²

Police misidentification of First Nations women as perpetrators of domestic and family violence is attributed to two key issues: stereotypes regarding victims, and the increased likelihood of First Nations women relying on resistive violence including use of a weapon to overcome disparities in physical strength.²⁰³

Stereotypes held by police that First Nations women are just as violent as men indicate an ongoing failure by police to understand women’s use of force, particularly in the context of prolonged victimisation experiences.²⁰⁴ Without a nuanced understanding of the dynamics of domestic and family violence and key risk indicators, police will continue to assess domestic and family violence related calls for service as isolated events, thereby greatly elevating the risks of incorrectly identifying who is posing the risk and who is in need of protection.²⁰⁵

The incorrect identification of a victim-survivor as a respondent and the perpetrator as an aggrieved can elevate risk and isolate the victim-survivor from legal and crisis support pathways if they lose confidence that the police will accurately respond.²⁰⁶ They may also face criminal charges and convictions associated with contraventions of Protection Orders when police respond to further episodes of violence and mis-assess the risks and dynamics.

The Commission received the following case example from the Institute for Collaborative Race Research which demonstrates the impact of misidentification:

CASE STUDY: SAMANTHA'S EXPERIENCE

When Samantha, a First Nations woman, and her partner Bradley separated, Bradley returned to collect his property and physically assaulted her. He held Samantha against a wall with one hand around her throat and one arm across her body. Samantha's sister and another person were there, and her sister called the police. The police attended and supervised Bradley collecting his things but did not take any action to protect Samantha. The police told Samantha that it was all sorted and that Bradley was not pressing charges.

Samantha felt shocked and told the police that Bradley had attacked her, but the police dismissed her concerns and left. Two days later Bradley was still sending abusive text messages, and Samantha had developed visible bruises from the assault. Samantha went to the police station asking for the police to take out a Protection Order and charge Bradley for the assault. She showed the police officer the text messages, who told Samantha there was little she could do as the officers who had responded to the assault had listed her as the aggressor as Bradley had told them she had refused him access to the apartment, and that Samantha had been to prison.

The officer looked at Samantha's bruising on her neck and told Samantha that it was Bradley's word against hers and that Bradley had no criminal history. The officer told Samantha that if Bradley pressed charges it may affect Samantha's suspended sentence, and advised her they could not do anything further. Samantha decided she would never go back to the police for help again, despite the high risk Bradley posed to her, because the police had shown that they would not believe her.²⁰⁷

Police biases regarding victim-survivor presentation detrimentally impacts their capacity to assess First Nations women as victim-survivors.²⁰⁸ As also discussed in Part 3, the Commission heard that stereotypes relating to the 'ideal victim' are founded in the belief that a victim-survivor will welcome police help, be passive, be submissive and want to leave the relationship.²⁰⁹ The North Queensland Women's Legal Service explained:

When police attend at incidents [First Nations] women can be in a heightened state due to the violence just perpetrated against them, which is usually compounded by long histories of domestic violence. In this state, these women can remonstrate loudly with officers (be 'mouthy' when

expressing their frustration. [First Nations women] can also be argumentative in their interactions with officers if they have a distrust of police built from previous encounters. Nearly always, these women are long term sufferers of domestic violence and have fought back or have come to the end of their tether and lashed out in frustration, using a level of violence against their attacker.²¹⁰

Dr Nancarrow also explained:

A lack of cooperation with police and resistance to police intervention is likely to be interpreted as a lack of 'victimhood'.²¹¹

In her expert report to the Commission, Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute and Griffith Centre for Mental Health, Griffith University, confirmed the link between the misidentification of First Nations women and the stereotype of the 'ideal victim'. Professor Meyer gave evidence at a hearing that the policing of domestic and family violence among First Nations peoples in Queensland often appears to be marked by stereotypical police perceptions of an ideal victim:

Police responses to the experiences of marginalised women, including Aboriginal and Torres Strait Islander women continue to be marked by a lack of ability to identify the person most in need of protection once women do not present as vulnerable, articulate and compliant. It further suggests that police attitudes are shaped by persistent misconceptions that women using force 'give as good as they get' and do not require the same level of protection as women who present as vulnerable during police interaction. Finally, it highlights the lack of holistic and trauma informed police responses to victim survivors who present with complex needs and have often previously been failed by different service responses, including police, child protection, health (including mental health) and other service responses.²¹²

The reluctance First Nations victim-survivors have to engage with police means that by the time police do become involved, the violence is likely to have significantly escalated.²¹³ Additionally, research indicates First Nations women are 34 times more likely to be hospitalised as a result of domestic and family violence than non-First Nations women.²¹⁴ Both these circumstances provide context to why First Nations women are more likely to have taken self-protection measures and used resistive violence as a protective strategy.²¹⁵ The violence they are experiencing is a direct threat to their safety and life.

Dr Nancarrow explained:

Research has indicated that Aboriginal and Torres Strait Islander women are more likely to use weapons, resulting in injury to others. So again, I think [it's] contributing to the prevalence and the overrepresentation of First Nations people in the domestic violence statistics.²¹⁶

Dr Nancarrow also referenced her research into misidentification where she had interviewed a number of QPS officers, including a general duties officer who had made the following comment to her:

I guess that comes back to the fact that we kind of have to look at a lot of incidents mostly in isolation. So, our legislation and our policy basically says that if we believe domestic violence has occurred, someone is a respondent and the aggrieved is in need of protection, then we must take further action in whatever form that is. So, we rock up and someone who was an aggrieved yesterday is a respondent today and has stabbed their partner or something like that. Well, I would suggest that DV's occurred and they're a respondent and the aggrieved is in need of protection otherwise they're going to get a knife in their back. So we do what we need to do.²¹⁷

This following case study from the Domestic and Family Violence Death Review and Advisory Board demonstrates the importance of police understanding the differences between violence used for power and control, and violence used to resist that control:

CASE STUDY: ROSE'S EXPERIENCE

Rose, a 21 year old First Nations woman, had been in a relationship with Dave, a 26 year old First Nations man, for four years. Police had attended a number of occurrences regarding Dave's use of physical violence against Rose, and a Protection Order was made to protect Rose. Police attended another incident a few months later where Dave had beaten Rose with a rock, broken her phone and continued to chase her as she ran away. Rose picked up a chair to defend herself and hit Dave so he would stop.

A year after the assault involving the rock, police attended a further episode of violence. Dave admitted to hitting and kicking Rose, before she had retaliated and hit Dave with a fork in the chest inflicting an injury which required attention. The police took out a Protection Order against Rose and not Dave. There was no indication that the officers reviewed the information available to them on QPRIME of the history of violence.

The police did not include any detail in their application paperwork of Dave hitting and kicking Rose. Dave assaulted Rose a number of other times, however Rose did not call the police again. Records showed that all further calls for service came from family and neighbours, potentially indicating a loss of trust in the police.²¹⁸

North Queensland Women's Legal Service told the Commission of the experiences of many of their First Nations clients which demonstrate how the misidentification of First Nations women during a domestic violence investigation contributes to their overrepresentation in the criminal justice system:

Routinely, [First Nations] women are not listened to and are treated insensitively by officers. They are treated like the problem and not as the vulnerable people they are. So many times, instead of trying to understand the situation and acting to de-escalate and protect these women, police wrongly assume that their use of violence should be categorised as domestic violence. This leads to police protection notices being issued, protection orders being sought, or First Nations women being arrested and charged with contravening orders or other domestic violence offences.

As it is with so many women, First Nations women often do not have the time, resources, reading and writing proficiency, confidence, or emotional energy to contest the making of an order and take a matter all the way to a hearing. We hear that the court process is simply too much to cope with, that there is no point – of course the police will win, that the need to find housing or to care for children is more pressing, or that mental health concerns make it impossible. The fallout is that protection orders are made in circumstances where victims are treated as perpetrators, and further police involvement results in charges that then criminalise these women for trying to survive subsequent incidents of domestic violence.²¹⁹

TAKING ACTION

As discussed in Part 1 of the Report, police can take a number of different steps when responding to a report of domestic and family violence. This includes making a referral to a support service, making an application for a Protection Order and/or pursuing criminal charges for a breach of an existing order or another domestic and family violence related offence.

OVER-POLICING

While it is acknowledged that the circumstance of every case differs, the Commission heard evidence that police responses to First Nations peoples regarding domestic and family violence were often disproportionate to those involving non-First Nations people.

Micah Projects said that this distinction was particularly noticeable in their work with First Nations women who were in a relationship with a non-First Nations person:

If the perpetrator was Indigenous, the police would take firm action to protect the aggrieved, but if the perpetrator was non-Indigenous the police would deem the First Nations woman as the respondent and take action against her.²²⁰

Over-policing of First Nations peoples in relation to domestic and family violence is not limited to First Nations women misidentified as perpetrators. Over-policing also contributes to the overrepresentation of First Nations men within the criminal justice system.

An example of a First Nations man's experiences with over-policing in a remote community was shared with the Commission by a community organisation:

An example of a lack of discretion with respect to overcharging is a recent case where a defendant was found guilty after trial, the victim came onto police grounds to talk to the defendant, and the defendant told her that he had been sentenced to nine months. Despite the police effectively facilitating the contact and despite the man being under the control of officers in hand cuffs he was still charged with contravention of a domestic violence order for breaching no contact. Within a few hours the aggrieved had agreed in writing to allow contact which was an exception under the order placed on him minutes before he was charged with this offence.²²¹

The Commission also heard evidence of police routinely patrolling parts of town where First Nations peoples live, or frequent, in ways that are not observed in other areas.²²² A community organisation told the Commission of the 'daily rounds' police made of the part of town where First Nations peoples were known to sleep rough, and through housing commission precincts.²²³ The Commission was advised that these rounds were not made as a result of a call for service or a disturbance.

A Senior Constable from Mt Isa told the Commission of one location in Mount Isa known as the "riverbed" where this occurred. He stated that:

...it's a regular patrol in relation to I guess public order offences and liquor offences, and it's a public place, it's where a lot of our calls for service attend to. So we patrol it quite frequently to try and I guess fly the flag, speak to people as much as we can, preventing offences of public order and liquor offences. It's a fairly transient location, so we're often looking for wanted persons in and around the riverbed, and as a result of that we do speak to people, we do conduct name checks and discover that, yes, they're in contact with a person they shouldn't be in contact with.²²⁴

Concerns were raised with the Commission that these activities were targeted at First Nations peoples, and contributed to the criminalisation of vulnerable people, without housing, who have limited options of places they can sleep at night.²²⁵

The QPS submitted to the Commission that particular areas can present significant public safety and health concerns and the policing response, as described above, can be a targeted and strategic response to those concerns.²²⁶ While the Commission acknowledges this can be a legitimate police strategy, and one that is not only applied in areas with high populations of First Nations peoples, it is important to ensure that this targeted response remains reasonable and proportionate and does not unnecessarily contribute to the overrepresentation of First Nations people in the criminal justice system. As outlined by the Institute for Collaborative Race Research:

... Aboriginal and Torres Strait Islander victims experience the QPS not as protector but perpetrator. The QPS routinely racially stereotypes these women as criminal and dysfunctional. Rather than being protected from existing violence, they are subjected to new forms of racial violence at the hands of the state – via police assault, charges, stereotyping, disregard, incarceration, and child removal. Naming victims as perpetrators is a form of violence in itself, which directly violates and delegitimises women already suffering harm from [domestic and family violence]...

... for many women, reporting violent crimes does not keep them safe. Police do not prevent violence against women; rather, they become involved after the violence has happened, and then, too often, exacerbate its harmful effects.²²⁷

It is against this backdrop that the Institute for Collaborative Race Research urged a decrease of the authority and resources of the QPS:

Addressing superficial issues of police ‘culture’ will not change their status as perpetrators of violence. Instead, as the Australian Government domestic violence campaign states, we must ‘Stop It At The Start’ and defund the police in relation to [domestic and family violence].²²⁸

The proposition to ‘defund the police’ is generally recognised as the redirection of funds from police to social support community-based programs and services to address the root causes of crime.²²⁹ It stems from “*concerns about both unchecked police violence and growing social inequality*”.²³⁰

Ms Thelma Schwartz, Principal Legal Officer of the Queensland Indigenous Family Violence Legal Service, also told the Commission:

For too long investment has targeted let’s say the correctional response. So you’re at the tertiary end. So once a defendant has passed through the criminal legal system, is processed through the criminal system, and then he’s sentenced. So, there is a lot of focus on our correctional services. But what is lacking with respect is the early intervention right up front, before people actually enter the system. Why aren’t we actually looking at that and addressing the underlying reasons why people come into contact with the criminal legal system in the first place; i.e. housing, poverty.²³¹

The Commission recognises that police cannot be viewed as the only solution for reducing domestic and family violence, and that investments in policing so far have not consistently produced a response that meets the expectations and safety needs of the community, particularly for First Nations peoples. More diverse investment, particularly in the amplification of First Nations voices and involvement, is necessary.

However, other First Nations voices spoke to the Commission about the need for police to play a more active role in the community. For example, the Commission heard from police and service providers on Mornington Island who spoke of community members wanting greater police presence on the island and raised concerns that community safety can be jeopardised without a 24-hour police station.²³² Queensland is a large and decentralised state, which means that there are some regions with no police station at all. Ms Schwartz explained:

Some regions that we service don’t have, like, a police station actually in the region. For example, I believe it’s Mapoon, which is outside of Weipa. Police will travel from Weipa, which is a couple of hours away, to get to Mapoon. Now, that’s accessible very well during the dry season.

However, when the wet season comes that’s inaccessible. So we’ve seen that the lack of an actual police presence can cause problems, especially if people are wanting to actually make – call police.²³³

Another significant challenge faced in remote areas is the operating hours of police stations. Most remote police stations do not operate on a 24-hour basis, and some stations are staffed by only one or two officers. In more isolated remote areas, such as certain areas in the Torres Strait, sworn officers do not maintain a permanent presence and Police Liaison Officers are called upon to fill that gap. While there may be less continual demand for police services in smaller communities even with on-call options available, limited station operating hours contributes to risk for people in remote communities in urgent circumstances outside the staffed times.

Ms Kyle Sailor told the Commission of the limited operating hours of the police station on Palm Island:²³⁴

Normally it’s [the police station on Palm Island] open nine to four I think. It’s closed every day from 12 to one because the receptionist goes to lunch, so it’s not manned by anybody else, it’s not left open. The receptionist is a local. So, if she’s sick nobody is to replace her. If she’s on sorry business, which she was in April this year for a week, the station was closed for the entire week.²³⁵

...So after hours the police station is not open. So the woman has to either ring Triple O, because the police station is not manned, so if you ring the local number for the police station it’s not going to answer. So you have to ring Triple O. Then or alternatively you have to get online and go to Policelink. The week when the police station was closed the – actually I think there was a notice on the door, yes, there was, saying, “Contact Policelink.”²³⁶

Striking the balance between the role of the police service and the role of organisations that, properly funded, can address domestic and family violence in meaningful ways, is not an easy task.

Even though police responses may not always meet community expectations, the Commission recognises the critical role that they play in protecting victim-survivors of domestic and family violence and holding perpetrators to account. This is particularly the case in many rural and remote communities in Queensland where the police may be the only service that is based in communities seven days a week and available to respond when people experience domestic and family violence.

In recognition of this, the Commission does not make a recommendation to divert funding from the QPS. The Commission encourages the QPS to continue to enhance their understanding of and responses to domestic and family violence, and work collaboratively with communities and support agencies to best meet community needs and expectations.

The QPS and QPUE both recognise this need for a whole-of-community approach for responding to domestic and family violence. The QPS noted in its submissions to the Commission that, “*police cannot do this work alone, and a collaborative response with community groups, the social service sector and other government agencies is essential.*”²³⁷ The QPUE, in its final submissions to the Commission, recognised the need for collaborative approaches to domestic and family violence, particularly in rural and remote communities, such as co-responder models and more support services to assist police in engaging with First Nations people.²³⁸ This is discussed in more detail in the following chapter.

IMPRACTICAL OR OVERLY ONEROUS CONDITIONS

In considering the issue of overrepresentation, the Commission does not seek to minimise the seriousness of any breach of a Protection Order. As discussed in Part 1 of this report, contraventions of a Protection Order should not be regarded as a ‘technical breach’. While these types of breaches may seem relatively minor, a failure to take appropriate action by police does not recognise:

- the episodic patterns of abuse exerted by a perpetrator to maintain power and control within a relationship
- the danger it represents to victim-survivors and the potential for any escalation in abuse to be missed
- the need for timely action to ensure that perpetrators are held to account when a breach occurs.

However, issues arise when Protection Orders include impractical or overly onerous conditions which do not reflect the needs of the parties.

For example, throughout its inquiry, the Commission identified a consistent theme of conditions that prohibit contact between a respondent and an aggrieved being imposed in impractical situations. The most common examples were non-contact orders being placed on two people who will have ongoing contact due to a continuing relationship, parenting or care arrangements, or because of the practicalities of living in a small community.

