



PART 6

**MONITORING
THE CHANGES**

20 Monitoring the changes

In *Hear her voice: Report One* (2021), the Women's Safety and Justice Taskforce recognised that its work was the second major review of the domestic and family violence service system in Queensland in less than seven years and that reform had already taken place before the Taskforce commenced its work. The Taskforce recommended a further suite of changes intended, among other things, to improve police responses to domestic and family violence. The Taskforce noted that:

There is a tendency for the implementation of recommendations made by taskforces and inquiries to be dominated by a focus on what activities have been undertaken and what recommendations have been completed, rather than on the impact of those activities and whether they are achieving the intended result.

Tracking reform implementation is important to provide transparency and accountability. However, one-off activities or the development of a strategy or plan is not, in and of itself, an indicator of success. Without a focus on how these activities are ultimately contributing to the safety of victims and perpetrator accountability, it is not possible to know if they are working. The Taskforce appreciates that tracking the progress of implementation efforts is important. It is also important to focus on setting and achieving outcomes.¹

In recognition of the need to track reform implementation, the Taskforce outlined a governance framework to support the implementation of its recommendations. One of its recommendations was that the Queensland Government establish an independent implementation supervisor within the Department of Justice and Attorney-General to oversee the implementation of the Taskforce's recommendations and monitor the achievement of system outcomes.²

The Taskforce recommended that the independent implementation supervisor should be appointed by early 2022 and report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually from mid-2022 until the implementation of the Taskforce's four-phase plan is complete. The Taskforce said that the reports should address:

- the progress of the implementation of the recommendations and achievement of system outcomes
- the adequacy of the implementation
- the further measures that may be required to ensure the recommendations accepted by the Queensland Government are implemented fully within the specified timeframes.

The Taskforce also recommended that the Attorney-General report annually to the Queensland Parliament on the progress of the implementation of the recommendations, and table biannual reports prepared by the independent implementation supervisor.³

The full terms of those recommendations are as follows:

RECOMMENDATIONS 88 AND 89 OF THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT 14

RECOMMENDATION 88

The Queensland Government establish a suitably qualified independent implementation supervisor with an adequately resourced secretariat within the portfolio responsibilities of the Department of Justice and Attorney-General, as the agency responsible for the prevention of domestic and family violence, to oversee both the implementation of the recommendations made by the Taskforce and the achievement of system outcomes identified in the monitoring and engagement evaluation plan. This should be established immediately. The independent implementation supervisor should be appointed by early 2022 and will liaise with and receive assistance, including access to all reasonably requested information and reports, from:

- a ministerial level oversight committee and
- a directors-general implementation group.

The independent implementation supervisor will be responsible for overseeing implementation of the four-phase plan and the achievement of outcomes across the system. The supervisor will have the authority required to direct agencies to take reasonable actions to meet implementation requirements and timeframes approved by the Queensland Government. The supervisor will report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually, from mid-2022 until implementation is complete, on the progress of the implementation of the Taskforce's recommendations and the achievement of systemic outcomes, the adequacy of implementation and what further measures may be required to ensure the Taskforce's recommendations that are accepted by the Queensland Government are implemented fully within the specified timeframes. The independent supervisor will advise the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence when they are satisfied implementation is complete.

RECOMMENDATION 89

The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence will report annually to the Queensland Parliament on the progress of the implementation of the Taskforce's recommendations and table the biannual reports of the independent implementation supervisor in the Queensland Parliament within 14 days of receipt, until implementation is complete.

In the Queensland Government response to the report of the Queensland Women's Safety and Justice Taskforce, *Hear her voice: Report One* (2021), the Queensland Government indicated its support in principle for this recommendation and said, "[t]he Queensland Government will appoint an independent implementation supervisor to provide appropriate oversight of the Government's implementation of the Taskforce recommendations".⁵

On 26 October 2022, the Commission was advised by Mr David Mackie, Director-General of the Department of Justice and Attorney-General, that while funding had been committed for an independent implementation supervisor and supporting secretariat, it had not yet been established. The Commission was advised that the Queensland Government "is conscious of the need to establish this position as soon as possible to provide independent oversight of the Government's implementation of the reform

program and is currently working through the necessary steps to appoint an appropriate person to this role in consultation with the Department of the Premier and Cabinet and Queensland Treasury".⁶

This Commission has made many recommendations, most of which are directed to the Queensland Police Service (QPS) or the Queensland Government. It is important that these recommendations are implemented in the spirit of creating sustainable improvements to police responses to domestic and family violence and that they not be implemented in name but fail to create the change so obviously needed.

