



8 July 2022

The Commission of Inquiry into Queensland Police Service responses to domestic and family violence  
PO Box 12264  
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Submission by email: [documents@qpsdfvinquiry.qld.gov.au](mailto:documents@qpsdfvinquiry.qld.gov.au)

Dear Commission of Inquiry

**Response to Call for Submissions into the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence ('the Inquiry')**

Thank you for the opportunity to make a submission to the Inquiry.

The Queensland Council of Social Service (QCOSS) is the peak body for the social service sector in Queensland. Our vision is for equality, opportunity, and wellbeing for every person in every community. We work collaboratively with our members to identify challenges and solutions that contribute to gender equality and fair and equal representation for all our members.

We have had limited capacity to consult with our members in order to provide a submission. We have viewed the submission from Ending Violence Against Women Queensland (EVAWQ), the peak body representing domestic and family violence, sexual violence, refuge and women's health sectors in Queensland. QCOSS endorses this submission, and the recommendations contained therein.

QCOSS has previously provided submissions to the Women's Safety and Justice Taskforce (the Taskforce). These include:

- [Response to Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence, dated 9 July 2021](#)
- [Response to Discussion Paper 2: Women and girls' experience of the criminal justice system, dated 30 July 2021](#)
- [Response to Discussion Paper 3: Women and girls' experiences across the criminal justice system as victims-survivors of sexual violence and also as accused persons and offences, dated 8 April 2022.](#)

We consent to this information being used for the purpose of the Inquiry.

We acknowledge and refer to the findings in the [Hear her Voice Report 1](#) published by the Taskforce, in particular recommendations 2 and 31 to 37.

With regards to the limited Terms of Reference of the Inquiry, we provide the following response:

**1. Whether there is, and if so, the extent of, any cultural issues within the Queensland Police Service (QPS) relating to the investigation of domestic and family violence (DFV) identified in the report.**

We refer to the three submissions by QCOSS to the Taskforce.

There is ample evidence to demonstrate there are still significant barriers for victim-survivors engaging with police regarding DFV matters. Data gathered by the Australian

Institute of Health and Welfare indicates that victim-survivors of DFV remain deeply reluctant to report incidents of DFV to police, with only 2 out of 10 (18 per cent) women reporting to police.<sup>1</sup> For indigenous women, the proportion is only 1 in 10.

Extensive evidence of inadequate policing responses to DFV include:

- ambivalence and lack of empathy towards victim-survivors of DFV
- failure to provide women with adequate information
- victim-blaming
- reluctance to believe or take complaints seriously
- siding with the perpetrator
- regarding victims' complaints as trivial and a waste of police resources.

### **Recent coronial inquest findings**

The findings and recommendations into the recent Coronial Inquests of DFV murders highlight the gaps and, in some cases failings, of the QPS. These are relevant for the Inquiry and we specifically draw the following recommendations to the attention of the Inquiry.

#### ***Inquest of Doreen Langham***

The findings and recommendations from the recent Coronial Inquest into the DFV murder of [Doreen Langham](#) mirror the well-established findings of cultural issues within the QPS in the most tragic of circumstances.

The Inquest found that there were numerous and repeated missed opportunities by multiple police officers to address the escalating behaviour of Ms Langham's assailant, Mr Hely. Her death could have been avoided. These missed opportunities included every officer involved in the management of the multiple engagements with QPS failing to comply with their standard procedures of looking at an interstate criminal history; her reporting was downplayed; and was repeatedly provided with incorrect advice by QPS officers who seemed unaware of their own legislation and the ability of police to bring domestic violence applications. If officers were aware, there was no attempt to address or correct the failings of other officers.

The case highlighted significant gaps in QPS training, and a distinct lack of understanding of the complexities of DFV. While the Inquest found no one acted out of malice, the inaction by QPS ultimately led to Doreen's death at the hands of Hely in a horrifically violent manner, with the last weeks of her life being ones of fear.

#### ***Inquest of Hannah Clarke and her children***

The recommendations and findings of the Inquest into the murder of [Hannah Clarke and her children](#) identify that stakeholders involved did undertake their roles to a competent degree, and that it was unlikely any further action undertaken by QPS would have deterred Rowan Baxter from murdering Ms Clarke and her children. However, the Inquest did identify that there were missed opportunities by QPS to hold Baxter accountable.

