

24 June 2022

The Commission of Inquiry into Queensland Police Service  
Responses to domestic and family violence  
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Dear Judge Richards

Thank you for the opportunity to provide a submission to the *Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence*. The Queensland Network of Alcohol and other Drugs (QNADA) submission is attached.

QNADA represents a dynamic and broad-reaching specialist network within the non-government alcohol and other drug (NGO AOD) sector across Queensland. We have 56 member organisations, representing the majority of specialist NGO AOD providers. This submission is made following consultation with QNADA members, many of whom have direct contact with people who have experienced, or are experiencing domestic and family violence across the state.

In response to your enquiry about the information contained within QNADA's submission to the Women's Safety and Justice Taskforce, I can confirm both case studies were recent including one from 2019 (██████) and one from 2020 (██████). While I note your request to be connected with the victim-survivors referred to in our Women's Safety and Justice Taskforce submission, it is preferential that you meet with myself, and representatives from our member services instead.

This provides greater opportunity to discuss the systemic experiences of people impacted by domestic and family violence who have accessed our members' services and have had contact with the police, and seeks to respect the confidentiality of the people who have consented for their story to be shared. It also recognises that for many people who use drugs the greatest harms they experience come from contact with the police or other criminal justice sector agencies, which makes it difficult for their voices to be heard.

In particular, the criminalisation of use and possession and the associated stigma and discrimination faced by people who use illicit drugs is a significant barrier to their engagement and participation.

QNADA would welcome an opportunity to discuss the issues that we have touched upon in this submission in more detail at your convenience. Please don't hesitate to contact me at [REDACTED] or by calling [REDACTED] to confirm details for a meeting.

Yours sincerely

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Rebecca Lang

**CEO**



Submission to the  
Independent Commission of  
Inquiry into Queensland  
Police Service responses to  
domestic and family violence

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June 2022

This submission has been prepared by the Queensland Network of Alcohol and other Drug Agencies (QNADA) in consultation with QNADA member organisations providing treatment and harm reduction services across Queensland.

It seeks to build on [QNADA's Submission](#) to the Women's Safety and Justice Taskforce which considered:

- the role that non-government alcohol and other drug treatment and harm reduction services can play in responding to domestic and family violence;
- the ongoing importance of enhancing understanding of the inter-relationship between domestic and family violence and alcohol and other drug use; and
- the stigma and discrimination faced by victims of domestic and family violence who may use substances (particularly illicit drugs).

In considering the Commission's Terms of Reference and the experiences of the people engaged with our member services who are impacted by domestic and family violence this submission makes a number of observations in relation to:

- the impact of stigma and discrimination on if, how, and when victims may seek assistance from police, particularly where they use illicit drugs;
- the current inability of agencies to safely advocate at an individual, local or systems level where instances of poor service delivery from police may be identified; and
- the evident disconnect between a stated policy intent and how initiatives are implemented operationally across the Queensland Police Service.

At the outset it is important to note that a substantial proportion of people who access our member's services have complex histories of abuse and trauma (including domestic and family violence), prior poor experiences with police and other statutory bodies and have a general distrust in services (particularly for those who use illicit drugs).

Where they may have co-occurring issues, the way in which the service system responds to each particular issue can also be divergent in its intent and expected outcome, which only adds additional complexity and impedes future help-seeking. For example a young person may:

- come in to contact with child safety services and/or the Queensland Police as a child in need of protection as a result of their exposure to parental domestic and family violence;
- be experiencing domestic and family violence in an intimate partner relationship;
- be experiencing child exploitation and sexual abuse which at times is conceptualised as a consensual intimate partner relationship by the very services required to respond (such as occurred with the case of J. [REDACTED] as outlined in our Women's Safety and Justice Taskforce submission); and/or
- may come to the attention of police for their apparent engagement with an illegal activity (such as illicit drug use).

In recognising the role police play as the primary responder to domestic and family violence and other related issues it is of critical importance that any interaction by police is one that seeks to engender trust, irrespective of the reason for that interaction.

This is not suggesting that police should be positioned to respond to every presenting or underlying issue but it does highlight the important role they play in:

- interacting with community members in a way that meets expected standards (irrespective of the reasons they may come into contact with them);
- understanding their position within a broader system response to domestic and family violence or other related issues; and
- respectfully collaborating with partner agencies who are better positioned to provide more intensive case management and support, and have the necessary skills to do so.

Applicable to the inquiry's Terms of Reference it is clear that people who access our members' services encounter additional difficulties in seeking assistance from police in relation to their experiences of domestic and family violence. This is especially the case where the perpetrator may use their partner's substance use as a form of control (particularly in the context of illicit drug use), as it acts to both reduce the likelihood of abuse being reported, and where help is sought from police, acts to diminish a victim-survivors credibility; with flow on effects for both the immediate response and their future interaction with this service.