The Commission noted, in the early part of this Report, that many recommendations have previously been made, and accepted, by the QPS with the aim of improving police responses to domestic and family violence. Not all of these have resulted in long-term, meaningful change.

The Commission considers there is a need for independent assessment of the implementation of the recommendations made in this Report to hold the QPS, and the Queensland Government, accountable for the changes that need to happen. This will give the QPS the best chance of implementing the recommendations that lead to long-term improvements.

To that end, the Commission considers that the independent implementation supervisor recommended by the Taskforce ought to oversee the recommendations made in this Report. The Commission also considers the Attorney-General should report annually to the Queensland Parliament about the progress of the implementation of the recommendations, and table the biannual reports produced by the independent implementation supervisor. Recommendations to that effect are made at the end of this chapter.

The Commission notes that:

- the Taskforce recommended that the independent implementation supervisor be established in early 2022
- the Queensland Government supported the recommendation in principle and announced that an independent implementation supervisor would be appointed
- as at 26 October 2022, the independent implementation supervisor had not yet been appointed.

It is not ideal that the independent implementation supervisor was not appointed, as the Taskforce recommended, in early 2022. The recommendations made in this Report are to be implemented in timeframes ranging from three to 24 months. The Commission considers that the independent implementation supervisor should be appointed as soon as possible, and within the next three months, to ensure that the implementation of the recommendations can be monitored and assessed as they occur.

SUPPORTING VICTIM-SURVIVORS

The Women's Safety and Justice Taskforce heard the voices of many women who felt they had been silenced in the noise of the justice system. They spoke of times they were disbelieved when they should have been believed, dismissed when they should have been listened to and ignored when they should have been seen.

In *Hear her voice: Report Two* (2022), the Women's Safety and Justice Taskforce concluded that the establishment of a victims' commissioner as an independent statutory officer was necessary to fill a significant gap in the protection and promotion of victims' rights in Queensland.⁷

The Taskforce observed the existence of the *Charter of Victims' Rights* (Victims Charter) within the *Victims of Crime Assistance Act 2009* (VOCAA). The Victims Charter provides for the following general rights for victims:⁸

- a victim will be treated with courtesy, compassion, respect and dignity, taking into account the victim's needs
- a victim's personal information, including the victim's address and telephone number, will not be disclosed unless authorised by law
- a victim will be informed at the earliest practicable opportunity about services and remedies available to the victim.

The Victims Charter applies to the dealings of the Queensland Police Service with victims.⁹

The VOCAA provides that, as far as practicable and appropriate, the Victims Charter is to govern the conduct of prescribed persons in their dealings with victims.¹⁰ In addition to the general rights set out above, the VOCAA also provides for further rights relating to the criminal justice system.

However, the Taskforce noted that the Victims Charter lacks "*visibility and consequence*" and that the rights and responsibilities it provides for are not legally enforceable.¹¹ With respect to the mechanism by which victims can make a complaint if their rights are contravened, and the data in respect of the number of complaints made in previous years, the Taskforce noted:

Victims can make a complaint if their rights under the Charter are contravened. Complaints can be made to the responsible person or entity, or to the Victim Services Coordinator (a public service position within Victim Assist Queensland (VAQ), a unit within DJAG) who may refer the complaint or try to facilitate a resolution. The Victim Services Coordinator has no powers to enforce compliance with a resolution process. Agencies are not required to inform VAQ about outcomes of complaints and there is no requirement for agencies to publish information about complaints received directly. This information does not appear to be published in the annual reports of key agencies.