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<sup>1</sup> [Family, domestic and sexual violence data in Australia, Victims who reported their most recent incident of sexual assault to police - Australian Institute of Health and Welfare \(aihw.gov.au\).](#)

**2. How any cultural issues identified within the QPS relating to the investigation of domestic and family violence have contributed to the overrepresentation of First Nations people in the criminal justice system.**

We would draw the Inquiry's attention to the in-depth submissions of [Sisters Inside on Discussion Paper 2 of the Taskforce](#). This paper articulates some of the significant human rights concerns that still exist for First Nations women. In addition, the EVAWQ submission provides a detailed response as to how the QPS response to DFV contributes to the misidentification and the over-criminalisation of First Nations people, particularly women.

The lack of considered engagement by the Inquiry to ensure that First Nations Peoples and the agencies that support them can adequately contribute to the Inquiry raises serious concerns as to the QPS' genuine commitment to addressing these issues.

**3. The capability, capacity and structure of the QPS to respond to domestic and family violence having regard to initiatives undertaken by the QPS in responses to previous reports and events.**

We acknowledge some of the work that QPS has undertaken in recent years to address and respond to the complexities of DFV. These include the establishment in November 2020 of the First Nations and Multicultural Affairs Unit<sup>2</sup> as well as Cross Cultural Liaison Officers, who work to improve relations with Indigenous and multicultural communities.<sup>3</sup> In addition, a dedicated Domestic, Family Violence and Vulnerable Persons Command was established in March 2021,<sup>4</sup> operating on-the-ground through the Vulnerable Persons Units (VPU). However, we understand that there are only eight district VPUs across 15 police districts (South Brisbane, North Brisbane, Sunshine Coast, Gold Coast, Logan, Maryborough, Townsville and Cairns).<sup>5</sup>

There are also District Domestic and Family Violence Coordinators (DFVCs) located both in the Communication Centre for on call support, and one in each of the 15 QPS districts, who are responsible for developing and coordinating local QPS strategies and responses to DFV within their districts.<sup>6</sup> There is, however, little oversight or data on the impacts of such initiatives.

There is limited data to identify co-design principles, both from a whole of QPS response, as well as localised level responses. There is no evidence to identify how QPS best support First Nations victim-survivors, and there is no link to investment for police officers to understand preventative programs that can assist both victim-survivors, and perpetrators, by working in partnership with local supports.

It is also clear from the [Langham Inquest](#) that, despite changes, there has been limited investment in trauma-informed training and education that is relevant to both current and proposed legislative provisions. There are no mandatory training requirements for QPS staff to have regular refresher training of DFV, to understand the signs, and learn how to engage with victims in a trauma-informed manner.

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<sup>2</sup> QPS Annual report, 2020-21, <https://www.police.qld.gov.au/sites/default/files/2021-10/QPS-annual-report-2020-21.pdf> pg. 33.

<sup>3</sup> <https://research.qut.edu.au/centre-for-justice/wp-content/uploads/sites/304/2022/04/Evaluation-of-an-Embedded-Specialist-Domestic-Violence-Worker-QPS-DVAC-Report.pdf>.

<sup>4</sup> QPS Annual report, 2020-21, <https://www.police.qld.gov.au/sites/default/files/2021-10/QPS-annual-report-2020-21.pdf> pg. 36.

<sup>5</sup> <https://research.qut.edu.au/centre-for-justice/wp-content/uploads/sites/304/2022/04/Evaluation-of-an-Embedded-Specialist-Domestic-Violence-Worker-QPS-DVAC-Report.pdf> pg. 10.

<sup>6</sup> Ibid.

The recent Coronial Inquests for both Langham and Clarke made recommendations to address current gaps in the capability, capacity and structure of QPS to respond to DFV. QCOSS supports the recommendations of the Inquests which include:

- Queensland Government fund QPS to provide a five-day face-to-face DFV training program for all specialist DV police officers as a matter of urgency
- QPS include in the annual Operation Skills Training a face-to-face module on DFV that is mandatory for all officers
- Queensland Government provide funding to trial a multi-disciplinary specialist
- government funding be provided for QPS to trial a specialist victim-centred multi-disciplinary police station specifically designed to deliver an integrated response for victims of DFV staffed by suitably qualified multi-disciplinary teams including police officers with specialist DFV training, DFV workers, social workers and legal advisors in the Logan District
- Queensland Government fund an appropriately qualified and experienced DFV specialist social worker to embed at the front counter of every police station in Logan District for a trial period of 12 months
- regulations be amended so that officers “must” view a person’s interstate record for every DV matter.

#### **4. The adequacy of the current conduct and complaints handling processes against officers to ensure community confidence in the QPS.**

We have limited information from our members to address this in detail. However, given the wealth of evidence establishing the barriers and lack of support for victim-survivors to even report incidents of DFV, it could be assumed that the same people would be reluctant to complain to the very service that provides such questionable support.