Such conditions can lead to unintentional contraventions of the Protection Order, which in turn contributes to the overrepresentation of First Nations peoples in the criminal justice system. The Aboriginal and Torres Strait Islander Women’s Legal Service explained:

Where infrastructure is poorly developed within a community, women with children face additional difficulties in attempting to raise children single handedly. For First Nations women, cognisant of the trauma of family separation and the impact of inter-generational trauma, there is often a strong family ethic and a fear that they do not want their children to grow up without a father or struggling in a single-parent household. Hence, domestic violence is not necessarily a reason to end a relationship with a partner. *The mantra that is heard time and again is to the effect that “I don’t want the relationship to end. I just want to stop the violence.”*²³⁹

In small or isolated communities conditions requiring that a respondent have no contact with, or not come within 100 metres of, an aggrieved will often, practically speaking, be impossible to comply with. This is particularly the case where accommodation is limited, and families live with each other or in very close proximity to each other. The Aboriginal and Torres Strait Islander Women’s Legal Services North Queensland told the Commission that:

The community [Palm Island] is tight-knit and highly interrelated, and bonds of kinship and social relationships are important and valued. Social life and community events almost inevitably bring parties to a Protection Order into contact with each other, making it difficult to avoid breaching an order with ‘no contact’ conditions, even if acting in good faith. In such circumstances, community values and the limited infrastructure including housing, a police response to domestic violence that focuses on arrests, criminalisation, court processes and incarceration is not a response that takes into account the sociocultural dynamics on the island.²⁴⁰

The problems associated with no contact conditions in First Nations communities were also recognised by QPS members who spoke to the Commission. As Sergeant Costelloe explained:

Most of our breaches in Cunnamulla are made up of non-contact/non-attendance and good behaviour breaches; however, in my opinion some of the “non-contact” conditions is not necessarily workable in those smaller First Nations communities, simply because of the size of the community and the unique nuances of First Nations family relationships.²⁴¹

In a similar vein, Acting Senior Constable Bateman gave the following example:

Two First Nations siblings with a no contact order in place. Due to social dynamics and poverty, you will find First Nations people will become nomadic and move between family’s homes on a regular basis (couch surfing). Within smaller communities it is inevitable siblings will cross paths (hence a breach of their domestic and family violence order).²⁴²

The Commission recognises that police face a difficult balancing act. As a Protection Order is intended to enhance an aggrieved’s safety, consideration must be given as to whether one is required, and how the order will operate.

This is no easy task. Police must have an adequate knowledge and understanding to be able to accurately assess the domestic and family violence dynamics at a point of crisis and determine the best course of action to protect victim-survivors. Their decisions can be better informed by questioning an aggrieved and respondent about housing, finances and co-parenting arrangements.

This information enables police to seek the most appropriate Protection Order conditions for the known risks and provide more relevant referrals. This reduces the risk of breaches occurring because of impractical Protection Order conditions.

The complexity and nuance involved in assessing the balance between safety and practicality demonstrates the need for relevant and contemporary training for all frontline officers. Officers must understand the potential consequences of restrictive conditions, and the impact of Protection Orders on parenting arrangements, housing and community interactions, and how conditions can best operate to enhance victim-survivor safety.

Officers must be able to obtain all this relevant information and convey complex legal information and the implications of Protection Orders to both parties. This requires strong community relationships and skills in cross-cultural communication.

The Commission makes a recommendation for the QPS to strengthen its domestic and family violence training to account for the unique experiences of First Nations peoples and communities at the end of this chapter.

The imposition of onerous or impractical conditions is compounded by the statutory presumption that a Protection Order will be in place for five years, unless the Magistrate is satisfied there are reasons for a shorter duration.²⁴³ In the Commission's view, a five year order may not always be appropriate, depending on a range of situational, relational and social factors. Discretion must always be exercised to reflect the genuine needs of the person in need of protection. The Commission makes a recommendation to amend section 97 of the DFVPA to clarify the Court's discretion in this regard.

There is an increased risk of breaching offences when a respondent is subject to multiple Protection Orders over longer periods of time, coupled with extensive conditions and practical difficulties with compliance. For this reason, police must carefully consider whether the breaches are an indication of risk or, as Acting Senior Constable Bateman identified above, whether they are merely the consequence of life in a small community without signifying any risk.²⁴⁴

Contraventions lead to charges before the courts, where First Nations peoples face additional barriers in accessing bail and securing funded legal assistance. This is particularly the case in rural and remote communities where there are few legal practitioners available and those that are available, may have previously acted for the other party. Breaches of Protection Orders can also have significant ramifications for people who are on parole, such as a return to prison.

COURT PROCEEDINGS

BARRIERS WHICH LIMIT ACCESS TO JUSTICE

Many First Nations peoples who are subject to, or protected by, Protection Orders experience barriers which limit their access to and ability to engage in the legal processes that determine whether an order is made, or the conditions attached to the order. This is not an issue that is exclusively experienced by First Nations peoples, however evidence before the Commission showed that these barriers disproportionately affect First Nations peoples, particularly in remote and rural Queensland.

These barriers to justice were reported to the Commission by Community Justice Groups, community and legal organisations and QPS members, particularly police prosecutors.

The Commission was impressed with the dedication of the police prosecutors who gave evidence before the Commission. The workload of police prosecutors, particularly when attending circuit courts which service remote communities, is enormous.

As discussed earlier, it is troubling that police sometimes tell aggrieveds and respondents that they do not have to attend court. This is particularly concerning in remote communities where Protection Order conditions may be onerous or impractical and not enhance safety. When parties are not encouraged to engage in the legal process, orders may be made in their absence. As Mr Karl McKenzie, Chairperson for the Townsville Justice Group, explained:

... The biggest issue we have with our clients is they report to us – now, this isn't a criticism of the police. It's simply human nature. They'll say, "Do I have to go to court," and the police will say, "Well, no, you don't, but" – and everything after the "but" is gone. So it's the "no, I don't", that's locked in, and that's the real issue.

We're talking with police can we change that narrative to say something along the lines of, "It's in your best interests to attend court. You should be at court because the order will be made even if you're not present," and those sort of things. But the second you say "no" it's, you know – they lock into the "no".²⁴⁵

Non-attendance at court also results in parties missing the opportunity to obtain access to legal advice and wrap-around support services. Ms Bell explained to the Commission why this practice was problematic:

...the other problem is that police quite often tell victims and perpetrators that they don't need to attend court when the matters are mentioned if they do take out an order, and that means that victims and perpetrators aren't given legal advice not only about the domestic violence issue-

...but also, about any other family or child protection ancillary issues to enable them to access those services to be able to engage in safety planning to obtain housing, to pre-emptively get assistance to be able to sort out any issues that the Department of Child Safety might identify as any issues prior to taking an application, and that practice of not encouraging parties to attend court means that they're missing out.²⁴⁶

While applications can be heard in the absence of both or either party, when parties do not attend court there is no opportunity for the prosecutor to speak to the victim-survivor to determine the necessary conditions for the order, or to negotiate a suitable outcome with the perpetrator. This increases the risk of Protection Order conditions being inappropriate or overly onerous and can lead to unintended or avoidable breaching offences.

Additionally, when a respondent is not present at court they miss a valuable opportunity to gain a clear understanding of the restrictions placed on them. Without this there is also a risk of unintended or avoidable breaching offences. As Mr McKenzie said:

The most important piece of feedback about the response by QPS to domestic and family violence would be in relation to the service of orders. In Townsville it is common for people not to attend court when an application is being made, particularly where this is male responders. A major contributor to this issue occurs during service of the applications when respondents (and applicants) ask whether they need to attend court.

(a) We have had feedback from client that they have been told by QPS that “they don’t have to attend court.”

(b) If respondents are not present in court it is likely they will receive an order with conditions which do not suit the family unit or are not appropriate in the circumstances.

Further to this issue, respondents often do not understand the orders they receive or the seriousness of a breach, leading to overcharging and the risk of incarceration.²⁴⁷

Mr Lewis Shillito, Director of Criminal Law at the Aboriginal and Torres Strait Islander Legal Service (Qld) (ATSILS), also told the Commission about how the discouraging of engagement in legal processes can lead to increased risks of breaching that order for First Nations clients – a practice he observed as more prevalent in rural and remote areas:²⁴⁸

It’s a fairly commonly reported phenomena. A lot of our clients will say, “Well, the officer told me I don’t need to come, so I just never bothered, and here I am with a breach of that order”.²⁴⁹

When a Protection Order is made in the absence of the parties, it falls to the police officers who serve the respondent with an order to explain the effect of the order and any conditions.²⁵⁰ A police officer’s ability to provide a full explanation of the meaning of an order will depend upon their cross-cultural communication skills. Dr Nancarrow outlined the following example in her evidence before the Commission:

CASE STUDY: JESSICA’S EXPERIENCE

Police attended a park following a disturbance captured on CCTV. Bruce and Jessica, both First Nations people, were yelling, making threats to each other and throwing punches at each other. Only days beforehand, a police Domestic Violence Order had been made against both parties, so they were both charged with breaches of the order. Jessica told the police she was not aware of the order, and did not go to court for it, but she did recall being given some papers about domestic violence which she had assumed were for her protection.²⁵¹

The Commission heard that even when parties in domestic and family violence matters attend Court, there can be significant barriers for First Nations peoples to gain access to and have genuine engagement in the relevant legal processes.

One concern is the tension between law enforcement and the protective aim of domestic violence legislation. A police prosecutor, Senior Sergeant Lisa Buchanan, told the Commission that as a police prosecutor she is “*first and foremost a police officer in a police uniform*”.²⁵² She said:

I’m speaking to an aggrieved, for instance, where I may have sentenced or sought some sentencing options in relation to a criminal offence that’s not domestic violence related. So that can present some difficulties as well where I’ve been the person that’s said, “This is the punishment that needs to be imposed,” and then 20 minutes later I’m representing the aggrieved in a domestic violence application where I’m trying to get that rapport in terms of how can I best protect you when 20 minutes earlier I’m the person who said, “Well, you’ve done a bad thing. You need to be punished”.²⁵³

This tension is particularly challenging when there is only one police prosecutor at the courthouse.

The infrequency of circuit court sittings, the significant workload placed on police prosecutors and the lack of funded legal representation for respondents also negatively impacts the ability of First Nations peoples, particularly in remote Queensland, to meaningfully engage in relevant legal proceedings.

Senior Sergeant Buchanan reported that in remote communities a court might sit as infrequently as every three months, with a single police prosecutor responsible for all matters. These circuits can be extraordinarily busy. It would not be unusual for a prosecutor to be appearing in court all day.

With no assistance, this leaves little to no opportunity for prosecutors to have private and productive discussions with an aggrieved, or a respondent or their legal representative, about the basis for any application for a Protection Order and the appropriateness of conditions. Senior Sergeant Buchanan said:

It's not ideal and sometimes depending on the location there's no real privacy in order to really conference with the aggrieved in terms of explaining the police application, the orders that are being sought, whether or not those orders are still appropriate, whether they're seeking any variations to the order. Sometimes the only time I know about this is when the magistrate's asking the aggrieved in court. I'll go out there and call the matter on and as I'm walking in it's a quick conversation. If I can stand down a matter I will. But we're on time – especially in Coen we're there once every two months. I don't have time for a lot of discussion.²⁵⁴

The Commission heard that, in most communities, it is highly unlikely that a respondent to a Protection Order application will be legally represented. With only one solicitor available in most locations, they are generally funded by Legal Aid to appear on criminal matters, but not Protection Order applications.

Without legal representation, respondents to Protection Orders are likely to encounter difficulties navigating the legal system as it relates to domestic and family violence matters. A QPS Sergeant who spoke to the Commission advised that the conditions on Protection Orders can be so complex that even he “*sometimes struggle[d] to interpret what the meaning is behind them*”.²⁵⁵

Senior Sergeant Buchanan told the Commission of her personal practice of explaining the basis of the application and the conditions sought, as well as a respondent's options (for example, to consent to or oppose an order being made) on the record in the courtroom so that she can be corrected by the Magistrate if her explanation is not clear.²⁵⁶

Such a practice is commendable, but as the following example given by Acting Inspector Emma Reilly, former Officer in Charge of Mornington Island Police Station, demonstrates, it does not ensure an understanding of the extent of the orders:

I remember being in court and a defendant was being spoken to by the magistrate, and I just remember he told the magistrate he understood everything, and then as I was walking him back into the cells and just chatting to him he just said, “Ms, I don't understand what just happened.”²⁵⁷

Senior Sergeant Buchanan explained that, in some communities, English is not the primary spoken language. The importance of police using interpreters and having skills in cross-cultural communication is discussed in previous chapters of this Report and is equally applicable for First Nations peoples. However, while interpreter services exist, practical access can be problematic.²⁵⁸

Senior Sergeant Buchanan also recognised the important role of a Community Justice Group in assisting a

respondent to understand the effect of the Protection Order and any conditions. Community Justice Groups are non-government organisations that provide practical support to First Nations people coming into contact with Queensland Courts and the criminal justice system. They are run by members of local First Nations communities who work cooperatively with magistrates, police, corrective services personnel and staff from other government agencies and community organisations to deliver justice related services in their community. Senior Sergeant Buchanan explained that on circuit, when there is no legal representation for both parties, the Community Justice Group will assist and explain the effect of Protection Order to ensure that respondent understands.²⁵⁹

A police initiative prioritising a clear understanding of Protection Orders is the Townsville based Operation Tango Yip, which began in September 2021 with the intention of mitigating the risks posed by high risk domestic and family violence offenders. Operation Tango Yip works with incarcerated respondents. Sergeant Elise Feltham told the Commission that the police recognised that too many respondents who breached Protection Orders lacked a clear understanding of the conditions imposed on them. To deal with that issue, police officers attend the Townsville Correctional Centre to meet with prisoners who are listed as respondents on orders. Sergeant Feltham explained:

So for basic things like no contact orders we give them examples of what no contact means, and no contact except in relation to written permission. We break that down for them and give them actual examples so they walk away understanding what they're allowed to do and what they're not allowed to do. We've found it very positive.²⁶⁰

The Commission hopes that the learnings from Operation Tango Yip will assist officers in providing respondents with a clear understanding of their responsibilities under a Protection Order at the point of service. This will enhance victim-survivors' safety, but also reduce the risks of custodial sentences for unintentional breaches.

The ability and willingness of police prosecutors to negotiate in relation to domestic and family matters can also be problematic. Mr McKenzie told the Commission:

Clients feel there is little to no consultation done with aggrieved parties about what they want, no explanation of balancing what they would like in the order with how they need to be protected, and they are not central to this process.²⁶¹

Mr Shillito told the Commission of the challenges associated with negotiating with police prosecutions in relation to domestic and family violence matters. He gave evidence that negotiations were dependent on:

- the prosecutor assigned to the case
- the station or office dealing with the matter
- the relevant Officer in Charge, as their attitudes influence their staff.

He also told the Commission of routine resistance to meaningful negotiations and a preference of some

prosecutors to avoid making decisions but, rather, proceed to hearing to allow the court to decide the matter.²⁶²

The impacts of inflexible approaches by police to the negotiation and variation of conditions on First Nations peoples is illustrated in the following example given by Mr McKenzie:

An example where this has been problematic was when a female aggrieved attended court to attempt to get a variation of her DVO so that her male partner who was the respondent could attend the birth of their child that afternoon. This was not allowed by the prosecutor, the respondent attended to support her through the birth and was consequently arrested for this because there was a noncontact order in place, despite her efforts to have it varied.²⁶³

The Commission recognises that an officer's ability to engage in meaningful negotiations may be limited by matters beyond their control, including the lack of legal representation for respondents. Senior Sergeant Buchanan told the Commission that she had no experience of being contacted by an unrepresented respondent to discuss an application, though "sometimes" they might approach her at court.²⁶⁴ Potentially significant discussions and negotiations about the suitability of the length and conditions of a Protection Order rarely occur due to workload pressures, and when they do, the available facilities in some remote communities make those discussions impracticable. Senior Sergeant Buchanan explained:

Coen isn't a court house. Coen is a room, a hall, a town hall. So there are no spare rooms and it's a case of trying to find some spare space if that's in the courtroom, which is not appropriate because that's where the magistrate is. So, you can't have those discussions. Outside may not be appropriate because there's no room to have those, and that's the problem with ATSILS taking instructions as well, is that there's no room. So, they're trying to take instructions where everyone else is present as well. I try to find the most private place that I can in order to have those discussions. In Kowanyama the police station is next door. It's a separate courthouse. There is probably some space in between the courthouse and the police station. But everybody else is around as well. So, it presents some difficulties.²⁶⁵

In recognition of these challenges, the Commission makes a recommendation at the end of this chapter that the QPS provide two prosecutors for circuit court attendances in rural and remote Queensland, in order to ease the workload and improve the capacity to negotiate in respect of domestic and family violence matters.

The ability to negotiate to ensure that the conditions of Protection Orders are fit for purpose and that they are adequately explained and understood by respondents in rural and remote communities will be improved if the Government funds legal representation for respondents in

these areas. The Commission makes a recommendation to this effect at the end of the chapter.

As recognised by Senior Sergeant Buchanan, Community Justice Groups can have an important role in ensuring that the legal processes are understood and that the length and conditions of any order are appropriate when respondents are not represented. Ms Cathy Pereira, Principal Solicitor and Coordinator of Aboriginal and Torres Strait Islander Women's Legal Service, described how a Community Justice Group can help identify appropriate conditions for a Protection Order:

Consulting with a community justice group about what's appropriate and what's not would make a huge difference, I think. In terms of there's this family – they would be able to give a lot of information.²⁶⁶

Ms Kyle Sailor expanded on the way in which Community Justice Groups can assist in this regard. She said:

If they called the DV support worker through the Community Justice Group, both of them, to go out to the incident and then relevant relationship would be solved, sort out – the locals would be able to tell the police, "They have been in a relationship for, you know, 40 years. They have got nine children. She's not going to leave him. They need contact. She needs assistance." That sort of stuff. So from that point then, okay, condition only or in writing for contact. So a lot of things can be resolved right from the incident.²⁶⁷

The Commission recognises the important role of Community Justice Groups in enhancing First Nations peoples' engagement in and understanding of the legal processes involved in domestic and family violence matters. Accordingly, the Commission makes a recommendation at the end of this chapter, that the Department of Justice and Attorney-General increase the support of, and funding for, Community Justice Groups.