VAQ does undertake some analysis of complaints and told the Taskforce that 109 complaints have been received over the past four financial years. Of these, 49% related to the QPS, 18% relate to VAQ and 10% relate to the ODPP. The most common complaint was that the victim was not treated with respect, courtesy and dignity. Of the complaints received, 70% came from people in South East Queensland.¹²

The Taskforce also noted that although Queensland has a number of bodies responsible for protecting the rights of individuals or providing systemic oversight (such as the Queensland Human Rights Commission, the Office of the Public Guardian, the Office of the Public Advocate, the Queensland Family and Child Commission, the Queensland Ombudsman and the Crime and Corruption Commission), Queensland is one of the few jurisdictions in Australia that does not have a victims' commissioner.

The Taskforce received and considered submissions about the need, and the most beneficial model, for a victims' commissioner in Queensland. The Taskforce concluded that a victims' commissioner was necessary to fill a gap in the protection of victims' rights. The Taskforce recommended the establishment of a victims' commissioner to monitor compliance with victims' rights across the service and criminal justice systems and, in some cases, be able to assist individual victims as needed. It would also identify systemic issues and be able to influence policy, practice and strategic reform.

The Taskforce's recommendation was:

RECOMMENDATION 18 OF THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT 2¹⁴

RECOMMENDATION 18

The Queensland Government establish a victims' commissioner as an independent statutory officer to promote and protect the needs of victims of all violent offences. The commissioner's functions will include:

- identifying systemic trends and issues including in relation to policy, legislation, practice or procedure and potential responses to address these issues
- assisting victims in their dealings with government agencies across the criminal justice system, including through oversight of how agencies respond to complaints
- monitoring and reviewing the effect of the law, policy and practice that impact victims of crime
- other functions recommended throughout this report.

The commissioner will be authorised to exercise the rights of victims, upon their request and with consent, including in relation to their interactions with police, other government agencies and the courts (similar to the South Australian model). The commissioner should have a specific and dedicated focus on victims of domestic, family and sexual violence and First Nations victim-survivors given the particular vulnerability. This focus may be through the establishment of a deputy commissioner role, or similar.

The Taskforce considered the South Australian model to be best practice and noted that it has been in place since 2006. The role is likened to that of a crime victim ombudsman in that it can receive a grievance and consult any public official to resolve the dispute and, where appropriate, recommend an official or agency make a written apology. The powers of the role also go beyond that of a conventional ombudsman. The South Australian Commissioner also has the ability to represent victims and intervene in proceedings with the approval of the victim.

In New South Wales, the Commissioner of Victims' Rights has the power to make enquiries, conduct investigations and compel evidence. Broadly, the powers allow for the Commissioner to investigate complaints made where the NSW Victims Charter rights have been denied and thus arguably, have some rights of representation of victims.

In the Australian Capital Territory (ACT), the focus of the Commissioner is more on advocacy, education and collaboration, rather than investigation, as compared to other jurisdictions. The critical functions include:

- managing victims' services and financial assistance schemes
- advocating for the interests of victims
- monitoring compliance with, and promotion of, victims' rights
- advising the ACT Attorney-General on matters relating to victims of crime.

In Victoria, the functions of the Victorian Victims of Crime Commissioner include advocacy, and the power to inquire into systemic issues impacting large number of victims and particular groups. The Victorian Commissioner reports to the Attorney-General on these issues and gives advice to government regarding improvements to the justice system to meet the needs of victims of crime. The Commissioner is also empowered to consider complaints from victims about investigatory, prosecuting and victims' service organisations regarding their compliance with the Victorian Victims Charter.

Unlike other jurisdictions, the Office of the Commissioner for Victims of Crime in Western Australia is not statutorily

appointed. While the Commissioner can advocate for victims, it does not have the same powers as its counterparts.

Having regard to all the evidence available, including the long-standing shortcomings in police responses to domestic and family violence and the cultural issues explored in this Report, the Commission considers that there is a need for an independent victims' commissioner in Queensland.

The Taskforce's recommendation for the establishment of a victims' commissioner is intended to include all victims of crime.¹³ The Taskforce recommended that the victims' commissioner have a specific and dedicated focus on victims of domestic, family and sexual violence and First Nations victim-survivors, given their particular vulnerability. The Taskforce recommended that this focus may be through the establishment of a deputy commissioner role, or similar.