There is an inherent power imbalance between QPS staff and members of the public, particularly if that person has experienced trauma or violence and is a vulnerable person.<sup>7</sup> The Australian Law Reform Commission in the *Pathway to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* recommended all state police agencies review and amend their complaints procedures to provide Aboriginal and Torres Strait Islander people and communities with greater confidence in the integrity of police complaints and handling.

There is no published information on the QPS website as to how QPS would support complaints from culturally and linguistically diverse persons, other than there being a reference to interpreter assistance. This is not at the forefront of complaints information available online but included halfway down the page.

There is no reference on the QPS complaints website about the ability of a person to make a [Public Interest Disclosure \(PID\)](#) against the QPS or a QPS officer. A PID can be made by any person against a government employee, and this includes a member of the QPS.<sup>8</sup> A PID can be made on a number of grounds, including if there is substantial and specific danger to the health and safety of a person with a disability, as well as complaints around maladministration.<sup>9</sup> The Queensland Ombudsman already has oversight over the reporting and management of PIDs.

Complaints should be independently handled. There is little faith across the community that a complaint process will be clearly applied if it is internally managed, and clear

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<sup>7</sup> <https://www.ibac.vic.gov.au/docs/default-source/intelligence-reports/predatory-behaviour-by-victoria-police-officers-against-vulnerable-persons.pdf?sfvrsn=3>.

<sup>8</sup> [S6\(f\) Public Interest Disclosure Act 2010](#).

<sup>9</sup> Ibid, S12.

timeframes for investigations and response should be provided so complainants are aware of who is conducting the complaint, when they can receive a response, that their privacy will be maintained and protected, and that there will not be repercussions for making a complaint, particularly when making a complaint about regional and remote QPS and services.

## 5. Any other matter the commission considers relevant to deliver its report

Despite supporting the Inquiry, QCOSS is concerned with the process through which it has been managed, in particular:

- **Timeframes**

The timeframe for submissions to the Inquiry has been grossly inadequate. Many people are not aware of the Inquiry as there has not been adequate time for community engagement to be undertaken by the Inquiry.

In addition, deciding whether to share experience of violence and trauma takes time and resources. Women from non-English speaking backgrounds, women with intellectual disability and women who are marginalised from mainstream systems have additional barriers to participation. By limiting the time to contribute to the Inquiry, the Inquiry is limiting the scope of participants who may have shared their lived experiences.

Front line responders who work in the Women's Service Sector are often under-resourced and respond to the needs of their clients as priority. Taking time away from frontline service delivery to not only respond to the Inquiry, but to gather and report back on lived experiences is a timely process, which must be done in a trauma-informed way, so as to not retraumatise victim-survivors.

- **Support for Victim-Survivors**

It was reported in the [Hear her Voice Report 1](#) that women with disability are between four and ten times more likely to be victims of sexual violence, compared to women without disability. Further, the report highlighted barriers to reporting sexual violence and accessing justice, including limitations on understanding of how the criminal justice system works, lack of access to appropriate interpreters, a lack of appropriate support services, as well as cultural stereotypes. These are important findings that should be responded to, not replicated by, the Inquiry.

Neither the Inquiry's [Terms of Reference](#) nor the [Practice Guidance](#) detail how the Commission will actively support those affected to share experiences, or what safeguards have been put in place.

Learnings on how to share victim-survivor experiences in a supportive and trauma-informed practice can be taken from the [Royal Commission into Institutional Responses to Child Sexual Abuse](#), as follows:

- personal accounts could be provided in writing or private sessions that allow people to share their experiences in a confidential, protected and supported environment
- people were able to contact via phone, email, writing or be referred by a community group for support
- the Commission considered the safety and wellbeing of victim survivors at every stage of their engagement through a trauma-informed approach (i.e., counsellors were available as first point of contact, and a First Nations counsellor was available for culturally sensitive support for those who wanted to speak to a First Nations person, and counselling was provided to support participation).

To enable fully informed participation in the Inquiry, there should be independent legal and emotional supports provided to people with lived experience so they have a proper understanding of how their information will be treated and what the outcomes of their

participation are likely to be. In addition, emotional supports will help ameliorate the risk of participants being traumatised by their participation in the Inquiry.