The Commission also recommends that the QPS update the Operational Procedures Manual to require that police prosecutors consult with Community Justice Groups concerning the cultural appropriateness of the proposed length and conditions of Protection Orders.

BREACHES COMPOUND SYSTEMIC BARRIERS

The overrepresentation of First Nations peoples outlined in this chapter is exacerbated by systemic issues such as challenges with being granted bail, non-disclosure of brief material by prosecution, delays in trial availability and difficulties for legal representatives in taking timely instructions.²⁶⁸

The systemic barriers experienced by First Nations peoples further disadvantage them in any risk assessment required for an application of bail, including less stable housing and employment. Given the issues with overrepresentation discussed throughout this Part, a First Nations applicant is more likely to have a history of committing criminal offences.

Data collected by the Queensland Sentencing Advisory Council in 2021 shows that breaching a bail undertaking by failing to appear at Court was the second most common offence committed by a First Nations person between 2005 and 2019.²⁶⁹

A legal representative from North Queensland described how these dynamics contribute to the overrepresentation of First Nations peoples in custody in this way:

In my opinion around 90% of bail refusals and remand occurrences relate to domestic and family violence offending. Contravention of a domestic violence order places the accused in a show cause position. This essentially means there is no presumption for bail and operationally in the Magistrates Court means that bail will likely be refused even for very minor offending. Even if the defendant can show cause by offering a bail address out of town the defendants usually found to be an unacceptable risk and bail is denied.

Due to the small population and size of these communities it is extremely hard for a defendant to be granted bail within their own community when they await sentence or trial where there is risk of contact with aggrieved.²⁷⁰

The Commission heard that the systemic barriers to obtaining bail result in First Nations peoples pleading guilty to offences in order to avoid a lengthy period of imprisonment while on remand.

A lawyer who made a confidential submission to the Commission explained:

Currently as it stands many people are just pleading guilty due to the delay they face. This punishment by process leads to unfair remand times in my opinion...

There also seems to be a complete and deliberate ignorance of the human rights act with regard to criminal defendants and Indigenous persons in the criminal justice system.²⁷¹

An additional consequence arising from First Nations peoples pleading guilty in these circumstances is that each plea increases their criminal history, leading to more severe custodial sentences on each appearance before the Court.²⁷² As reported to the Commission in a confidential submission:

This has flow on effects increasing criminal history and lead to more severe sentences on each occasion before the court.²⁷³

The matters considered in this chapter illustrate the ‘significant pathway’²⁷⁴ to the criminal justice system created by domestic and family violence legislation. The next chapter considers how domestic and family violence responses can be strengthened when they are led by community organisations in partnership with the QPS.

FINDINGS

- **First Nations peoples are both over-policed and under-policed in the context of domestic and family violence. These practices, combined with an increased focus on policing domestic and family violence, have contributed to the overrepresentation of First Nations peoples in the criminal justice system.**
- **Common police practices, attitudes and beliefs particularly disadvantage First Nations women, who may be misidentified as the perpetrator of domestic and family violence and/or may not be identified as a victim-survivor of domestic and family violence.**
- **These common police practices, attitudes and beliefs may be the consequence of a lack of cultural capability and understanding. They have an impact at each stage of an investigation – from an initial report to court proceedings.**
- **Protection Orders that are not tailored to the needs of the specific relationship can become counter-productive. Impractical or unnecessarily onerous conditions, and conditions which are not properly understood by the parties (either because of complex language, or because the parties were not involved in the legal process which saw the conditions being imposed), are more likely to lead to a criminal justice response (an offence of breaching a Protection Order).**

- A court's knowledge of the needs of a relationship, and a party's knowledge of a Protection Order's conditions as well as the consequences of non-compliance, is essential. Community Justice Groups can potentially play an important role in drafting the conditions of an appropriate Protection Order and in ensuring the parties understand its impacts.
- Inadequate access to legal representation and assistance is more prevalent in regional and remote communities. This compounds the systemic disadvantages faced by First Nations people who live in these communities.
- The QPS plays a critical role in protecting victim-survivors and holding perpetrators of domestic and family violence to account. The QPS has not always performed this role to a consistent and culturally-safe standard, which has particularly disadvantaged First Nations peoples. The QPS needs to work with community and support agencies to prevent and respond to domestic and family violence within a community.

RECOMMENDATIONS

Recommendation 49

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by strengthening programs to address the need for police to take into account the unique experiences of First Nations peoples and communities when responding to domestic and family violence, including considerations relevant to misidentification of victims and how to communicate with First Nations peoples and communities to ensure that the conditions of Protection Orders are both appropriate to the circumstances and clearly understood by the parties.

Recommendation 50

Within 12 months, the Queensland Government amend section 97 of the *Domestic and Family Violence Protection Act 2012* to clarify the Court's discretion to make orders of less than five years duration where circumstances require it.

Recommendation 51

Within 12 months, the Queensland Government provide recurrent dedicated funding to provide legal representation at court for respondents in rural and remote communities.

Recommendation 52

Within 12 months, the Department of Justice and the Attorney-General increase the support of, and funding for, Community Justice Groups, including by expanding the membership where appropriate.

Recommendation 53

Within three months, the Queensland Police Service update their Operational Procedures Manual to require that police prosecutors consult with Community Justice Groups about the cultural appropriateness of the proposed length and conditions of domestic and family violence orders, where available and where appropriate.

Recommendation 54

Within 12 months, the Queensland Police Service use its best endeavours to always provide two prosecutors for circuit court attendances in rural and remote Queensland to enhance their capacity to negotiate in respect of domestic and family violence matters.

15 Community-led partnerships

This chapter considers the importance of the Queensland Police Service (QPS) facilitating First Nations community-led responses to domestic and family violence. It also highlights the need for officers working with First Nations communities and peoples to be culturally intelligent, outlines the challenges police may face when relocating to a remote area and discusses how Police Liaison Officers build meaningful connections between communities and the QPS. The chapter concludes with a discussion of specific examples of police and community partnerships around Queensland that are working well.

The previous chapters in this Part have outlined how cultural issues within the QPS contribute to the overrepresentation of First Nations peoples within the criminal justice system. However, the Commission also heard about a number of successful community-led partnerships involving police that seek to enhance holistic and culturally safe responses to domestic and family violence.

The effectiveness of community-led initiatives was regularly reiterated to the Commission by experts, police and First Nations peoples and community organisations. As an example, Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute and Griffith Centre for Mental Health, Griffith University, submitted:

Community-led responses are critical in ensuring police responses implement a predominant-aggressor framework and recognise First Nations women's protective needs.²⁷⁵

Community-centric policing recognises there are cultural, social, demographic and local governance differences between communities – even if the geographical distance is objectively small. A ‘one size fits all’ approach to policing ignores the nuances of a rich, multidimensional community, and risks creating or increasing inequities.

Community-centric policing in Queensland is not a new idea. In 1989, the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (the Fitzgerald Inquiry) spoke of “*the notion that community involvement is essential to successful police work*”.²⁷⁶ In the QPS 2017-2021 Strategic Plan the QPS explicitly committed to partnering with communities to reduce crime and to address overrepresentation of First Nations people in the criminal justice system. This does not appear to have been widely taken up across the state, although some QPS officers have enthusiastically engaged in or commenced community-centric work demonstrating the possibilities

under such an approach. This commitment remains a stated priority in the QPS 2022-2026 Strategic Plan.

The Commission heard evidence of several collaborative community-led responses to domestic and family violence including partnerships between police, community Elders and leaders that work to identify local solutions to respond to local needs through a holistic approach.

The Commission also heard about different types of collaborative community response models to domestic and family violence including:

- informal gatherings or referrals between police and services
- coordinated interagency meetings on a regular basis
- models which are community-led, co-designed and incorporate a co-responder approach (after the initial crisis) to provide holistic and wrap-around support to the family.

When models are led by a community-controlled organisation, with police cooperation, the process has community input and ownership. This means that the results are more likely to be culturally appropriate, culturally safe and responsive to local and regional needs.²⁷⁷

As discussed in Part 2, the QPS response to domestic and family violence is significantly improved when it engages and partners with other agencies. The addition of specialised domestic and family violence and cultural knowledge is particularly beneficial for police responses when working with First Nations peoples and communities and can help to achieve better outcomes.

THE IMPORTANCE OF COMMUNITY-LED RESPONSES

The Commission heard evidence from experts about the importance of community-led responses. One expert, Associate Professor Kyllie Cripps, School of Law, University of New South Wales, told the Commission:

...[The law] is a very blunt instrument in producing accountability.

But it can be backed up with community options in terms of producing further accountability and supports so that prevention options can be achieved locally through that holistic response.²⁷⁸

Community-led models involving collaboration with police are supported by those who work with First Nations peoples and communities. Ms Anita Wharton, a First Nations woman and the Coordinator of the Far West Indigenous Family Violence Service, told the Commission:

Over the past two year[s] the [Far Western Indigenous Family Violence Service] and [Strong Families Strong Communities] and the QPS have developed a really good working relationship. The police have a strong community approach to their police work and they spend a lot of time engaging with the community and running programs throughout the community.²⁷⁹

Acting Inspector Emma Reilly, the former Officer in Charge of Mornington Island Police Station also spoke of the importance of building community relationships. She said:

It's that working together with the community, in conjunction with the community, and building those relationships is how you move forward and get things done.²⁸⁰

First Nations community-led models are essential to addressing the historical and continuing distrust and fear of police that can be experienced by First Nations peoples. When police do not work to build relationships and trust with communities it can be a barrier for victim-survivors who seek assistance from police.

Associate Professor Marlene Longbottom of the School of Medical, Indigenous and Health Sciences at the University of Wollongong, said:

While there may be some community members who are comfortable to approach the police for protection or support, many of the community I have spoken to will not call upon the police.²⁸¹

Ms Thelma Schwartz, Principal Legal Officer of the Queensland Indigenous Family Violence Legal Service, spoke of the importance of community-controlled organisations and their role in building relationships and trust:

I work with an Aboriginal community controlled organisation. I find that there is comfort that an Aboriginal or Torres Strait Islander person will feel engaging with an Aboriginal or Torres Strait Islander person. That may actually lead to just dealing with some of these issues around trust and connection with the Police Service as a service that can represent and support Aboriginal and Torres Strait Islander people's needs.²⁸²

Sergeant Matthew Costelloe, himself a First Nations man, understands this, and said in his evidence to the Commission:

Some police, not all, do not understand the complexities of First Nations relationships and may not know how to adequately investigate or ask the right questions around DFV in First Nations communities.²⁸³

Investing time and resources in community-led models will equip QPS members with the knowledge of culture and protocols that will assist in culturally intelligent responses to domestic and family violence.

UNDERSTANDING THE NEEDS OF RURAL AND REMOTE COMMUNITIES

While community-centric policing is relevant and beneficial across all Queensland cities, towns and communities, it is particularly critical for work in rural areas and remote communities. As recognised by the Australian Human Rights Commission in its 2020 report, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future*:

It is important to acknowledge that Aboriginal and Torres Strait Islander societies are not homogenous. Within each group there exists a multitude of nations with unique languages, cultural practices and connections to lands and waters.²⁸⁴

CULTURAL UNDERSTANDING AND RELATIONSHIP BUILDING

The Commission heard evidence about how important it is for new officers posted to a community to understand the community's history, the cultural practices and the relationships between community members and the QPS. This is best achieved through an induction package that is developed and delivered locally.²⁸⁵

Elder Aunty Florence Onus, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, said:

There is a need for localised cultural competency training for QPS that is face-to-face, meaningful, ongoing, locally written, and locally delivered.²⁸⁶

Mr Brendan McMahon, a former Officer in Charge of Aurukun police station, explained that officers may show disrespect if they are not aware of a community's cultural practices:

It could be something as simple as when someone passes away quite often the area that that particular person would be in and use a lot, that may be closed. Now, quite often in Aurukun you would have pink tape put on it. It could be something as simple as a park bench that they always sat on.

Now, if you're a new constable, say, and you're off duty and you go and sit or even when you're working you go and sit in that place you won't really get much said to you but it's a sign of disrespect. So there's so many, many, many things like this that you need to know. So that first couple of weeks is really an orientation that's very important.²⁸⁷

The Commission also heard that a community induction should include meeting community Elders and other important stakeholders, such as domestic and family violence support services. Through prioritising relationships new police officers can work to develop trust and build a positive relationship with the community. Acting Inspector Reilly said:

The forming of relationships and trust within First Nations communities takes time and having this specific orientation for community is vital to jump start these relationships.²⁸⁸

The Commission was told of police districts where community inductions had been introduced with positive effects. Examples of local community inductions are outlined later in this chapter. Their key features are that they:

- are developed in consultation with the community
- contain community specific information

- include face-to-face education from community leaders, support services and legal assistance providers.

The QPS First Nations and Multicultural Affairs Unit has commenced collaborative work with community members and stakeholders to create profile videos for each discrete First Nations community.²⁸⁹ The Commission has reviewed the trial video created for Woorabinda and considers that it has strong potential to assist new officers to learn about the community that they will be working in and provide a good foundational knowledge for connecting with the community.²⁹⁰ However, a video introduction should only form one part of an induction, and face-to-face training from community leaders and service providers must also occur.

The QPS is yet to develop consistent processes to ensure all members posted to rural and remote locations receive a tailored introduction to the community.²⁹¹ Former Deputy Commissioner Paul Taylor acknowledged that this is an area where the QPS needed to *"do a lot better"*.²⁹²

Acting Inspector Reilly explained that she took the initiative to implement community inductions when she was the Officer in Charge of Mornington Island police station:

No, it's not a mandatory thing. I implemented it whilst I was there because I saw the need for it, and speaking to officers that had been there previously and saying that they probably didn't have the best inductions, it was something that we wanted to work on and build to make better, so be supportive of the officers that are coming there, especially a place like Mornington Island because it is so isolated, you know, you really need to give that support to those officers and provide them with the means to have a good time and get involved in the community while they're there.²⁹³

The QPS recognised in its closing submissions to the Commission that *"location specific culturally aware induction packages for staff deployed to remote and regional communities"* is an area for improvement and made a commitment to make those changes.²⁹⁴

The Commission commends the initiative taken by individual QPS officers to implement community specific inductions for their new staff. Their initiative should serve as a model for the QPS of the orientation and support that should be offered to all QPS members, particularly those posted to rural and remote Queensland, and the Commission makes a recommendation in this regard at the end of the chapter.

STAFFING RURAL AND REMOTE POLICE STATIONS

The Commission heard that staff recruitment and retention in rural and remote areas is an ongoing challenge, and one which is not exclusive to the QPS. This leads to high staff turn-over and long periods of officers in relieving positions, which disrupts effective relationships between the police and community.

Officers sent to remote areas are usually away from their friends, family and the familiar comforts of bigger cities. This may result in feelings of isolation and fatigue and increase the risk of burnout.²⁹⁵ Officers may also face limited, or very different, housing or accommodation options. Former Deputy Commissioner Taylor said:

That’s an interesting thing that I observe with young people going into challenging discrete communities that have never experienced life other than, say, in an urban environment, where they might have gone to a private school and lived a – their parents are successful or whatever, it is a culture shock from what they’re used to when they go into some communities because some of them can be quite challenging, and of course they don’t have the luxuries that they might be used to...²⁹⁶

At present, incentives such as a ‘locality allowance’ are provided to QPS officers who relocate and remain in rural and remote stations, to assist with the increased cost of living.²⁹⁷ The allowance is available to officers in remote areas and in some other locations and increases consecutively each year. However, more can be done by the QPS to encourage officers of all levels of experience to undertake rural and remote service. Women’s Legal Service Queensland also recognised that better incentives should be provided to encourage qualified and experienced officers to move to and stay in the communities.²⁹⁸

A recent and positive development that might assist in this regard is the new Enterprise Bargaining Agreement between the QPS and the Queensland Police Union of Employees (QPUE), which is due to be certified in the near future. It includes some strategies to incentivise staffing in rural and remote areas, such as officers having the ability to nominate to transfer to a district of choice at the end of their tenure and accelerated pay point increases.

At the end of this chapter, the Commission also recommends that the QPS explores the feasibility of inter-departmental arrangements for partners of police officers posted to rural and remote communities who work in the public sector and wish to serve in the same community. It is anticipated that this should help to further encourage officers to relocate to rural and remote communities.

The experience of policing in remote areas is highly valuable. Remote policing requires officers to develop skills to respond to a wide range of issues in a short period of time. This experience cannot be replicated in an urban area. However, the Commission heard evidence that the skills and experience gained from rural and remote service were not always recognised in QPS promotional processes.²⁹⁹ The Commission makes recommendations regarding appropriate recognition of remote service at the end of this chapter.

Acting Inspector Reilly highlighted that, despite the recruitment and retention issues, it is important that police recruited to remote communities are the right fit. She said:

Having the right people work in discrete communities is a must. Some people including police are not suited to this type of work, which hinders the relationships within the community and leads to higher sick leave and short staffing.³⁰⁰

It is an encouraging sign that the QPS has developed a practice of inviting members of discrete First Nations communities to sit on recruitment panels for local QPS vacancies. This practice was formalised by the QPS leadership in February 2022.³⁰¹

Ms Andrea Kyle Sailor, Community Development Worker with the Aboriginal and Torres Strait Islander Women’s Legal Service North Queensland, told the Commission that in 2021 she had been part of a panel conducting interviews for a Police Liaison Officer position at Palm Island.³⁰² Information provided to the Commission by the QPS revealed that other First Nations recruitment panel members since 2021 have included mayors and CEOs of local shire councils and a community Elder.³⁰³

Superintendent Kerry Johnson gave evidence that the QPS tries to make recruitment panels “*as diverse as possible*”³⁰⁴, and specifically:

... certainly the discrete communities there is always an Aboriginal and/or Torres Strait Islander person on those panels.³⁰⁵

Prioritising diversity on a recruitment panel, and specifically ensuring a First Nations community member has a seat at the table when police are recruiting in discrete First Nations communities, is a valuable practice which should continue.