This Commission heard from many victim-survivors not only about their experiences of poor police responses to domestic and family violence, but also about their negative experiences of making a complaint to the QPS or other agencies about these poor police responses. In some cases, victim-survivors did not know where or how to make a complaint. In other cases, they did make a complaint but were unsatisfied with the process and outcome.

The Commission heard from multiple domestic and family violence specialist organisations who support the establishment of the victims' commissioner model, including:

- Ending Violence Against Women Queensland
- Gold Coast Centre Against Sexual Violence Inc
- Women's Health and Equality Queensland
- Red Rose Foundation
- Combined Women's Refuge
- Micah Projects.

The submissions from three of the organisations, Ending Violence Against Women Queensland, Women's Health and Equality Queensland and Combined Women's Refuge were similar. They highlighted that the victims' commissioner should have several functions, including powers to

advocate for victims as well as both a prosecuting and investigatory function. Specific to police accountability, they submitted that the victims' commissioner should:

- provide oversight of the QPS and its compliance with the Victims Charter
- provide leadership and give expert advice to the QPS about laws, policies, practices and services for victims of domestic and family violence
- analyse and evaluate, at a systemic level, policies and practices relevant to victims of domestic and family violence, and police responses to domestic and family violence
- oversee complaints about the QPS from victims of crime in the context of the Victims Charter.

The Gold Coast Centre Against Sexual Violence Inc and the Red Rose Foundation submitted that a commissioner who would advocate for victim-survivors of both sexual violence and domestic and family violence was required. While the Red Rose Foundation recommended a model similar to that of the Children's Commissioner, Micah Projects recommended a model similar to the United Kingdom. Like the Taskforce, Micah Projects advocated for a commissioner who would ensure victims of all crime, not just domestic and family violence, are supported and their rights championed.

Whilst each organisation's submission differed slightly, the common theme was that victim-survivors need an independent advocate. The overwhelming support that this model has received demonstrates its importance.

In light of the extent of the evidence heard by the Commission about victim-survivors who have had negative experiences of police responses to domestic and family violence, and, in many cases, negative experiences of making complaints about those poor responses, the Commission endorses the Taskforce's recommendation that a victims' commissioner be established. In particular, the Commission considers that a deputy commissioner role should be dedicated to victims of domestic and family violence. The Commission makes a recommendation to this effect at the end of this chapter.

Recommendation 31 provided:

RECOMMENDATIONS 31 OF THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT 115

RECOMMENDATION 31

The Queensland Government develop and implement a transformational plan to address widespread culture, values, and beliefs within the Queensland Police Service to enable the QPS to achieve better outcomes for victims of domestic and family violence (including coercive control) and better hold perpetrators to account.

The plan should be developed and implemented with the assistance of the Queensland Public Service Commission.

The transformational plan would be informed by the lived experiences of victims of domestic and family violence, including Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, LGBTIQ+ people, and people with disability. The plan will help the QPS achieve better outcomes through operational reforms and initiatives recommended by the Taskforce, as well as through reforms and initiatives already underway. This will enable the QPS to provide more effective policing responses to domestic and family violence and coercive control and better meet community expectations.

THE TASKFORCE'S RECOMMENDATION FOR A TRANSFORMATIONAL PLAN

In *Hear her voice: Report One* (2021), the Women's Safety and Justice Taskforce recommended that the "Queensland Government develop and implement a transformational plan to address widespread culture, values, and beliefs within the Queensland Police Service to enable the QPS to achieve better outcomes for victims of domestic and family violence (including coercive control) and better hold perpetrators to account".

The Commission commends the notion of a Queensland Government-developed plan to transform QPS culture, values and beliefs and police responses to domestic and family violence.

It is anticipated that the findings and recommendations of this Report, and the additional information outlined within the Companion Report, *Behind the call for change* (2022) will help shape the focus of this transformational plan.

However, the Commission recognises that the transformational plan will go beyond the recommendations made by the Commission. The Commission does not intend, by this Report, to suggest in any way that a broader approach to transforming QPS responses to domestic and family violence will not be beneficial for the QPS or for the community.