A recent report, *Don't Judge, and Listen* (2020) explored the impact of stigma and discrimination related to problematic alcohol and other drug use on Aboriginal and Torres Strait Islander communities, families and individuals living in Queensland<sup>1</sup>. It found that research participants experienced multiple forms of stigma and discrimination related to race, clan, location and alcohol and other drug use. This acted to intensify their experiences of stigma and discrimination even further, with multiple barriers to accessing services identified. This report is particularly relevant when considering the barriers faced by women who experience domestic and family violence who identify as Aboriginal and Torres Strait Islander in making reports to police including that they:

- do not always wish to deal with domestic and family violence through the criminal justice system;
- (rightly) fear the involvement of statutory child protection services; and
- tend to prefer responses that focus on healing (as opposed to punishment).

In 2020 QNADA, with funding from Queensland Health and in collaboration with QuIVAA and QAIHC/QISMC, delivered the [Peer Peak Body Scoping Project](#) which sought to understand the experiences of people who use drugs in Queensland, the issues that are important to them, and how their voices could be amplified to influence the policies, systems and services that are relevant to them.

Global research shows that the vast majority of people who use alcohol and other drugs do so infrequently and without problems<sup>2</sup>. For the significant majority of people, the risk of harm to both themselves and others is increased primarily as a result of the social, policy and legislative responses to their use rather than the substance itself.

With respect to the negative experiences of people who use drugs in Queensland, the Peer Peak Body Scoping Project found that many participants cited police harassment (26%) and other legal consequences associated with this use (including court, problems with probation, parole, child safety and imprisonment) (31%) as the primary areas of concern. Relevant to the police this included specific examples of negative or discriminatory language used by officers, a loss of a sense of safety,

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<sup>1</sup> [Don't judge, and listen: keys to breaking down drug and alcohol use stigma | Queensland Mental Health Commission \(qmhc.qld.gov.au\)](#)

<sup>2</sup> United Nations Office on Drugs and Crime, "Global Overview of Drug Demand and Supply: Latest Trends, Cross-Cutting Issues," World drug report 2018 (Vienna: United Nations, 2018), quoted in (QNADA), "Effective Responses to Drug Use Position Paper.

allegations of police lying to cover for each other, and police overreaching with (apparently) irrelevant charges.

These types of findings are not unique, and are consistent with a broader report<sup>3</sup> on opportunities to reduce stigma and discrimination for people experiencing problematic alcohol and other drug use which found that participants reported:

- multiple experiences of stigma and discrimination (and in some cases violence and degradation) when they came into contact with police;
- being targeted by police if they were known to have a history of problematic alcohol and other drug use, including being the constant subject of police attention; and
- few positive examples of non-discriminatory interactions with police across all accounts.

Applicable to the context of this inquiry, this report ultimately made a number of recommendations that sought to improve police transparency and accountability in relation to their encounters with people from marginalised populations, with a view to reducing perceptions of harassment, stigma and discrimination.

For example the researchers recommended that consideration be given to approaches adopted in other jurisdictions as part of the Police Accountability Project<sup>4</sup>. It is notable that in a submission to the Victorian Royal Commission into Family Violence, this project identified multiple issues with the non-policing of family violence and the lack of availability of an adequate mechanism to make complaints against officers who were failing to protect families from domestic violence.

Notably, they acknowledged the inherent challenges that exist when complaints made to police are managed internally, and the importance of an independent entity, with appropriate knowledge and experience relevant to the issues identified, being required to investigate and respond to the complaint.

This should be considered within the context of the adequacy of the current conduct and complaints handling process in Queensland, noting that it is confusing and difficult to navigate; with complaints either needing to be made to the police or the Crime and Corruption Commission (who in most instances refer the matter back to the Queensland Police Service to resolve).

It also highlights the importance of an independent, accessible and visible complaints mechanism being established; which recognises current barriers faced by individuals who have experienced discrimination in making complaints. Significantly, there also needs to be a standardised process for complaints by advocates and other service providers who identify instances of poor responses by police either at an individual, local or systemic level. This proposed approach also recognises that in many instances, a victim-survivor may not wish to make a complaint and/or experiences barriers in making a complaint.

Mechanisms for how to improve complaints processes within a different context were recently considered within a [Review of Queensland's Anti-Discrimination Act](#) which identified opportunities to:

- enhance awareness of complaints mechanisms, as many people are not aware of the options available to them;

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<sup>3</sup> Lancaster, K., Seear, K., & Ritter, A (2017) Reducing stigma and discrimination for people experiencing alcohol and other drug use, National Drug and Alcohol Research Centre,

<sup>4</sup> [Police Accountability submission into Family Violence Royal Commission – Police Accountability Project](#)

- allow for non-written complaints, and for reasonable assistance to be provided to put complaints in writing; and
- provide for the introduction for a flexible approach to resolving complaints (in recognising that victim-survivors may desire different resolutions in making a complaint).

Finally, when reflecting on cultural issues faced by any agency, including the police, it is important to consider how change is prioritised, implemented and embedded over time to ensure the anticipated change is actualised; including by ensuring that mechanisms are in place which provide for robust and regular review.