Officers stationed in remote communities are often young and inexperienced and may have only recently finished their First Year Constable training.³⁰⁶ Further, some have limited experience living rurally, and minimal experience working with First Nations peoples and communities.³⁰⁷

In these circumstances the need for cultural intelligence and appropriate cultural capacity training is even more critical. Superintendent Johnson told the Commission:

...it’s very different to, you know, major centre living and so on, and the reality is, the number of the staff that we employ, recruits that go through may never have stood in a discrete community or had anything other than a pass in the street of a First Nations person. So it’s absolutely imperative. It’s absolutely necessary.³⁰⁸

The Commission heard that the high rotation of staff causes disruption to the relationships and trust built between police and the community.³⁰⁹ When new officers arrive the relationship and trust must be re-established. Sergeant Costelloe said:

Certainly, when we get new staff into town where the community haven’t had the opportunity to form those relationships with new staff there’s that initial distrust or unwillingness to talk to that particular police officer because they don’t know them. But the more time that you are here, I certainly don’t think there’s a level of distrust the longer that you stay here.³¹⁰

Police officers who have worked in rural and remote Queensland told the Commission that it would be ideal to have a period of time which allowed a handover between officers. This would allow the new officer to be introduced to the Elders and community members by the incumbent officer and facilitate a smoother transfer of the relationship with the community. The handover would occur prior to the new officer being fully operational in the community.³¹¹ The Commission makes a recommendation to establish a funded, non-operational period of at least three days for new officers in rural and remote communities to allow handovers and inductions to take place. In its closing submissions to the Commission, the QPUE supported this strategy.³¹²

THE IMPORTANCE OF POLICE LIAISON OFFICERS

Police Liaison Officers are utilised and valued differently throughout the state. The role can range from training to community engagement, attending call outs with first responder police, a liaison, translator, mediator, advisor, support worker, community connection and anything in between.

The Commission recognises the importance of role clarity and makes a recommendation at the end of this chapter for the QPS to review its Operational Procedures Manual to more accurately reflect the diverse work undertaken by Police Liaison Officers. While the responsibilities can vary, Police Liaison Officers play a critical role in building and maintaining community-led partnerships with the QPS.

Notwithstanding the evidence outlined earlier in this Part about the mistreatment of Police Liaison Officers in the QPS, a number of QPS officers who gave evidence before the Commission expressly recognised the important work of Police Liaison Officers within the QPS and the community. As Acting Inspector Reilly told the Commission:

The Police Liaison Officers role within community is vitally important to assist in developing trust and understanding between members and the community.³¹³

The Commission heard examples of Police Liaison Officers acting as a form of co-responder in domestic and family violence matters. Ms Emma Wilson, a domestic and family violence advocate and embedded worker with the Brisbane Domestic Violence Service, told the Commission:

I've only seen it at VPU where the officers have tied in a PLO to come out and do a co-response as well as me, a PLO and the police officer there to engage in a really meaningful conversation to get all the information that's needed and desirable to make good judgments going forward. I've seen it happen. It works brilliantly.³¹⁴

Acting Senior Constable Laurie Bateman, a former Police Liaison Officer, told the Commission that Police Liaison Officers can add immense value to police responses by providing vital cultural context to frontline officers who have limited understanding of the community they work in. He said:

It's an opportunity to have extra people on the ground talking to the local people of that community, then also talking to the police and giving an insight of what's happening within the community; not necessarily the job related incidents but just the feel of the community with the police or the feel of the police about the community.³¹⁵

The Commission heard from Senior Police Liaison Officer Katrina Rapson, a First Nations woman who was born in Normanton and now works at the Normanton Police Station. She highlighted:

I am often called upon by the police officers in relation to questions they may have about family relationships within the community, or any concerns they have about housing issues and connections within the community generally. I regularly provide background information about family connections within the community so that the police have a better understanding of the relationships (both generally and specifically).³¹⁶

The value that Police Liaison Officers can add to QPS responses to domestic and family violence is seen by more than just those who act in the role. For example, the Commission heard about the value of the role from Ms Schwartz, who said:

They identify, they come from communities. They can actually be there to support the work and initiatives of Queensland Police Service and build stronger relationships with community because they're living in community.³¹⁷

Despite the importance of this role, many Police Liaison Officer positions remain vacant. As at 7 July 2022, of 181 Police Liaison Officer positions, 39 were unfilled. Of 38 Torres Strait Islander Police Liaison Officer positions, 17 were unfilled.³¹⁸ Former Deputy Commissioner Taylor informed the Commission that:

The successful filling of PLO positions can be problematic in some locations, whereby various recruitment methods have been attempted however there is no applicants and the positions remain vacant.³¹⁹

Police Liaison Officers, including Torres Strait Island Police Liaison Officers who spoke with the Commission raised concerns about the entitlements and benefits of the role. They pointed to differences in, for example, the remuneration structure and accommodation entitlements when compared with sworn police officers.³²⁰ In its closing submissions, the QPS advised that an Enterprise Bargaining Agreement has recently been renegotiated which included pay increases for Police Liaison Officers,³²¹ which is a positive development.

THE BARRIERS POLICE LIAISON OFFICERS FACE – HOSTILITY, TRAINING AND A LACK OF RESOURCES AND POWER

Racism in the QPS is not the only barrier faced by Police Liaison Officers in attempting to enhance the QPS response to domestic and family violence and build community connections. In addition to the racism that Police Liaison Officers may face from inside the QPS, the Commission heard evidence that they can also experience hostility from their own community. Associate Professor Longbottom, gave evidence that:

They [PLOs] are in a very tricky situation. They're the bridge between the community and the system. So, they actually cop racism from the police and then they cop backlash from community for being part of the system.³²²

Elder Aunty Florence Onus, who has worked closely with police in different roles, told the Commission at a hearing in Townsville about the attitudes towards Police Liaison Officers that she had heard expressed by people within First Nations communities. She said:

They refer to the [Police Liaison Officer] or Aboriginal people in the police force as black trackers or the native police.³²³

A further barrier faced by Police Liaison Officers is the lack of ongoing training provided by the QPS. Police Liaison Officers who gave evidence to the Commission reported that they had no, or limited, face-to-face training since their two week induction at the Queensland Police Service Academy (Academy) in Brisbane.³²⁴ They felt they needed more training, particularly in relation to domestic and family violence.³²⁵ Senior Police Liaison Officer Rapson told the Commission:

I reckon it would be great to have more training so we could get exposed to domestic and family violence. When we have members coming up to me at least I could address some information...³²⁶

It is important that all Police Liaison Officers are appropriately trained so they can properly perform their role in the community, and further training, including in domestic and family violence, should be provided to all Police Liaison Officers.

In its closing submissions to the Commission, the QPS stated it is committed to the recruitment and training of Police Liaison Officers, particularly in relation to domestic and family violence matters.³²⁷ The Commission supports this commitment by the QPS and makes a recommendation that it consult with the First Nations panel advising on cultural capability training in relation to the design and delivery of additional and ongoing training for Police Liaison Officers, including in relation to domestic and family violence, trauma-informed practice, conflict resolution and suicide prevention.

SPECIFIC CHALLENGES FOR POLICE LIAISON OFFICERS IN ISOLATED AREAS

Police Liaison Officers perform a particularly important role in the most remote areas of Queensland. In the outer islands of the Torres Strait, Torres Strait Island Police Liaison Officers are the only permanent QPS presence in the community. They are often the first QPS response to domestic and family violence matters. There are concerns that these officers do not receive adequate training, are under-resourced, lack authority and are not remunerated fairly.³²⁸

As Torres Strait Island Police Liaison Officer Elsie Nona explained:

If any incident of any kind occurs on the Island, my role is to attend as a first response. I do not have any powers and I do not have any QPS issued accoutrements. I attend those jobs either on my own or with my other colleagues. We will immediately try to talk to those people involved in the incident and our [sic] ensure everyone involved is safe. That is our first and main priority.³²⁹

There is a degree of personal risk in circumstances where there is isolation and distance from other (sworn) policing support, particularly on outer islands where support may be, at best, 45 minutes³³⁰ to two hours away,³³¹ but on some islands more than six hours away.³³² While the QPS has a plane, it cannot land at night.³³³ The Commission recommends that the QPS examine how Torres Strait airfields might be upgraded to accommodate planes landing after dusk.

The primary mode of transport to and from the outer islands of the Torres Strait is by boat. Due to weather conditions and tides, access to the outer islands by sworn QPS officers can be temporarily impossible.³³⁴ This isolation is different to the situation Police Liaison Officers generally face on the mainland, and can be particularly dangerous on the islands that lie on the international border with Papua New Guinea.³³⁵

The Commission heard about a situation where a Torres Strait Island Police Liaison Officer was travelling from Dauan Island to Boigu Island (near Papua New Guinea) when he came under gunfire from the Papua New Guinea coastline.³³⁶

The Commission also heard from Torres Strait Island Police Liaison Officer Nona of a particularly harrowing event that took place in late 2020. Ms Nona described being called on her personal mobile phone to attend a domestic and family violence matter. She explained:

I recall a specific incident where myself and another Staff member were called to attend a DFV matter on the island. Upon attendance at the house, we could hear screaming, so we decided we needed to immediately enter the house. I approached a room in the house and when I entered, I saw a young woman and her infant child in the room. They appeared to be very scared and so I determined that I needed to get them out of the house.

I told my partner at the time to ensure that we were able to leave the residence safely and we all went back to the police station on the island. I had to lock the whole station to ensure the offender could not enter the station. Sometime later, he attended and was still screaming and calling us out of the station. We did not go.

State police did not arrive for some hours – because of the time it takes to travel from Thursday Island to Badu Island. There was nothing we could do once we were inside the police station.³³⁷

As they waited “*a few hours*”³³⁸ for QPS officers to arrive from Thursday Island:

... a few hours later he actually came down to the station. He was yelling around the station. We knew that was him because we could see him and we could recognise his voice of course. But [my partner] was there and managed to go outside, because I had to keep the door locked, and just talk him down and just, you know, politely just ask him to, “Go away. This is the situation. She’s here with us now. She’s not coming out to speak to you. You’re just going to need to walk away and calm down, and maybe tomorrow’s another day.

The police are on their way and that they will come and talk to you eventually. So you’re going to need to settle yourself down.” He complied and he did. But, you know, that went on for about a good 15, 20 minutes.³³⁹

A police response time of ‘a few hours’ for a domestic and family violence incident may be difficult to imagine for most Queenslanders. Detective Sergeant Anthony Moynihan accepted that it would never be appropriate for a woman to have to wait hours for a police response as a domestic and family violence incident was unfolding:

It’s completely unacceptable. I completely agree with you there. But, yes, these are the logistical challenges of where we live, the geographical challenges of where we are, I suppose.³⁴⁰

A number of Torres Strait Island Police Liaison Officers raised concerns about performing their dangerous and difficult role without adequate support from the QPS. A particular matter of concern was the lack of training provided to Police Liaison Officers. One Police Liaison Officer from the Torres Strait told the Commission that apart from her two week induction training at the Academy in Brisbane in 2009, she had received no additional formal training from the QPS,³⁴¹ and no training specific to Torres Strait Island Police Liaison Officers until a week long training course which commenced after the Commission had been established.³⁴²

A number of Torres Strait Island Police Liaison Officers told the Commission that additional police powers would assist them to keep both themselves and their communities safe.³⁴³ These additional powers included the ability to provide noise abatement directions, to require identification, to give move on directions, to issue tickets for unlicensed driving, drink driving and traffic infringements and detention powers.³⁴⁴

Whether it is appropriate for further powers to be granted is an issue that warrants further consideration by the QPS, Police Liaison Officers in the relevant areas and relevant communities. There is some precedent for expanding the scope of powers granted to non-sworn QPS members: a previous iteration of Police Liaison Officers in the Torres Strait was a ‘Queensland Aboriginal and Torres Strait Islander Police Officer’. These officers had access to the QPS database QPRIME, and with respect to domestic and family violence specifically, they were empowered to make an application for a Protection Order and serve the parties with related documents.

In the isolated areas that have been identified, the Commission considers that Police Liaison Officers should be granted access to QPRIME and their own QLITE device. This access will allow Police Liaison Officers to review and enter relevant information, including ‘street checks’ about interactions between a person and the QPS, intelligence submissions which might provide essential information in relation to threats to safety, and driver license checks so a person’s identification can be verified. A recommendation to this effect is made at the conclusion of this chapter.

The Commission also recommends that, in areas where Police Liaison Officers are the only permanent QPS presence, the QPS consult with Police Liaison Officers and the First Nations community to explore the most suitable option for servicing the community either by installing sworn police officers, or by expanding Police Liaison Officer powers.

The Commission heard about the following positive initiative of the QPS on Palm Island, involving First Nations Protective Services Officers:

PALM ISLAND PROTECTIVE SERVICES OFFICER TRIAL

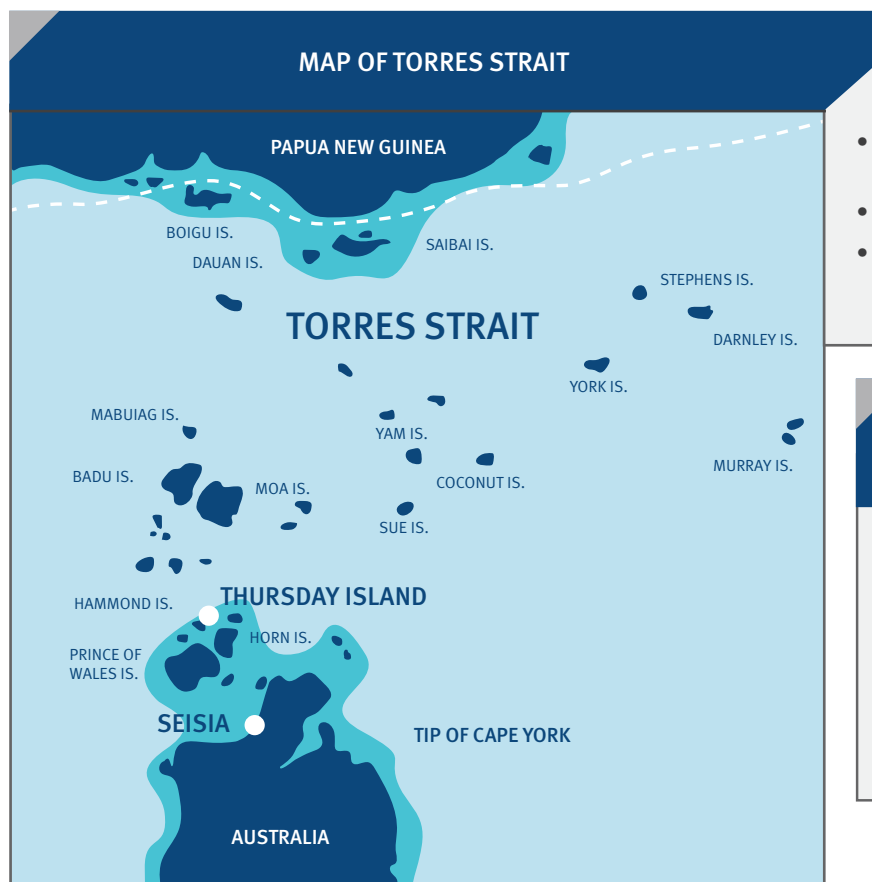
After feedback from the community suggested the Police Liaison Officer model was not appropriate for the Island,³⁴⁵ a program was developed so that local Palm Island residents could take up Protective Services Officer positions. This seemed to provide a balance between local people serving the local community and maintaining a presence in the community.

They are identified positions: First Nations people from their community helping protect their community.³⁴⁶

These roles replace the fly-in-fly-out model of government security traditionally provided in remote communities. The project is about giving local people jobs, providing careers and helping build stronger communities. Following the success of this trial, the QPS is investigating making the program available in other communities.³⁴⁷

The Commission heard that successful elements of this project included the role of Protective Services Officers using preventative strategies and local community knowledge of families and connections to minimise the risk and impacts of crime, reducing conflict and de-escalating situations from the start.³⁴⁸

The unique policing experience in the Torres Strait



- 274 islands between Cape York and Papua New Guinea
- 15 islands inhabited
- 4 main spoken languages, including English

PREVALENCE OF DOMESTIC AND FAMILY VIOLENCE

Proportion of court events relating to domestic and family violence³⁵⁰:

- Saibai, Moya, Badu Islands: over 60%
- Thursday, Erub, Boigu Islands: over 50%
- Mer Island: over 30%

TORRES STRAIT ISLAND POLICE LIAISON OFFICERS

- Are well known within their community
- Are almost always the first responders to an incident on islands without a police presence
- Have no police powers nor accoutrements

“Torres Strait Island Police Liaison Officers do it because they’re wonderful people and they’re fantastic humans and that’s why they work for us, but sometimes people ring up in violent situations and we have DVs that are happening, we’re asking them to go and look. They don’t have any powers of entry. They don’t have any powers to investigate like we do under the PPRA. But we’re asking them to go and stick their nose into a potentially volatile situation for us to gather information so we can make decisions on how we respond...”

“Torres Strait Island Police Liaison Officers they’re related to these families, and it might compromise their relationships going forward once we deal with whatever little trauma has occurred and whatever incident has occurred at that time of night that we’ve attended to, they still live there and they’re still going to see these people on a daily basis and it might compromise their relationships.”