CONCLUSION

The cultural and structural change required to improve the QPS response to domestic and family violence will not be easy. It will require a willingness of senior leaders in the QPS to listen to their members, reflect on the past, learn for the future and commit to delivering sustainable improvements. To do this effectively, change needs to be open and transparent, and strong accountability mechanisms will need to be established. The expansion of the independent implementation supervisor's mandate to include supervision of the implementation of the recommendations from this Report will assist with ensuring appropriate external oversight of the changes over the short term. Further, the victims' commissioner and the new Police Integrity Unit (recommended in Part 5) will be critical in shaping the approach moving forward and achieving greater consistency in the QPS response to domestic and family violence, now and into the future.

FINDINGS

- **If there is to be meaningful, long-term improvement in police responses to domestic and family violence, it is important that an independent implementation supervisor be appointed to oversee, and report to the Queensland Government about, the implementation of the recommendations.**
- **There is a need for an independent victims' commissioner in Queensland. The model considered and proposed by the Women's Safety and Justice Taskforce appears apt to fulfill that need. That model should have a dedicated capability to assist individual domestic and family violence victim-survivors, including with respect to their complaints about poor responses to domestic and family violence, and should have the capacity to monitor and review systemic issues in relation to police responses to domestic and family violence.**

RECOMMENDATIONS

Recommendation 76

Within three months, the Queensland Government establish and appoint an independent implementation supervisor to oversee the implementation of the recommendations made in this Report.

The independent implementation supervisor appointed to oversee the recommendations made in this Report be the same entity as the implementation supervisor recommended in Recommendation 88 of the Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021). The implementation supervisor report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually, from mid-2023 until implementation is complete.

Recommendation 77

The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence report annually to the Queensland Parliament on the progress of the implementation of the Commission's recommendations and table the biannual reports of the independent implementation supervisor in the Queensland Parliament within 14 days of receipt, until implementation is complete.

Recommendation 78

The Queensland Government establish a victims' commissioner as an independent statutory officer in the terms of Recommendation 18 of the Women's Safety and Justice Taskforce *Hear her voice: Report Two* (2022). The victims' commissioner have, at a minimum, a function of:

- assisting individual victim-survivors of domestic and family violence, including in relation to complaints about poor police responses to domestic and family violence and
- identifying systemic trends and issues relating to police responses to domestic and family violence.

The victims' commissioner have a deputy commissioner to lead this capability.

HUMAN RIGHTS CONSIDERATIONS

The Commission adopts the human rights considerations identified by the Taskforce.¹⁶

The Taskforce considered that the recommendations are likely to lead to the promotion of victims' right to protection from torture and cruel, inhuman or degrading treatment (*Human Rights Act 2019* (Qld) (HRA) s 17), the protection of families and children (s 26 HRA) and would be compatible with protecting the rights of victims of crime.¹⁷

The recommendations do not limit any rights however their implementation will need to carefully protect and balance the rights of victims and accused persons to ensure that any rights limited can be justified in a free and democratic society based on human dignity, equality and freedom.¹⁸

ENDNOTES – PART 6

- 1 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 794–795].
- 2 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 808].
- 3 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 808].
- 4 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 808].
- 5 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 28].
- 6 Correspondence from Mr David Mackie, 26 October 2022, provided by Department of Justice and Attorney-General (Qld) in response to the Commission Requirement, NTP 1.006, Item 1, requested 24 October 2022.
- 7 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 138].
- 8 *Victims of Crime Assistance Act 2009* (Qld) sch 1AA.
- 9 *Victims of Crime Assistance Act 2009* (Qld) s 6A.
- 10 *Victims of Crime Assistance Act 2009* (Qld) s 6B.
- 11 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 133].
- 12 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 134].
- 13 However, the Taskforce noted that there were particular needs and vulnerabilities of victims of domestic, family and sexual violence and thus supported resources being dedicated specifically to these victims.
- 14 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 149].
- 15 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 554].
- 16 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 140].
- 17 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 140].
- 18 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 140].