For example, while there has been a long-standing policy position in Queensland to divert people from the criminal justice system for use/possession offences, actual practice lags well behind the stated ideal.

Recent analysis of the first twenty years of diversion conducted by the Drug Policy Modelling Program (DPMP) found interjurisdictional learning around drug diversion has reduced over time and alarmingly that Queensland provides the lowest rate of diversion per 100 000 people in the nation<sup>5</sup>. The rate is so low that it noticeably shifts the national proportion of people with a principal offence of use/possession given a police drug diversion.

Specifically, this report found that *'Queensland accounted for the largest increase in people detected for use/possession in Australia (by police) and the highest rates of offenders being sentenced to prison for use/possession alone'*.

The DPMP went on to note that such a finding reflects the longer term upward trend in Queensland, as evidenced by a recent analysis by the Queensland Sentencing Advisory Council that showed the number of people sentenced for possessing a dangerous drug as their most serious offence more than doubled between 2005-06 to 2015-16 (Queensland Sentencing Advisory Council, 2017). This is despite the fact that as far back as 2011-12, the Queensland Drug Action Plan noted *'early intervention and diversion programs, which help prevent people apprehended for drug use from getting caught up in the criminal justice cycle and divert them to treatment, have become an established and successful part of Queensland's response to drug issues'*.

Relevant inferences that can be drawn from the above example to the current inquiry include:

- the critical importance of understanding factors that may impact the uptake or engagement with a practice or policy change by individual officers (such as culture, feasibility and/or other operational considerations);
- the need to ensure both proactive monitoring, and quick responsiveness, where issues become evident with the practice of individual officers, stations or districts; and
- potential shortcomings in the internal monitoring and implementation mechanisms currently established to ensure the delivery of agreed whole of government priorities.

While this may point to broader cultural issues within the Queensland Police Service, it also highlights key limitations in the capability, capacity and structure of the Queensland Police Service to respond to domestic and family violence, particularly where substance use is also present. This is particularly

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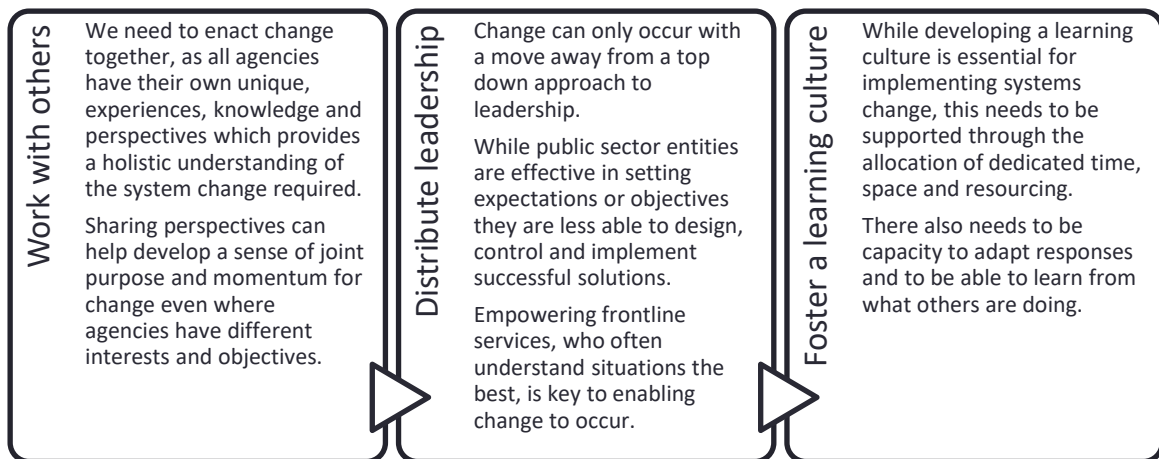
<sup>5</sup> Caitlin Hughes et al., "Monograph 27: Criminal Justice Responses Relating to Personal Use and Possession of Illicit Drugs: The Reach of Australian Drug Diversion Programs and Barriers and Facilitators to Expansion," Drug Policy Modelling Program (2019)

relevant when considering that the reforms associated with the *Special Taskforce on Domestic and Family Violence* (2015) that sought to strengthen policing responses to domestic and family violence have not achieved the anticipated change.

While there is increasing recognition at a state and national level of the need for sustained and coordinated approaches to improve the way services are provided across systems, including to victim-survivors of domestic and family violence; this requires a dedicated focus and commitment over time. It also requires intentional and considered planning and design to ensure system change is meaningfully achieved.

The NPC, a UK based philanthropic think tank, identifies systems change as “*an intentional process designed to alter the status quo by shifting the function or structure of an identified system with purposeful interventions*”<sup>6</sup>. The aim of systems change, they argue, is to “*bring about lasting change by altering underlying structures and supporting mechanisms which make the system operate in a particular way*”<sup>7</sup>.

In addition to the need to plan for systems change, the NPC have identified three good practice principles for ‘doing’ systems change (as outlined below).



<sup>6</sup> See more: [here](#)

<sup>7</sup> Ibid.