- ANTHONY MOYNIHAN, OFFICER IN CHARGE OF THURSDAY ISLAND POLICE STATION³⁵¹

“I sometimes feel I’ve got a big police station sign on top of my house my house is like a revolving door for especially victims or people in need of safety and service. It has in the past affected my family life, you know, but I’ve had to make changes for that. But it’s also about educating the people and, you know, this is my home, this is my family and home, and there’s only so much one person can do, I guess, yes. That’s my challenge.”

“Because I’m the only female and everyone talks to me, especially all the women, but I’ve also had a lot of men come and talk to me to talk to their partners or, you know - I think that’s one of the main challenges for me being a TSIPO on the island.”

- ELSIE NONA, TORRES STRAIT ISLAND POLICE LIAISON OFFICER³⁵²

POLICING LOGISTICS & CHALLENGES

- Staffed police stations on Thursday Island and Horn Island only
- Every second week, a small police team base themselves on a boat in one of four clusters of islands
- Boat is main method of travel for police and for community – in some conditions, some islands take more than six hours to reach
- Police also have access to a pilot and a plane (for use in daylight only) and shared access to a helicopter³⁴⁹
- Other policing challenges include crime prevention and disruption, crime scene preservation and evidence collection

QPS INTELLIGENCE ASSESSMENT: DOMESTIC AND FAMILY VIOLENCE IN THE TORRES STRAIT AND THE NORTHERN PENINSULA AREA³⁵³

Domestic and family violence represents the highest demand for QPS responses in the Torres Strait. After two domestic and family violence incidents that would have been homicides if not for the intervention of a third party, a highly qualified and experienced QPS intelligence analyst produced a detailed intelligence assessment that considers domestic and family violence in the Torres Strait and the Northern Peninsula Area. Excerpts from the intelligence assessment include:

“During 2020-21, approximately eighty percent (80%) of calls for service to attend domestic disturbances in the Torres Strait Patrol Group involved recidivist respondents.”

“Intelligence checks indicate recidivist respondents have also become adept at using the legislation to their advantage. In Thursday Island Police Division, it was commonplace for recidivist respondents to be recognised as the aggrieved spouse during domestic disturbances following a conviction for a domestic-related offence. This recognised status provided them with a buffer from being held accountable for domestic violence.”

“Recidivist respondent Male P for example, was responsible for 10 calls for service during the last twelve months. In 4 of the 10 occurrences, Male P was identified as the aggrieved. In the remaining occurrences, no proceedings were commenced against him. Male P also reduced the likelihood of being further charged by coercing his aggrieved spouse to inform police the domestic disturbances were verbal arguments only.”

“It is likely a domestic or family violence related death will occur in the Torres Strait Patrol Group given the frequency and severity of domestic and family violence towards aggrieved spouses.”

“Head injuries were the most common injuries sustained by aggrieved spouses in the TSPG. The modus operandi for respondents was to king hit aggrieved spouses in the face with one or several punches with sufficient force for some of them to fall over, fall into furniture or downstairs. Some aggrieved spouses have also fallen down unconscious. A common occurrence for respondents was to further attack aggrieved spouses when they retreated and turned their backs.”

“In Bamaga Police Division, an emerging trend amongst younger adult respondents was to strike the back and side of the aggrieved’s head with implements such as furniture, milk crates, glass bottles or other household items in reach. In the event an aggrieved spouse was still standing, the modus operandi was for respondents in Horn Police Division and Thursday Island Police Division was to ground the aggrieved by grabbing her hair and then stomping on the aggrieved’s head and torso or bending down to kick and punch the aggrieved in the head and torso.”

QPS Torres Strait Patrol Group response to the intelligence assessment:

- Torres Strait Island Police Liaison Officers follow up with high-risk families
- Additional training for first responders and investigators
- Revised risk management documentation

POSITIVE COMMUNITY PARTNERSHIPS

Bridging the cultural divide requires sustained effort by QPS members to engage in community partnerships, and the Commission heard of many positive examples of that occurring. Officers who demonstrate excellent engagement with First Nations peoples and communities should be acknowledged within the QPS. The Commission makes a recommendation that the QPS implement an award scheme to recognise these efforts at the end of this chapter.

As each community has its own unique and diverse needs it would not be effective or appropriate for the QPS to replicate or roll out current community-led initiatives in a state-wide, one size fits all approach. However, there are significant learnings, for both the QPS and First Nations peoples and communities, that can be taken from the positive partnerships that the Commission has seen.

Most importantly, any partnerships must be community-developed and community-led. It is apparent that distrust between First Nations communities and members of the QPS can subside when QPS members are present long term, are invested in the community and regularly participate in community life.³⁵⁴ It is only with that effort that police can be accepted not only as police officers but also as community members.³⁵⁵

In particular, the Commission heard about significant efforts made in Cunnamulla and Charleville, Mornington Island, Mount Isa and Aurukun.

CUNNAMULLA AND CHARLEVILLE³⁵⁶

Sergeant Matthew Costelloe told the Commission about collaboration between the Inspector of the Charleville Patrol Group, First Nations QPS Officers and community Elders in both Cunnamulla and Charleville to establish a tailored cultural induction program for QPS members when they begin working in the area.³⁵⁷ The program involves:

- viewing two documentaries, *Incarceration Nation* and *Out of Sight Out of Mind*. *Incarceration Nation* looks at the underlying causal factors that result in the overrepresentation of First Nations peoples in the criminal justice system, while *Out of Sight Out of Mind* provides an historical context to the First Nations relationships with police in Cunnamulla and the segregation of First Nations peoples in the early 1970s when they were forced to live in a separate area outside of town known as the 'Yumba'.³⁵⁸
- a cultural immersion program about traditions and cultures and an online learning product which includes information from recently developed cultural awareness pamphlets³⁵⁹
- informal and individual introductions to First Nations community members and other community stakeholders, including domestic and family violence support services.³⁶⁰

Inductions of this kind assist in building rapport and trust between the police, First Nations community members and other significant community organisations, including domestic and family violence service providers. Ms Wharton reported that:

My staff and I have a positive relationship with all the current police at Cunnamulla.

When the new officers arrive at Cunnamulla they are taken around town and introduced to the staff at the support services...as well as being introduced to community elders and other stakeholders. New police are encouraged from the start to take part in community events that are run by the police and collaborative stakeholders.³⁶¹

QPS officers in this district also work closely with the Far West Indigenous Family Violence Service (a victim-survivor support service) and the Strong Families Strong Communities Committee (which provides holistic perpetrator intervention programs). Ms Wharton said:

Because the police are aware of the work that is being done with both victims and perpetrators the support services and the police work together and if people are doing well with their programs, then variations to the domestic violence orders are more often agreed to by the police. This also leads to less breaching offences.³⁶²

The Strong Families Strong Communities Program provides support, advice and advocacy to individuals and families experiencing domestic and family violence in Cunnamulla and the surrounding areas. It is managed by a multi-agency committee, and there must be a QPS member on the management committee.³⁶³ The management committee has regular meetings where information and data is shared to identify local trends and ways of responding. It also provides an opportunity to give feedback on programs.³⁶⁴ Sergeant Costelloe reported that:

The group aims to take a holistic approach to addressing incidents of DV to identify and address underlying factors contributing to DFV such as substance abuse, lack of accommodation etc.³⁶⁵

All domestic and family occurrences in the area are then referred by the police to a victim-survivor and perpetrator support service through the Redbourne referral portal. This provides an opportunity for earlier intervention for families, allows support services to work collaboratively with the family and to provide feedback to the police in relation to the level of engagement with support services.³⁶⁶

Police also make informal referrals to support services where needed, for example calling Far West Indigenous Family Violence Service after hours if urgent crisis support is needed overnight. Sergeant Costelloe told the Commission:

We can ring her at 2 am in the morning and say, "Hey, we have a client that needs support. Can you come out?" She will get a room, she has her own commitments as well, but she's fantastic.³⁶⁷

Other implemented initiatives include:

- Cell Visitor Program: volunteers attend the Cunnamulla Watchhouse to engage with persons in custody and act as a conduit between police and the First Nations community to better explain outcomes and investigations and to facilitate early intervention³⁶⁸
- Blue Edge Program: physical activity program run by police for school students, which includes breakfast and a guest speaker each session³⁶⁹
- Learner Licence Program: learner driving assistance provided by the QPS and Police Liaison Officers to help young people reach the required hours and confidence levels³⁷⁰
- weekly mentoring at the local schools, education and awareness workshops run by community at the local school³⁷¹
- regular volunteering in the school canteen³⁷²
- Blue Light Shearing: education and training program and certificate to help young people enter agricultural and farming industries³⁷³
- Blue Light Boxing: a multi-agency boxing and physical training program run for young people to improve relationships with police and increase self-esteem³⁷⁴
- engaging a local First Nations artist to work with the school children to create an artwork to wrap the police vehicle.³⁷⁵

Sergeant Costelloe also gave evidence during the Commission's hearings about ongoing art projects that will be transferred onto police cars. He said:

So part of the artwork that we're going to do with Uncle Andrew Nelson, who's a local Cunnamulla man, Kunja man, he's going to design an artwork with the school, with the P to 12 school, and that artwork is going to be a symbol of all the family groups or tribunal groups around the area, and then that's going to overlay on our police vehicle that gives us a little bit more of a - gives also the kids a sense of ownership to the artwork and obviously gives the community a sense of ownership to that artwork and that police vehicle.³⁷⁶

Both police and community organisations have recognised that this community focused approach to policing has resulted in positive relationships with the community and in improved police responses. As Acting Senior Constable Laurie Bateman recognised:

In both Cunnamulla and Charleville I have seen a healthy relationship between police and community... This relationship is built and maintained by the many programs the Charleville police and community run.³⁷⁷

MORNINGTON ISLAND³⁷⁸

The Commission saw evidence of strong cultural inductions and community collaboration by the QPS officers at Mornington Island. The induction program, an initiative of former Officer in Charge, Acting Inspector Reilly, involves cultural awareness training as well as practical information about the nuances of life on the island. New officers are rostered on shifts with experienced officers for their first few weeks. They also spend a day training with the Police Liaison Officer, who takes them to traditional areas, and introduces them to Elders. A welcome barbecue is also held to allow the community to meet the new police officers. This helps to begin the process of building a relationship and trust with the community, which can take time. Sergeant Shane Smith said:

We try and touch base with as many victims, aggrieveds and respondents, because it's a two-way street, we believe. ... you always have a talk, yarn, as it says on the island, have a talk in relation to those people involved to make sure that they're going okay and if there's any other support that we'd be able to give them in terms of policing or anything social that we're able to assist with.³⁷⁹

The police on Mornington Island have also established and participated in a number of collaborative domestic and violence related initiatives including:

- a policy of referring every aggrieved and every respondent to a local service³⁸⁰
- a weekly meeting with community groups, health services and Queensland Corrective Services, to discuss and review domestic and family violence incidents that occurred in the prior week³⁸¹
- a weekly men's group ('the yarning circle'), encouraging men to talk about their issues, with an emphasis on domestic violence³⁸²
- a monthly meeting (chaired by the QPS) with the local council, schools, community groups and health services to discuss current trends, issues arising in the prior month, upcoming events, and to share information about high-risk families in order to better coordinate any required support.³⁸³

Sergeant Smith told the Commission that when he worked on Mornington Island he would regularly attend the men's group:

Usually on a Wednesday evening we sit around in a circle, because everyone is equal. I've attended many men's group meetings, all in plain clothes, never in uniform, and most of the time in my own time, and with that we can discuss anything from men's health to that of domestic violence to what the men - especially the men here like is fishing and hunting. So we can discuss a whole wide range of issues, and with that we're included as just another man on the island.³⁸⁴

When we're discussing topics like domestic violence at men's group we don't go into specific cases or use anybody's name or anything like that, because that would be the wrong thing to do in such an environment. However, we can talk in general terms about the effects of an order, of what does entail domestic violence, that type of thing as well, as well as elderly violence or elderly abuse as well which is very akin especially here on the island with the Elders and the traditional owners, the TOs, that type of thing as well.³⁸⁵

As a result of the work being done in Mornington Island, interactions between the police and the community are generally positive, concerns are raised respectfully and police are willing to work with local organisations to maximise the safety of victims of violence. Ms Nikita Sellin, CEO of Junkuri Laka Wellesley Islands Aboriginal Law, Justice and Governance Association told the Commission:

I would say that our relationship with the police on the island is pretty good. So we work with the police, not against the police, and we want the community to see that as well, that we are there to work with the police and that - so that our relationship can be strong in that sense, so that the community see that we're trying to help the community.³⁸⁶

MOUNT ISA³⁸⁷

Sergeant Aimee Sewell, who has a background in education and is currently the Youth Club Manager at the Mount Isa PCYC, identified a gap in services and introduced and modified the nationally accredited *Love Bites* program designed to "educate and empower our young people with a little bit more information and start to challenge the attitudes and beliefs they were currently holding".³⁸⁸

MODIFIED 'LOVE BITES' PROGRAM

The purpose of this program is to allow for a tailored and culturally appropriate delivery of the program for young perpetrators of domestic and family violence in Mount Isa.

"The under-21 respondent program is an intensive three-day program which has one to three participants per program essentially, and we run it once per month and purely just because of staffing issues and requirements. As this program is quite labour intensive, it does require a lot of support for the young people. But it came about in response to a number of the young people that I was working with directly lacking understanding and awareness of their behaviours, and in particular their 'at risk' behaviours when it came to domestic and family violence.

*So then they lacked a lot of understanding about why they were obviously getting in trouble for stealing cars or breaking into houses and were perhaps not dealt with with the severity that they were receiving in response to breaches of domestic violence. So they really lacked understanding about why they were getting in essentially more trouble for domestic violence than they were for other offences."*³⁸⁹

The program focusses on "learning through activities, conversations and feedback."³⁹⁰ It includes reviewing the conditions of the Protection Order and giving examples to contextualise the conditions. Two staff (Sergeant Sewell and a colleague) manage and deliver the program, and the intention is to partner with other agencies in the future. Public transport is limited in Mount Isa, so the program includes transport, which is viewed as an opportunity to engage:

*"But generally young people are more willing to communicate when they're not being faced eye to eye. Especially with our Indigenous communities, a lot of young people won't look people in the eye. It's not a sign of disrespect; it's just a cultural mannerism. So being in a vehicle where I don't have to directly look at them is actually, yes, very productive and you get a lot of information from the young people when we're in vehicles waiting in drive-through lines or, you know, even just between the pick up and drop off. So if there's someone that I need to talk to about a specific issue I'll drop them off last."*³⁹¹

The program also includes catering. Sergeant Sewell gave evidence that the participants are encouraged to "take dinner home to the parents so there is a conversation around their learnings for that day around a meal."³⁹²

Although it is too early to fully assess the success of this program,³⁹³ it is another positive example of police acting proactively and collaboratively to address an issue within a community. It is proposed to expand the program to Doomadgee and Mornington Island in 2023.

The Commission also heard of the cultural awareness training introduced by the Officer in Charge of Mount Isa station. The training, delivered in partnership with community Elders and other government agencies, involves an explanation of local cultural history and the relevance of intergenerational trauma, and is delivered to all officers who commence at the station.³⁹⁴ Initiatives by individual officers such as this should be encouraged.

AURUKUN³⁹⁵

The importance of cultural inductions in Aurukun was recognised by Senior Sergeant Amit Singh, who gave evidence to the Commission of the importance of connecting with the community, asking for permission from the Elders to walk the land and beginning from a place of respect towards "their culture and the land".³⁹⁶ The positive engagement between Senior Sergeant Singh and the First Nations community was recognised by Aurukun Mayor, Ms Keri Tamwoy, who gave evidence to the Commission that:

It is early days, but things are going well. Officer Singh engages with the elders and with offenders, and is very proactive and focussed. This level of engagement is important. He also engages with the community as a whole – like recently, the police hosted a community game night and I believed a lot of people attended that. He knows what he wants to achieve, but he also knows that achievements only happen when we all work together. I feel the same.³⁹⁷

In terms of positive community engagement, Mayor Tamwoy also gave evidence that the PCYC in Aurukun was an example of “*engagement done well*”. She said:

Steve and Norma (who run the PCYC) really go out of their way to engage with the youth in the community. A recent example is the first NAIDOC Youth Ball.³⁹⁸

The Commission heard that the limited presence and availability of support agencies in the community made addressing and responding to domestic and family violence difficult. Mayor Tamwoy explained that most services are available for limited hours only several days per week, and were not available on weekends or after hours, which was when they were most needed.

THE FOUR-POINT PLAN FOR AURUKUN

The four-point plan for Aurukun is a coordinated government response to improving community safety and governance, education and employment which was developed in 2016 following instances of unrest. Until the end of 2018, the plan was coordinated by a former Officer in Charge of Aurukun station, Brendan McMahon, who had strong ties to the community and was the inaugural Aurukun Government Coordinator. Mayor Tamwoy said:

*“I believe there was some improvement in community during that time. Brendon made a difference because he reported directly to the Director-Generals and he was always pushing for, you know, things to be done in the appropriate way for Aurukun... After Brendon left it left a big gap in community that couldn’t be filled. There was no forward planning to capture what Brendon had done in community.”*³⁹⁹

After Mr McMahon finished in his role as the Senior Government Coordinator, and government interest waned, the positive achievements were not maintained. This highlights the real need for long-term, generational investment. A quick fix is no real fix. As noted by Mr McMahon:

Long term commitment is required at a governmental level in order to see positive change. An example of a successful whole of government approach was the performance framework for agencies in Aurukun. This was called the, ‘The Premiers Aurukun 4 Point Response Plan.’ It was announced on 14 June 2016, and centred around strengthening community safety, providing access to education, strengthening the community and its governance, and harnessing jobs and economic opportunity.