- **Confidentiality and use of submissions to the Taskforce**

QCOSS is concerned with confidentiality of information being sought by the Inquiry. We understand that the Inquiry has wide-ranging legislative powers to request not only that witnesses attend proceedings,<sup>10</sup> but to view any evidence or records that it sees fit.<sup>11</sup> The Inquiry also has the power to prohibit publication of evidence<sup>12</sup> and is not bound by rules of procedure or evidence, so may conduct its proceedings and inform itself on any matter in such manner it thinks fit.<sup>13</sup> The Inquiry must also not disclose confidential information.<sup>14</sup>

There is inconsistent information provided by the Inquiry regarding confidentiality of submissions. On the Inquiry [website](#), the information states to simply label a page “confidential”. However, the [Practice Guidance](#) provides detailed steps that are required to be undertaken in order to access confidentiality protections, otherwise all information, witness statements, exhibits and submissions are intended to be made publicly available. This is of significant concern given the content of information being sought and who the information can be shared with. Given the lack of support being provided by the Inquiry to the public and service providers, this will create an additional barrier for already marginalised groups to share their experiences if they must also tackle legal barriers with no identified support.

We understand that the Inquiry will have access to all submissions that were received by the Taskforce. While several submissions were published by the Taskforce, they did seek consent before publication in their submission template. The Taskforce has not identified what confidentiality provisions apply to the information they hold, but it is highly unlikely that submitters to the Taskforce provide a blanket consent for their submissions to be utilised for other purposes, such as by the Inquiry. The Taskforce sought express consent from submitters before publishing their submission and took the time to de-identify relevant information. Not all submissions to the Taskforce were published.

Further, while the submissions to the Taskforce are on topics related to the Inquiry, they did not respond to the Inquiry’s [Terms of Reference](#). The submissions gathered for the Taskforce were gathered for a specific and intended purpose and contain personal information. It is unclear how the *Human Rights Act 2019* (HRA), in particular, a right to privacy, has been applied in seeking to access information privately held by the Taskforce or how the [Information Privacy Principles](#) are met.

There is also a lack of identified whistle-blower protections. The Inquiry has identified that it wishes to hear from police officers who have experience in responding to or investigating DFV, particularly in regional or remote communities. If there are no identified supports or protections in place to support confidentiality, police are unlikely to come forward.

- **Lack of application of the Human Rights Act**

The HRA requires all public entities in Queensland to act compatibly with human rights and to give proper consideration to human rights before making a decision.<sup>15</sup> The Queensland Police is a public entity.

There have been repeated accounts of women from a variety of backgrounds being restricted in communicating with police, or police being unwilling to take a statement due to a

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<sup>10</sup> [Commission of Inquiry Act, 1950, s5.](#)

<sup>11</sup> [Ibid S19.](#)

<sup>12</sup> [Ibid S16.](#)

<sup>13</sup> [Ibid S17.](#)

<sup>14</sup> [Ibid s32B.](#)

<sup>15</sup> S8; s9; s58.

perceived notion of whether a complainant would make a 'reliable witness.' It is also clear that the impact of intersectionality increases a woman's risk to violence, and the risk that she will not be listened to or believed.<sup>16</sup>

Impacts of culturally and linguistically diverse backgrounds faced by refugees and migrant communities can increase the vulnerabilities.<sup>17</sup>

There are a number of specific rights within the HRA that can and would be engaged by decision-making by QPS related to DFV matters.<sup>18</sup>

A review of the QPS [Operational Procedural Manual](#), in particular Chapter 9 – Domestic Violence, does not include reference to the HRA. The QPS is embedding human rights in regular police reporting and decision making through education, training, and awareness.<sup>19</sup> This commitment should be reflected in operating procedural manuals so that education training and awareness is reflected in practice.

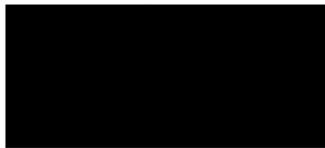
## Conclusion

Significant evidence has been established that identifies a number of barriers for the QPS with capability, capacity building and current structures relating to DFV, particularly when considering intersectionality that exists for many victim-survivors.

Any amendments proposed to current structures should be genuine, based on co-design models relating to trauma-informed practices and with First Nations Peoples, taking in the perspectives of people with lived experience. In addition, any reform should be based on a human rights framework found in the HRA, to ensure that reform gives proper consideration to human rights.

Thank you again for the opportunity to provide our submission to the Inquiry.

Yours sincerely,



Aimee McVeigh  
Chief Executive Officer

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<sup>16</sup> <https://www.coe.int/en/web/commissioner/-/addressing-the-invisibility-of-women-and-girls-with-disabilities>.

<sup>17</sup> <https://www.anrows.org.au/publication/women-disability-and-violence-barriers-to-accessing-justice-final-report/read/>.

<sup>18</sup> List the relevant rights here.

<sup>19</sup> QPS Annual Report 2020-21 ([QPS-annual-report-2020-21.pdf \(police.qld.gov.au\)](#)) pg. 10.