...However, while there have been isolated accomplishments, I have observed that often when a government coordinated plan created a small window of success, the attention and motivation to continue declined. The situation, on a superficial level, appeared to have improved, and the focus was taken away. Instead of persisting and turning the short-term success into a systemic change, this near-sighted attitude caused notable achievements, including notable changes to community attitudes and behaviours, to slowly erode and the dysfunctional issues returned.

In my experience, coordinated efforts between multiple agencies are required to provide effective support to regional communities. This requires long-term commitment from each of the agencies with significant support from the government.⁴⁰⁰

BROADER ACTIVITIES

The National Agreement on Closing the Gap provides for First Nations peoples and governments to work together in strong formal partnerships to achieve health and life expectancy of First Nations peoples that is equal to all Australians. This includes reducing the rate of First Nations adults held in custody by at least 15% by 2031⁴⁰¹ and reducing the rates of family violence against First Nations women and children by at least 50%, and towards zero, by 2031.⁴⁰² In July 2021, Queensland submitted its implementation plans for reaching the targets. In August 2022, the Queensland Government accepted all recommendations made by the 2021 Treaty Advancement Committee for the progress of an authentic partnership treaty process in Queensland.⁴⁰³ The Commission acknowledges the key recommendations relating to the establishment of a Truth Telling and Healing Inquiry to engage with public institutions to build a shared understanding of First Nations history, and to enable First Nations peoples to give evidence about injustices done to them. This may assist in addressing the distrust of police expressed by First Nations peoples as a result of colonisation and protectionist policies (discussed earlier in this Part).⁴⁰⁴

Local Thriving Communities is a long-term commitment of this Government to enhance engagement with Queensland's remote and discrete communities, with a focus on local place-based decision making and service delivery.⁴⁰⁵ Critical to the implementation of recommendations made by the Commission is the commitment to inclusion and leadership of Queensland's First Nations peoples and communities in the co-design and delivery activities related to domestic and family violence policing.⁴⁰⁶

FIRST NATIONS JUSTICE OFFICE

In the Women's Safety and Justice Taskforce's *Hear her voice: Report One* (2021), it was recommended that the Queensland Government, in partnership with First Nations peoples, co-design a strategy to address the overrepresentation of First Nations peoples in Queensland's criminal justice system and meet Queensland's Closing the Gap targets.

The Queensland Government is in the process of establishing the First Nations Justice Office, which will be tasked with developing First Nations justice strategies. The Commission had the opportunity to meet with a senior officer who is assisting to establish the First Nations Justice Office and discuss its proposed direction.

The Commission believes the First Nations Justice Office will be well placed to consider domestic and family violence related issues which are impacting First Nations peoples and communities, and at the conclusion of this chapter makes a recommendation that domestic and family violence policy become a key priority area for the First Nations Justice Office. The Commission also makes a recommendation that the First Nations Justice Office provides resources where needed to support positive partnerships that already exist between the police and First Nations people and communities throughout Queensland.

CONCLUSION

It is acknowledged that aspects of this Report may have been confronting for First Nations peoples and communities, police, victim-survivors and the wider Queensland community. This includes discussions about the continuing impact of colonisation on First Nations peoples and communities, the incidence of racism in the QPS and a lack of cultural capability, as well as the contribution of certain police responses to domestic and family violence to overrepresentation of First Nations peoples in the criminal justice system. But, as recognised in the recent commitment to a Truth Telling and Healing Inquiry, it is important to acknowledge past history, as well as current problems, if Queenslanders want to move forward to a place where meaningful change is possible, to support healing and reconciliation.

In this way, this section of the Report is a call for change in the QPS response to First Nations peoples and communities impacted by domestic and family violence.

FINDINGS

- It is essential that the Queensland Police Service works collaboratively with community-based organisations to respond to domestic and family violence, particularly in rural and remote areas, where communities may be more tight-knit and lacking in local resources and support services. For First Nations peoples, community-led models have the potential to produce culturally intelligent, and therefore more effective, domestic and family violence responses.
- For Queensland Police Service members to work effectively with and in a community, they must have an understanding of the community's culture, history, relationship with police, and needs. This is true of all communities, but particularly essential for discrete First Nations communities and predominantly First Nations communities. Any cultural induction should be specific to that community, and should be delivered by a person with cultural authority.
- Police Liaison Officers play a critical role in service delivery, community relationships and the provision of expert cultural advice to the Queensland Police Service. Their responsibilities vary considerably from region to region.
- Police Liaison Officers do not receive adequate training, particularly in relation to domestic and family violence.
- Police Liaison Officers who represent the only permanent Queensland Police Service presence in a community face unique challenges and are not adequately supported by the Queensland Police Service.
- There are a number of positive community-led projects and community-centric policing initiatives that have been built and are carried out in partnership with First Nations community-controlled organisations and which the Queensland Police Service can learn from to further develop its response.

RECOMMENDATIONS

Recommendation 55

Within 12 months, the Queensland Police Service develop community awareness and preparedness inductions for members posted to remote locations which, at a minimum:

- are developed in consultation with the relevant community
- contain community specific information
- involve face-to-face introductions to community leaders and support and justice service providers.

Recommendation 56

Within 12 months, the Queensland Police Service establish funded, non-operational periods of at least three days for members newly appointed to rural and remote communities to enable the community preparedness inductions to occur prior to the commencement of operational duties.

Recommendation 57

Within 12 months, the Queensland Police Service develop and implement a procedure which provides for police officers who have completed two years of rural or remote service in designated communities:

- explicit recognition of the importance of remote and rural service in promotional criteria
- funded access to professional assistance for resume writing and interview skills.

Recommendation 58

Within 12 months, the Queensland Police Service explore the feasibility of inter-departmental arrangements for partners of police officers posted to rural and remote communities who work in the public sector and wish to serve in the same community.

Recommendation 59

Within 12 months, the Queensland Police Service, in consultation with the First Nations panel, assess the needs of, then design and deliver additional and ongoing training for Police Liaison Officers including in relation to domestic and family violence, trauma informed practice, conflict resolution and suicide prevention.

Recommendation 60

Within six months, the Queensland Police Service review the Operational Procedures Manual to more accurately reflect the diverse roles undertaken by Police Liaison Officers within the Queensland Police Service.

Recommendation 61

Within 12 months, the Queensland Police Service take the following actions in relation to Police Liaison Officers who are stationed in areas in which they are the only permanent Queensland Police Service presence, including in the Torres Strait:

- develop and deliver a training package in relation to QPRIME and QLITE and
- allow Police Liaison Officers access to QPRIME and the use of QLITE devices.

Recommendation 62

Within 12 months, the Queensland Police Service consult with relevant First Nations communities and Police Liaison Officers in areas in which Police Liaison Officers are the only permanent Queensland Police Service presence, including in the Torres Strait to explore the most suitable option for servicing the community through either installing sworn officers in those communities or the expansion of powers to Police Liaison Officers in those communities.

Recommendation 63

Within 12 months, the Queensland Police Service examine how airfields within the Torres Strait can be upgraded to enable Queensland Police Service planes to land at night.

Recommendation 64

Within six months, the Queensland Police Service establish and/or expand an excellence in policing service delivery award scheme to acknowledge distinction in policing responses to First Nations peoples and communities.

Recommendation 65

Within three months, the Queensland Government establish domestic and family violence as a key priority area of the First Nations Justice Office, Department of Justice and Attorney-General.

Recommendation 66

Within three months, the Queensland Government add additional funded position(s) to the existing First Nations Justice Office structure as additional full-time equivalent and allocated specifically to the domestic and family violence priority area.

Recommendation 67

Within six months, the First Nations Justice Office allocate resources to adequately support current models of existing partnerships between the Queensland Police Service and First Nations peoples and communities which address domestic and family violence, including through partnerships with other government and non-government agencies.

HUMAN RIGHTS CONSIDERATIONS

In order to promote beneficial remote and rural placements, police officers need to be properly prepared for and educated about the unique challenges facing those communities and should participate in a cultural induction that involves local community input, contains community specific information and involves face to face introductions to community leaders and support and justice service providers. Successful recruitment and retention of culturally aware staff in communities, and recognition of their remote and rural time for future postings, will lead to better outcomes for victim-survivors and First Nations peoples, elevating their cultural rights (ss27 & 28 HRA) and recognition and equality before the law (s15 HRA).

The role of the Police Liaison Officer is critical and it contributes to the promotion of the cultural rights of First Nations peoples (s28 HRA). Access to further training, recognition of the diverse roles Police Liaison Officers undertake, and an expansion of their powers will further promote the cultural rights of First Nations peoples (s28 HRA) and the right of recognition and equality before the law (s15 HRA).

Recommendations for prioritising domestic and family violence within the First Nations Justice Office and supporting partnerships between the Queensland Police Service and First Nations peoples will lead to a more holistic, culturally appropriate response to policing domestic and family violence. This will promote the personal rights of victim-survivors that are engaged when domestic and family violence is prevented and adequately responded to, including recognition and equality before the law as a result of better investigation (s 15 HRA), right to life (s 16 HRA), liberty and security (s 29 HRA), protection for victims and their families (ss17 and 26 HRA) and cultural rights (s 28 HRA).

CHAPTER 12 DATA TABLES

i

RATES (PER 100,000 PERSONS) OF POLICE-ASSESSED AGGRIEVED BY INDIGENOUS STATUS AND SEX										
Demographic	Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Indigenous Female	8997	9488	9638	10424	11907	11845	11270	12055	12506	15599
Indigenous Male	2132	2327	2420	2544	3137	3036	3036	3331	3575	4631
Non-Indigenous Female	1443	1540	1704	1947	2235	2074	2032	2104	2248	2583
Non-Indigenous Male	494	518	579	670	766	740	722	781	818	991

ii

RATES (PER 100,000 PERSONS) OF POLICE-ASSESSED RESPONDENTS BY INDIGENOUS STATUS AND SEX										
Demographic	Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Indigenous Female	3,688	3,980	4,246	4,486	5,672	5,774	5,515	6,092	6,452	8,297
Indigenous Male	12,514	13,204	13,271	14,365	16,439	16,019	15,430	16,062	16,690	19,887
Non-Indigenous Female	470	504	556	671	755	747	734	785	810	988
Non-Indigenous Male	1,677	1,806	2,010	2,305	2,672	2,475	2,412	2,501	2,665	2,980

iii

RATE (PER 100,000 PERSONS) OF DEFENDANTS CHARGED WITH CONTRAVENE DVO OFFENCES IN ALL MAGISTRATES COURTS, BY INDIGENOUS STATUS, AND SEX											
Indigenous Status	Gender	Year									
		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Indigenous	Female	469	580	627	700	891	1,007	876	848	1,074	1,279
	Male	3,071	3,448	3,474	4,072	4,403	4,387	4,231	4,236	4,667	5,399
<i>Indigenous Total</i>		<i>1,746</i>	<i>1,990</i>	<i>2,028</i>	<i>2,361</i>	<i>2,622</i>	<i>2,673</i>	<i>2,530</i>	<i>2,519</i>	<i>2,845</i>	<i>3,311</i>
Non-Indigenous	Female	31	37	41	56	70	78	73	74	86	98
	Male	235	266	313	388	471	453	444	443	520	554
Non-Indigenous Total		132	150	176	220	268	263	256	256	299	322

iv

RATE (PER 100,000 PERSONS) OF DEFENDANTS CHARGED WITH DOMESTIC AND FAMILY VIOLENCE RELATED OFFENCES IN ALL MAGISTRATES COURTS, BY INDIGENOUS STATUS, AND SEX

Indigenous Status	Gender	Year						
		2015	2016	2017	2018	2019	2020	2021
Indigenous	Female	36.4	397.0	435.0	323.6	374.7	382.9	499.9
	Male	193.4	1,929.4	1,852.9	1,593.1	1,595.4	1,605.2	2,026.8
<i>Indigenous Total</i>		<i>113.8</i>	<i>1,152.5</i>	<i>1,133.9</i>	<i>951.1</i>	<i>976.6</i>	<i>985.5</i>	<i>1,252.6</i>
Non-Indigenous	Female	1.3	24.7	21.4	14.5	14.2	15.2	17.3
	Male	11.7	145.7	136.7	100.1	88.0	94.9	117.9
<i>Non-Indigenous Total</i>		<i>6.4</i>	<i>84.5</i>	<i>78.2</i>	<i>56.7</i>	<i>50.5</i>	<i>54.4</i>	<i>66.8</i>

v

RATES (PER 100,000 PERSONS) OF ADMISSION TO CUSTODY FOR DOMESTIC AND FAMILY VIOLENCE RELATED OFFENCES, INCLUDING BREACHES OF A CONTRAVENTION ORDER BY INDIGENOUS STATUS AND SEX

Demographic		Year				
		2017/18	2018/19	2019/20	2020/21	2021/22
Indigenous	Female	36.62	161.3	214.99	255.78	289.11
	Male	480.75	1666.56	2523.65	2701.06	2835.77
<i>Indigenous Total</i>		<i>253.42</i>	<i>896.78</i>	<i>1342.82</i>	<i>1450.83</i>	<i>1543.19</i>
Non-Indigenous	Female	0.85	4.24	5.70	7.86	8.27
	Male	17.60	64.78	89.97	111.74	121.94
<i>Non-Indigenous Total</i>		<i>9.06</i>	<i>33.85</i>	<i>46.88</i>	<i>58.57</i>	<i>63.70</i>

vi

RATE OF QPRIME OCCURRENCES (PER 100,000 PERSONS) BY LOCATION

Location	Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Inner Regional	1700	1840	1995	2362	2711	2631	2634	2848	2976	3282
Major Cities	978	1071	1190	1375	1602	1517	1504	1576	1679	1948
Outer Regional	2187	2381	2562	2761	3182	3216	3177	3355	3693	4932
Remote	6456	6221	6150	8401	9269	9430	9583	10468	11215	16260

ENDNOTES – PART 4

- 1 Reported reliably and frequently, with a recent example being: Queensland Sentencing Advisory Council, *Engendering justice: The sentencing of women and girls in Queensland* (Sentencing Profile Report No 4, 17 August 2022).
- 2 Queensland Sentencing Advisory Council, *Engendering justice: The sentencing of women and girls in Queensland* (Sentencing Profile Report No 4, 17 August 2022).
- 3 Marianne O Nielsen and Linda Robyn, 'Colonialism and Criminal Justice for Indigenous Peoples in Australia, Canada, New Zealand and the United States of America' (2003) 4(1) *Indigenous Nations Studies Journal* 29; Jean-Denis David and Megan Mitchell, 'Contacts with Police and the Over-Representation of Indigenous Peoples in The Canadian Criminal Justice System' (2021) 63(2) *Canadian Journal of Criminology and Criminal Justice* 23.
- 4 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021) [pp iii–v].
- 5 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 8].
- 6 Premier and Minister for the Olympics the Honourable Anastasia Palaszczuk and Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships the Honourable Craig Crawford, Queensland Government, 'Palaszczuk Government launches the start of the formal Path to Treaty' (Joint Media Statement, 16 August 2022).
- 7 In colonised countries, the term 'colonial' can also be used to describe the architecture and style of the era of colonisation.
- 8 Daniel Butt, 'Colonialism and postcolonialism' in Hugh LaFollette (ed) *The International Encyclopedia of Ethics* (Blackwell, 2013) [pp 892–893].
- 9 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 50]; Jack Drake, *Queensland's Frontier Wars* (Boolarong Press, 2021) [p 4]; Daniel Black, 'Settler-Colonial continuity and the ongoing suffering of Indigenous Australians' (2021) *E-International Relations* [p 1].
- 10 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 7].
- 11 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 77]; Daniel Black, 'Settler-Colonial continuity and the ongoing suffering of Indigenous Australians' (2021) *E-International Relations* [p 2]; Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [pp 8–12].
- 12 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 7].
- 13 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 399: line 3].
- 14 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1619: line 1].
- 15 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [pp 182, 184].
- 16 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1617: line 47].
- 17 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 182].
- 18 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 185].
- 19 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020).
- 20 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1617: line 9 – p 1619: line 32]; Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 166].
- 21 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 886: lines 1–10].
- 22 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 843: line 36 – p 844: line 5].
- 23 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 844: lines 7–36].
- 24 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 402: lines 4–17].
- 25 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 2: paras 8–12].
- 26 Domestic and Family Violence Death Review and Advisory Board, *Collaborative responses to risk, safety and dangerousness (2021-22 Case Review Report 4)*, provided by the Coroner's Court of Queensland in response to the Commission Requirement, NTP 4.002, Item 1, requested 10 June 2022.
- 27 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 844: line 41 – 845: line 2].
- 28 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 843: lines 29–39].
- 29 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 844: line 41 – p 845: line 2].
- 30 Exhibit 39 (C11), QPS baseline First Nations cultural awareness survey 2021, Tender Bundle W, tendered 5 October 2022 [pp 13–14, 16, 18–19].
- 31 QPS State-Wide Compulsory Training, 16 June 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.007, Item 18, requested 5 July 2022.
- 32 Transcript of proceedings, Constable Zak Holliday, 21 July 2022, Townsville [p 726: lines 1–14; p 762: lines 16–36]; Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1849: line 40 44].
- 33 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 839: line 36 – p 840: line 4].
- 34 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 436: lines 38–45].
- 35 'Cultural Competence Program', *Special Broadcasting Service*, (Web Page 2022) (<https://www.cultural-competence.com.au>).
- 36 Transcript of proceedings, Acting Assistant Commissioner Mark Kelly, 12 July 2022, Brisbane [p 177: lines 36–44].
- 37 Transcript of proceedings, Acting Assistant Commissioner Mark Kelly, 5 August 2022, Brisbane [p 1664: lines 5–23]; Exhibit 28, Written responses provided by Mark Kelly to additional questions, Tender Bundle Q, tendered 5 August 2022 [pp 9-10].
- 38 Exhibit 39 (C11), QPS Baseline First Nations Cultural Awareness Survey Results, Tender Bundle W, tendered 5 October 2022 [p 5].
- 39 Exhibit 39 (C11), QPS Baseline First Nations Cultural Awareness Survey Results, Tender Bundle W, tendered 5 October 2022 [p 6].
- 40 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 176]; Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 95]; Marcia Langton et al, *Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women* (ANROWS Research Report, Issue 25, December 2020) [pp 31, 33].
- 41 Associate Professor Marlene Longbottom, Commission of Inquiry Submission 184, 6 July 2022 [p 3].
- 42 [Deceased's name]: Prelim Review, 13 June 2022, provided by the Coroners Court of Queensland in response to the Commission requirement, NTP 4.004, Item 1, requested 9 September 2022; [Deceased's name] – Supplementary Review, 13 June 2022, provided by the Coroners Court of Queensland in response to the Commission requirement, NTP 4.004, Item 1, requested 9 September 2022.
- 43 Heather Douglas and Robin Fitzgerald, 'The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander people' (2018) 7(3) *International Journal for Crime, Justice and Social Democracy* 41 [pp 48–49].
- 44 Marcia Langton et al, *Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women* (ANROWS Research Report, Issue 25, December 2020) [p 33].
- 45 *Criminal Code* 1899 (Qld) ss 271, 272; Hayley Boxall, Christopher Dowling and Anthony Morgan, 'Female perpetrated domestic violence: Prevalence of self-defensive and retaliatory violence' (2020) 584 *Trends and issues in crime and criminal justice* [pp 2, 4].
- 46 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 886: lines 16–20, 29–33].
- 47 Exhibit 13.3, Statement of Andrea Kyle Sailor, Tender Bundle H, tendered 22 July 2022 [p 3: para 11].
- 48 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1587: line 46 – p 1588: line 7].
- 49 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1202: lines 22–29].
- 50 Exhibit 18.3, Statement of Associate Professor Marlene Longbottom, Annexure A (Submission to Commission of Inquiry), Tender Bundle L, tendered 28 July 2022 [pp 6–7].
- 51 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1202: lines 40–44].
- 52 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1202: lines 15–21].
- 53 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.002, requested 2 June 2022.
- 54 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Department of Justice and Attorney General in response to the Commission Requirement, NTP 1.002, requested 9 June 2022.
- 55 Based on data for the period 1 July 2017 to 30 June 2022, provided by Queensland Corrective Services in response to Commission Requirements, NTP 14.001 and 14.002, requested 12 and 30 September 2022.
- 56 Anna Olsen and Ray Lovett, *Existing knowledge, practice and responses to violence against women in Australian Indigenous communities: State of knowledge paper* (ANROWS Landscapes, Issue 2, January 2016).
- 57 Heather Nancarrow, *Unintended Consequences of Domestic Violence Law: Gendered Aspirations and Racialised Realities* (Palgrave Macmillan, 2019) [p 48].
- 58 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021).
- 59 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021).

60 Transcript of proceedings, Professor Chelsea Watego, Dr David Singh and Dr Elizabeth Strakosch, 5 August 2022, Brisbane [pp 1614–1636].

61 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 5].

62 Queensland Sentencing Advisory Council, *Engendering justice: The sentencing of women and girls in Queensland* (Sentencing Profile Report No 4, 17 August 2022) [p 7].

63 Change the Record Coalition, *Pathways to Safety: the case for a dedicated First Nations Women's Nations Safety Plan – written by Aboriginal and Torres Strait Islander women, for Aboriginal and Torres Strait Islander Women* (Report, 2021) [p 11].

64 Based on data provided by the Queensland Police Service in response to the Commission Requirement NTP 2.002, requested 2 June 2022.

65 Noted here as Indigenous, not First Nations or Aboriginal and Torres Strait Islander, for consistency with the data headings provided.

66 The data provided by police was not able to accurately identify the outcomes of police actions taken, such as the charging of contravention offences.

67 Australian Bureau of Statistics, *Prisoners in Australia 2021* (Catalogue 45170DO004_2021, 9 December 2021) [Tables 40 – 41].

68 People who have been charged with an offence and refused bail.

69 Based on data for the period 1 July 2017 to 30 June 2022, provided by Queensland Corrective Services in response to the Commission Requirement, NTP 14.001 and 14.022, requested 6 and 23 September 2022.

70 Based on data for the period 1 July 2017 to 30 June 2022, provided by Queensland Corrective Services in response to the Commission Requirement, NTP 14.001, requested 6 September 2022.

71 Harry Blagg et al, *Innovative models in addressing violence against Indigenous women: Key findings and future directions* (ANROWS Research to Policy and Practice Report, Issue 1, January 2018) [p 11].

72 Court events includes events such as mentions, hearings, adjournments, bail applications, trials, applications, and covers all civil and criminal proceedings. Each event was counted once, and it may take multiple court events to finalise a matter.

73 Exhibit 39 (C1), Examples of racist language relayed to the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022.

74 Confidential, Commission of Inquiry Submission 715, 6 October 2022.

75 Confidential, Commission of Inquiry Submission 597, 6 September 2022.

76 Recording of Academy teaching session, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.069, requested 30 September 2022.

77 Confidential, Commission of Inquiry Submission 480, 2 September 2022.

78 Confidential, Commission of Inquiry Submission 377, 27 August 2022.

79 Confidential, Commission of Inquiry Submission 480, 2 September 2022.

80 Confidential, Commission of Inquiry Submission 480, 2 September 2022.

81 Confidential, Commission of Inquiry Submission 480, 2 September 2022.

82 'What is casual racism,' *Australian Human Rights Commission* (Web Page, 18 July 2014) (<https://humanrights.gov.au/about/news/what-casual-racism>).

83 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 399: lines 22–46].

84 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 282: lines 8–11].

85 Exhibit 6.1, Statement of Witness A, Tender Bundle C, tendered 13 July 2022 [p 2: para 9].

86 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.059, Item 15, requested 12 September 2022.

87 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 13, requested 16 September 2022.

88 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 17, requested 16 September 2022.

89 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 16, requested 16 September 2022.

90 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 17, requested 16 September 2022.

91 Confidential, Commission of Inquiry Submission 440, 1 September 2022 [p 1].

92 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 37, requested 2 September 2022.

93 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 37, requested 2 September 2022 [p 2: para 3].

94 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 37, requested 2 September 2022 [para 18].

95 Juniper file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.043, Item 1, requested 23 August 2022.

96 Workforce Numbers, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.015, Item 3, requested 21 June 2022; Commissioned officers who identify as being from a First Nations background, 31 May 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.042, Item 3, requested 22 August 2022.

97 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2240: line 29 – p 2241: line 7].

98 Confidential, Commission of Inquiry Submission 384, 29 August 2022.

99 Confidential, Commission of Inquiry Submission 623, 12 September 2022.

100 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2242: lines 31–38].

101 Confidential, Commission of Inquiry Submission 339, 23 August 2022.

102 Confidential, Commission of Inquiry Submission 623, 12 September 2022.

103 Confidential, Commission of Inquiry Submission 326, 22 August 2022.

104 Confidential, Commission of Inquiry Submission 654, 21 September 2022.

105 George Roberts, 'Queensland police defends force following anti-police sentiment sparked by death of Indigenous woman Aunty Sherry', *ABC News* (online, 19 Sep 2020) (<https://www.abc.net.au/news/2020-09-19/queensland-police-defend-racism-aunty-sherry-death-in-custody/12678564>) (emphasis added).

106 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2248: lines 5–7].

107 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2248: lines 28–30].

108 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2248: lines 34–36].

109 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2249: lines 5–8].

110 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2249: lines 33–34].

111 Confidential, Commission of Inquiry Submission 384, 29 August 2022; Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 12, requested 9 September 2022.

112 Confidential, Commission of Inquiry Submission 480, 25 August 2022.

113 Exhibit 39 (C4), Examples of impacts of racism on QPS responses to domestic and family violence, Tender Bundle W, tendered 5 October 2022.

114 Exhibit 39 (C4), Examples of impacts of racism on QPS responses to domestic and family violence, Tender Bundle W, tendered 5 October 2022.

115 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 12].

116 Confidential, Commission of Inquiry Submission 326, 22 August 2022.

117 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2244: lines 10–11].

118 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2244: lines 22–23].

119 George Roberts, 'Queensland police defends force following anti-police sentiment sparked by death of Indigenous woman Aunty Sherry', *ABC News* (online, 19 Sep 2020) (<https://www.abc.net.au/news/2020-09-19/queensland-police-defend-racism-aunty-sherry-death-in-custody/12678564>).

120 Confidential, Commission of Inquiry Submission 440, 1 September 2022.

121 Exhibit 39 (C13), QPS Response to NTP regarding the First Nations Reference Group, Tender Bundle W, tendered 5 October 2022; Exhibit 39 (C14), Executive Briefing Note Update 1: Establishment of Police First Nations Reference Group 9 August 2021, Tender Bundle W, tendered 5 October 2022 [p 1: para 4].

122 Exhibit 39 (C21), Statement of Christine Thomas, Tender Bundle W, tendered 5 October 2022.

123 QPS First Nations Reference Group, Commission of Inquiry Submission 543, 5 September 2022 [p 3].

124 Exhibit 39 (C14), Executive Briefing Note Update 1: Establishment of Police First Nations Reference Group 9 August 2021, Tender Bundle W, tendered 5 October 2022.

125 Exhibit 39 (C14), Executive Briefing Note Update 1: Establishment of Police First Nations Reference Group 9 August 2021, Tender Bundle W, tendered 5 October 2022.

126 Exhibit 39 (C20), First Nations Reference Group maps and experience of founding members, Tender Bundle W, tendered 5 October 2022; Exhibit 39 (C21), Statement of Christine Thomas, Tender Bundle W, tendered 5 October 2022.

127 Notes taken by Deputy Director-General of meeting with Acting Deputy Commissioner Shane Chelepy on 14 March 2022, provided by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in response to the Commission Requirement, NTP 11.003, requested 14 October 2022.

128 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 3].

129 Correspondence to the Commission, provided by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in response to the Commission Requirement, NTP 11.003, requested 14 October 2022.

130 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 4].

131 Queensland Police Service, *Operational Plan 2022-23: Q1 July 2022* (July 2022); Queensland Police Service, *Cultural Capability Action Plan* (May 2021). The QPS Operational Plan includes to develop and embed cultural training to enhance cultural awareness and capacity including conducting a QPS Cultural Awareness baseline survey.

132 Executive Briefing Note Queensland Police Service Reconciliation Action Plan, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 4, requested 15 September 2022.

- 133 Executive Briefing Note Queensland Police Service Reconciliation Action Plan, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 4, requested 15 September 2022. Western Australia and South Australia Police have both developed and implemented Reconciliation Action Plans.
- 134 Executive Briefing Note Queensland Police Service Reconciliation Action Plan, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 4, requested 15 September 2022. The *Public Sector Act 2022* (Qld) will commence on 1 March 2023, which includes, subject to passage, a new statutory requirement for public sector entities to develop their cultural capability (s 21).
- 135 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2260: line 42 – p 2262: line 7].
- 136 Exhibit 39 (B27), QPS Organisational Review of the Communications, Culture and Engagement Division, Tender Bundle W, tendered 5 October 2022 [p 11].
- 137 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2241: lines 40–43].
- 138 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
- 139 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
- 140 Transcript of proceedings, Acting Inspector Jacquelin Honeywood, 18 July 2022, Cairns [p 461: lines 26–40].
- 141 Confidential, Commission of Inquiry Submission 475, 29 August 2022.
- 142 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
- 143 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2261: lines 21–33].
- 144 A further QPS initiative, established in November 2020, with the aim of providing support for all Aboriginal and Torres Strait Islander personnel in the QPS through a dedicated and culturally supportive network, open to any Aboriginal and/or Torres Strait Islander employee or volunteer.
- 145 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022; Confidential, Commission of Inquiry Submission 384, 29 August 2022; Confidential, Commission of Inquiry Submission 626, 13 September 2022.
- 146 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
- 147 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2251: lines 3–6].
- 148 Australian Association of Social Workers, Commission of Inquiry Submission 119, 24 June 2022.
- 149 Heather Nancarrow, *Unintended Consequences of Domestic Violence Law: Gendered Aspirations and Racialised Realities* (Palgrave Macmillan, 2019) [p 10].
- 150 *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022* (Qld).
- 151 Exhibit 19.2, Dr Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 10].
- 152 *Domestic and Family Violence Protection Act 2012* (Qld) ss 3–4; Explanatory Notes, *Domestic and Family Violence Protection Bill 2011* (Qld) [pp 9–10].
- 153 *Criminal Code Act 1899* (Qld) sch 1, s 315A. Date of commencement 5 May 2016.
- 154 *Domestic and Family Violence Protection Act 2012* (Qld) s 177. Date of commencement 22 October 2015.
- 155 *Domestic and Family Violence Protection Act 2012* (Qld) ss 178–179. Date of commencement 30 May 2017.
- 156 *Domestic and Family Violence Protection Act 2012* (Qld) s 97. Date of commencement 30 May 2017.
- 157 *Domestic and Family Violence Protection Act 2012* (Qld) ss 101–113. Date of commencement 30 May 2017.
- 158 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 131].
- 159 This response was to include a trial of integrated service provision in one discrete Indigenous community, the consideration of an expanded role of Community Justice Groups in the design and implementation of the co-located service response and an increase of funding for, and availability of, community-driven and holistic responses to indigenous male perpetrators: Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 9].
- 160 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 92].
- 161 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 100].
- 162 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [pp 98–99].
- 163 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 101].
- 164 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 101].
- 165 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 100].
- 166 Domestic and Family Violence Death Review and Advisory Board, *2018-19 Annual Report* (2019) [pp 67–78].
- 167 In reaching this conclusion, the Board considered a case where a First Nations woman used resistive violence and was misidentified. Cross-applications were made. The Board also made findings that First Nations women's use of resistive violence was likely to result in criminal charges. Domestic and Family Violence Death Review and Advisory Board, *2020-21 Annual Report* (2021) [pp 61–62].
- 168 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 5].
- 169 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 5].
- 170 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 378].
- 171 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 378].
- 172 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 378].
- 173 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 378].
- 174 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [pp 110–111].
- 175 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [pp 378–380].
- 176 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [Recommendation 13].
- 177 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [Recommendation 5].
- 178 North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022 [p 2].
- 179 North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022 [p 11].
- 180 Intelligence Assessment – Domestic and Family Violence in the Mount Isa District, 19 September 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.068, Item 1, requested 29 September 2022.
- 181 Intelligence Assessment – Domestic and Family Violence in the Mount Isa District, 19 September 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.068, Item 1, requested 29 September 2022.
- 182 Emma Buxton-Namisnyk, 'Domestic Violence Policing of First Nations Women in Australia: "Settler" Frameworks, Consequential Harms and the Promise of Meaningful Self-Determination' (2021) 19 November *The British Journal of Criminology* 1.
- 183 Australian Human Rights Commission, *Wiji Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020); *Domestic and Family Violence Death Review and Advisory Board, 2016-17 Annual Report* (2017) [p 95].
- 184 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021).
- 185 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021) [p 4].
- 186 Sisters Inside and the Institute for Collaborative Race Research, Commission of Inquiry Submission 293, 13 July 2022 [p 6], quoting 'Marcia Langton, 'Two Victims, No Justice', *The Monthly* (July 2016).
- 187 Domestic and Family Violence Death Review and Advisory Board: Case Review Meeting 4 Aboriginal Family Violence Homicides, 16 March 2017, provided by the Coroners Court of Queensland in response to the Commission requirement, NTP 4.002, Item 1, requested 10 June 2022.
- 188 Sisters Inside and the Institute for Collaborative Race Research, Commission of Inquiry Submission 293, 13 July 2022 [p 8].
- 189 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1626: lines 7–12].
- 190 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1626: line 12].
- 191 Confidential, Commission of Inquiry Submission 480, 2 September 2022.
- 192 Exhibit 17.2, Statement of Toni Bell, Tender Bundle K, tendered 27 July 2022 [p 2: para 8].
- 193 Emma Buxton-Namisnyk, Commission of Inquiry Submission 206, 11 July 2022 [p 5].
- 194 Aboriginal and Torres Strait Islander Legal Service North Queensland, Commission of Inquiry Submission 199, 8 July 2022 [p 4].
- 195 Exhibit 13.3, Statement of Andrea Kyle Sailor, Tender Bundle H, tendered 22 July 2022 [p 4: para 20].
- 196 Australian Human Rights Commission, *Wiji Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 156–157]; *Domestic and Family Violence Death Review and Advisory Board, 2016-17 Annual Report* (2017) [p 95].
- 197 Such as resistive violence, or relationship arguments where there is no power imbalance or pattern of control.
- 198 Transcript of proceedings, Dr Heather Nancarrow, 29 July 2022, Brisbane [p 1231: lines 11–15].
- 199 Transcript of proceedings, Dr Heather Nancarrow, 29 July 2022, Brisbane [p 1230: lines 14–22].
- 200 Exhibit 18.1, Professor Heather Douglas, *Report to the Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence* (14 July 2022), Tender Bundle L, tendered 28 July 2022 [p 6].

201 Exhibit 18.1, Professor Heather Douglas, *Report to the Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence* (14 July 2022), Tender Bundle L, tendered 28 July 2022; Heather Nancarrow et al, *Accurately Identifying the "person most in need of protection" in domestic and family violence law* (ANROWS Research Report, Issue 23, November 2020) [p 87].

202 Queensland Indigenous Family Violence Legal Service, Commission of Inquiry Submission 169, 28 June 2022 [p 6–7].

203 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 7].

204 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 7].

205 Transcript of proceedings, Professor Heather Douglas, 28 July 2022, Brisbane [p 1163: line 20].

206 Exhibit 19.2, Dr Heather Nancarrow, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service response to family and domestic violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 9].

207 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police response to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 16].

208 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 7].

209 Exhibit 18.1, Professor Heather Douglas, *Report to the Commission of Inquiry into Queensland Police Service responses to Domestic and Family Violence* (14 July 2022), Tender Bundle L, tendered 28 July 2022 [p 4].

210 North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022 [p 2].

211 Exhibit 19.2, Dr Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 6].

212 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 8].

213 Delays in engaging police may be due to the factors outlined above: Queensland Law Society, Commission of Inquiry Submission 116, 15 June 2022 [p 6]; Australian Association of Social Workers, Commission of Inquiry Submission 119, 24 June 2022 [p 2]; Heather Douglas and Robin Fitzgerald, 'The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander people' (2018) 7(3) *International Journal for Crime, Justice and Social Democracy* 41 [p 49].

214 Transcript of proceedings, Associate Professor Kyllie Cripps, 29 July 2022, Brisbane [p 1272: line 39 – p 1273: line 4].

215 Heather Nancarrow et al, *Accurately Identifying the "person most in need of protection" in domestic and family violence law* (ANROWS Research Report, Issue 23, November 2020) [p 143].

216 Transcript of proceedings, Dr Heather Nancarrow, 29 July 2022, Brisbane [p 1231: line 33–39].

217 Heather Nancarrow et al, *Accurately Identifying the "person most in need of protection" in domestic and family violence law* (ANROWS Research Report, Issue 23, November 2020); Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022.

218 [Deceased name], 27 June 2022, provided by the Coroner's Court of Queensland in response to the Commission Requirement, NTP 4.004, Item 1, requested 9 September 2022.

219 North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022 [p 2].

220 Micah Projects, Meeting with the Commission of Inquiry, held on 23 June 2022.

221 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

222 Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1875: lines 8–47].

223 Micah Projects, Meeting with the Commission of Inquiry, held on 23 June 2022.

224 Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1875: lines 19–29].

225 North Queensland Domestic Violence Resource Service, Meeting with the Commission of Inquiry, held on 4 August 2022; Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1875: lines 8–47].

226 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 5].

227 Institute for Collaborative Race Research, Commission of Inquiry Submission 293, 13 July 2022 [pp 7, 14].

228 Institute for Collaborative Race Research, Commission of Inquiry Submission 293, 13 July 2022 [p 4], referring to a federal government campaign titled 'Violence Against Women. Stop It At The Start'; Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), tendered 5 October 2022 [p 5].

229 Jennifer E. Cobbina-Dungy and Delores Jones-Brown, 'Too much policing: Why calls are made to defund the police' (2021) *Punishment & society* 1 [p 11].

230 Jennifer E. Cobbina-Dungy and Delores Jones-Brown, 'Too much policing: Why calls are made to defund the police' (2021) *Punishment & society* 1 [p 11].

231 Transcript of proceedings, Thelma Schwartz, 19 July 2022, Cairns [p 608: lines 4–14].

232 Exhibit 35.5, Statement of Nikita Sellin, Tender Bundle S, tendered 8 August 2022 [p 3: para 14]; Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Brisbane [p 1774: line 41 – p 1775: line 34].

233 Transcript of proceedings, Thelma Schwartz, 19 July 2022, Cairns [p 612: lines 29–37].

234 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 896: lines 28–39].

235 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 896: lines 3–9].

236 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 896: lines 28–33].

237 Queensland Police Service, Closing submissions to the Commission of Inquiry, Attachment B, 22 August 2022 [p 17].

238 Queensland Police Union of Employees, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 28 October 2022 [p 4: para 22].

239 Aboriginal and Torres Strait Islander Women's Legal Services North Queensland, Commission of Inquiry Submission 199, 8 July 2022 [p 6] (emphasis added)

240 Aboriginal and Torres Strait Islander Women's Legal Services North Queensland, Commission of Inquiry Submission 199, 8 July 2022 [p 6].

241 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 6: para 40].

242 Exhibit 35.1, Statement of Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 4: para 23].

243 *Domestic and Family Violence Protection Act 2012* (Qld) s 97.

244 Exhibit 35.1, Statement of Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 4: para 23].

245 Transcript of proceedings, Karl McKenzie, 22 July 2022, Townsville [p 821: lines 11–23].

246 Transcript of proceedings, Toni Bell, 27 July 2022, Brisbane [p 1143: lines 23–35].

247 Exhibit 13.4, Statement of Karl McKenzie, Tender Bundle H, tendered 22 July 2022 [p 2: para 8].

248 Transcript of proceedings, Lewis Shillito, 29 July 2022, Brisbane [p 1213–1228].

249 Transcript of proceedings, Lewis Shillito, 29 July 2022, Brisbane [p 1220: lines 8–12].

250 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Brisbane [p 571: line 24–29].

251 Transcript of proceedings, Dr Heather Nancarrow, 29 July 2022, Brisbane [p 1238: line 7].

252 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 573: line 40].

253 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 573: lines 17–27].

254 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 574: line 41 – p 575: line 5].

255 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1588: lines 34–35].

256 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 570: lines 29–39].

257 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Brisbane [p1603: lines 4–9].

258 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 571: lines 42–44].

259 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 567: line 46 – p 568: line 10].

260 Transcript of proceedings, Sergeant Elise Feltham, 11 July 2022, Brisbane [p 151: lines 27–32].

261 Exhibit 13.4, Statement of Karl McKenzie, Tender Bundle H, tendered 22 July 2022 [p 3: para 12].

262 Transcript of Proceedings, Lewis Shillito, 29 July 2022, Brisbane [p 1222: lines 10–40].

263 Exhibit 13.4, Statement of Karl McKenzie, Tender Bundle H, tendered 22 July 2022 [p 3: para 13].

264 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 578: lines 29–35].

265 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 579: lines 10–25].

266 Transcript of proceedings, Cathy Pereira, 22 July 2022, Townsville [p 879: lines 10–14].

267 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 892: lines 3–13].

268 Confidential, Commission of Inquiry Submission 739, 21 June 2022.

269 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021) [p 23].

270 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

271 Confidential, Commission of Inquiry Submission 739, 21 June 2022.

272 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

273 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

274 Exhibit 19.2, Dr Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 10].

275 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 8].

276 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 231].

277 Harry Blagg et al, *Innovative models in addressing violence against Indigenous women: Key findings and future directions* (ANROWS Research to Policy and Practice Report, Issue 1, January 2018) [p 21].

278 Transcript of proceedings, Associate Professor Kyllie Cripps, 29 July 2022, Brisbane [p 1279: line 12–17].

279 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 2: para 6].

280 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Brisbane [p 1606: lines 7–10].

281 Exhibit 18.3, Statement of Associate Professor Marlene Longbottom, Annexure A (Submission to Commission of inquiry into Queensland Police Service responses to domestic and family violence), Tender Bundle L, tendered 28 July 2022 [p 2].

282 Transcript of proceedings, Thelma Schwartz, 19 July 2022, Cairns [p 617: line 16–24].

283 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 5: para 37].

284 Australian Human Rights Commission, *Wiji Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 29].

285 Exhibit 35.4, Statement of Sergeant Shane Smith, Tender Bundle S, tendered 8 August 2022 [p 3: para 13].

286 Exhibit 13.2, Statement of Elder Aunty Florence Onus, Tender Bundle H, tendered 22 July 2022 [p 4: para 16].

287 Transcript of proceedings, Brendan McMahon, 4 August 2022, Brisbane [p 1557: lines 16–27].

288 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 8].

289 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 4: para 16].

290 Exhibit 10.3, USB containing Woorabinda cultural awareness video, Tender Bundle E, tendered 18 July 2022.

291 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 715: line 29 – p 716: line 7].

292 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 715: line 29 – p 716: line 7].

293 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Brisbane [p 1597: line 35 – p 1598: line 8].

294 Queensland Police Service, Closing submissions to the Commission of Inquiry, 22 August 2022 [pp 1, 4].

295 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 13].

296 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 728: line 21].

297 Exhibit 12.2, Remuneration for North Qld Incentives, Tender Bundle G, tendered 18 July 2022.

298 Women's Legal Service Queensland, Closing submissions to the Commission of Inquiry, 24 August 2022 [p 21].

299 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 700: line 10 – p 701: line 2].

300 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 12].

301 Email correspondence regarding First Nations recruitment, awards and support, provided by the Queensland Police Service Legal Division to the Commission of Inquiry on 2 November 2022.

302 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 886: lines 41–47].

303 Email correspondence regarding First Nations recruitment, awards and support, provided by the Queensland Police Service Legal Division to the Commission of Inquiry on 2 November 2022.

304 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 440: lines 26–27].

305 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 440: lines 29–31].

306 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 3: para 20].

307 Exhibit 35.4, Statement of Sergeant Shane Smith, Tender Bundle S, tendered 8 August 2022 [p 2: para 10].

308 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 426: lines 39–45].

309 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: para 9].

310 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1578: lines 14–20].

311 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 3: para 18]; Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August [p 2: para 7]; Transcript of proceedings, Brendan McMahon, 4 August 2022, Brisbane [p 1555: line 45 – p 1556: line 2].

312 Queensland Police Union of Employees, Closing submissions to the Commission of Inquiry, 25 August 2022 [p 10].

313 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 2: para 5].

314 Transcript of proceedings, Emma Wilson, 25 July 2022, Brisbane [p 945: lines 17–23].

315 Transcript of proceedings, Acting Senior Constable Laurie Bateman, 8 August 2022, Mount Isa [p 1817: lines 33–39].

316 Exhibit 36.1, Statement of Senior Police Liaison Officer Katrina Rapson, Tender Bundle T, tendered 9 August 2022 [p 3: para 15].

317 Transcript of proceedings, Thelma Schwartz, 19 July 2022 [p 617: lines 36–43].

318 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 5: para 42 – p 7: para 43].

319 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 5: para 41].

320 Confidential, Commission of Inquiry Submission 628, 13 September 2022.

321 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 7].

322 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1207: lines 36–40].

323 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 854: line 9].

324 Transcript of proceedings, Senior Police Liaison Officer Katrina Rapson, 9 August 2022, Mount Isa [p 1890: lines 35–37]; Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Brisbane [p 520: line 5].

325 Transcript of proceedings, Senior Police Liaison Officer Katrina Rapson, 9 August 2022, Mount Isa [p 1890: line 39 – p 1891: line 7].

326 Transcript of proceedings, Senior Police Liaison Officer Katrina Rapson, 9 August 2022, Mount Isa [p 1890: lines 41–44].

327 Queensland Police Service, Closing submissions to the Commission of Inquiry, 22 August 2022 [p 4].

328 Confidential, Commission of Inquiry Submission 626, 13 September 2022.

329 Exhibit 10.12, Statement of Torres Strait Island Police Liaison Officer Elsie Nona, Tender Bundle E, tendered 18 July 2022 [p 2: paras 15–18].

330 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 471: lines 3–12]: referring to travel between Badu Island and Thursday Island or Horn Island.

331 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 511: lines 26–38]: referring to travel between Badu Island and Thursday Island or Horn Island.

332 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 469: line 44 – p 470: line 1].

333 Exhibit 10.7, Statement of Detective Sergeant Anthony Moynihan, Tender Bundle E, tendered 18 July 2022 [p 4: para 17].

334 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 470: lines 3–42].

335 Confidential, Commission of Inquiry Submission 626, 13 September 2022.

336 Confidential, Commission of Inquiry Submission 626, 13 September 2022.

337 Exhibit 10.12, Statement of Elsie Nona, Tender Bundle E, tendered 18 July 2022 [p 2: para 20 – p 3: para 27].

338 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 526: lines 10–11].

339 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 515: lines 30–45].

340 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 483: lines 2–5].

341 Exhibit 10.5, Statement of Police Liaison Officer Elsie Nona, Tender Bundle E, tendered 18 July 2022 [p 2: paras 9–12].

342 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Brisbane [p 519: line 37 – p 520: line 13]. A training week for Torres Strait Island Police Liaison Officers ran between 18 July 2022 to 22 July 2022. It included various sessions on operational skills specific to the area, including a three-hour session on domestic and family violence.

343 Confidential, Commission of Inquiry Submission 628, 13 September 2022. The additional powers requested, included: Ability to provide noise abatement directions; Ability to provide move on directions; Ability to issue tickets for unlicensed driving, drink driving and traffic infringements; Arrest and detention powers; Ability to hold/manage and look after people.

344 Confidential, Commission of Inquiry Submission 628, 13 September 2022. The additional powers requested, included: Ability to provide noise abatement directions; Ability to provide move on directions; Ability to issue tickets for unlicensed driving, drink driving and traffic infringements; Arrest and detention powers; Ability to hold/manage and look after people.

345 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 887: lines 6–21].

346 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 413: lines 28–30].

347 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 414: lines 20–26].

348 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 414: lines 11–24].

349 Transcript of proceedings, Detective Senior Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 480: lines 15 – 23; p 481: 29 – 36].

350 Based on data provided by the Department of Justice and Attorney General in response to the Commission Requirement NTP 1.002 requested on 9 June 2022; NTP 1.003 Items 1 and 2 requested on 12 July 2022; and NTP 1.004 Items 1 and 2 requested on 15 August 2022. Note: data not available for all islands.

351 Transcript of proceedings, Detective Senior Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 480: lines 15 – 23; p 481: 29 – 36].

352 Transcript of proceedings, Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 519: lines 13 – 26].

353 Exhibit 39 (E1), Domestic and Family Violence in the Torres Strait and the Northern Peninsula Area intelligence assessment, Tender Bundle W, tendered 5 October 2022.

354 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 2: para 12].

355 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 2: para 12].

356 37% of the 1,140 population of Cunnamulla identify as Aboriginal and/or Torres Strait Islander people. Cunnamulla has 14 police personnel. 15% of the 3,335 population of identify as Aboriginal and/or Torres Strait Islander people. Charleville has 30 police personnel. In 2021, 42.71% of Cunnamulla Magistrates Court events related to domestic and family violence, in comparison to the approximately 34% of domestic and family violence Charleville Magistrates Court events.

357 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: paras 23–24].

358 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: para 24].

359 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: para 23].

360 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: para 27].

361 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: paras 8–10].

362 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 5: para 20].

363 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 4: para 15].

364 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 4: para 15].

365 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 3: para 16].

366 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 4: para 13].

367 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1583: lines 11–15].

368 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1581: line 34 – p 1582: line 5].

369 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 2: para 7(a)].

370 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: para 7(b)].

371 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: para 7(c)].

372 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1581: lines 18–24.]

373 Exhibit 35.1, Statement of Acting Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 2: para 14].

374 Exhibit 35.1, Statement of Acting Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 3: para 15].

375 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1580: lines 1–10].

376 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1580: lines 1–10].

377 Exhibit 35.1, Statement of Acting Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 2: paras 9 –10].

378 The station usually has 10 general duties officers, two plain clothes officers, and one Police Liaison Officer. Another sergeant, administrative officer and two Police Liaison Officers are attached to the PCYC. In 2021, over half (52.85%) of court events in the Mornington Island Magistrates Court related to domestic and family violence.

379 Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Mount Isa [p 1782: lines 25–30].

380 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Mount Isa [p 1599: lines 36–39].

381 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 10].

382 Exhibit 35.4, Statement of Sergeant Shane Smith, Tender Bundle S, tendered 8 August 2022 [p 6: para 35].

383 Exhibit 35.5, Statement of Nikita Sellin, Tender Bundle S, tendered 8 August 2022 [p 2: para 7].

384 Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Mount Isa [p 1780: lines 30–38].

385 Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Mount Isa [p 1781: line 46 – p 1782: line 8].

386 Transcript of proceedings, Nikita Sellin, 8 August 2022, Mount Isa [p 1806: lines 3–9].

387 Mount Isa city has a population of 18,727, of which 21.5% Aboriginal and/or Torres Strait Islander people. Mount Isa city has 154 police personnel. In 2021, just under half (44.98%) of court events in the Mount Isa Magistrates Court related to domestic and family violence.

388 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1926: lines 39–42].

389 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1926: lines 21–42].

390 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1927: lines 34–35].

391 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1935: line 39 – p 1936: line 6].

392 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1928: lines 36–39].

393 It began in May 2022 and has involved less than 10 participants.

394 Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1885: line 14 – p 1886: line 36].

395 Aurukun has a population of 1,101 people, of which 88.7% identify as Aboriginal and/or Torres Strait Islander people. Aurukun has 27 police personnel. In 2021, just under a third (30.14%) of court events in the Aurukun Magistrates Court related to domestic and family violence.

396 Transcript of proceedings, Senior Sergeant Amit Singh, 18 July 2022, Cairns [p 538: lines 20–30].

397 Exhibit 36.4, Statement of Mayor Keri Tamwoy, Tender Bundle T, tendered 9 August 2022 [p 2: para 7].

398 Exhibit 36.4, Statement of Mayor Keri Tamwoy, Tender Bundle T, tendered 9 August 2022 [p 2: para 8].

399 Transcript of proceedings, Mayor Keri Tamwoy, 9 August 2022, Mount Isa [p 1922: lines 4–8].

400 Exhibit 22.1, Statement of Brendan McMahon, Tender Bundle P, tendered 4 August 2022 [p 3: paras 11–14].

401 Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments, *National Closing the Gap Agreement* (July 2020) [p 26].

402 Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments, *National Closing the Gap Agreement* (July 2020) [p 23].

403 Queensland Government, *Response to the Treaty Advancement Committee Report* (2022) [p 1].

404 Queensland Government, *Response to the Treaty Advancement Committee Report* (2022) [p 6].

405 Queensland Government, *Local Thriving Communities Action Plan 2022–24* (April 2022).

406 Queensland Government, *Local Thriving Communities Action Plan 2022–24* (April 2022).