COMMISSION OF INQUIRY INTO QUEENSLAND POLICE SERVICE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

Commissions of Inquiry Act 1950
Section 5(1)(d)

STATEMENT OF ANDREA KYLE SAILOR

Name of Witness:	**Andrea Kyle Sailor**
Date of birth:	[redacted]
Current address:	[redacted]
Occupation:	**Community Development Worker/Community Engagement Officer/Cultural Advisor, Palm Island Aboriginal and Torres Strait Islander Women's Legal Service NQ Inc. (ATSIWLS NQ)**
Contact details (phone/email):	[redacted]
Statement taken by:	**Samantha Giunta**

I, **Andrea Kyle Sailor**, make oath and state as follows:

1. I am the Community Development Worker/Community Engagement Officer/Cultural Advisor on Palm Island for the Aboriginal and Torres Strait Islander Women's Legal Service NQ Inc (ATSIWLS NQ). I have been in this role for 7 years on Palm Island. I live and work in this community and was raised on Palm Island. I have a strong cultural and spiritual connection to Palm Island as a historical owner.

2. ATSIWLSNQ is a specialist First Nations women's legal service. ATSIWLSNQ's mission and objectives are centred on representation of and advocacy for First Nations women within the legal system, as well as broader community legal education and support. Clients primarily seek advice and representation in family, child protection and domestic violence matters.

3. ATSIWLSNQ is based in Townsville and operates in north Queensland. Clients are predominantly based in the Townsville region or on Palm Island, with outreach and some

remote representation of clients in Ingham, Ayr, Charters Towers, Mount Isa and other regional, rural and remote sites as required.

Interactions with the Police on Palm Island

4. There has been a significant negative history between police and community members on Palm Island, which has contributed to an ongoing mistrust and fear of police.

5. There are currently no PLO's on Palm Island.

6. Officers on Palm Island are not properly trained in dealing with the complexities of trauma, domestic and family violence, or working in a First Nations context.
   (a) There is no cultural awareness training provided to officers who come to work on Palm Island about the intricate differences in cultural protocols between the Island, Townsville or any other discreet communities
   (b) This should be done by the local Community Justice Group who have 3 generations of embedded knowledge

7. The local knowledge in community organisations is not being utilised by QPS about local families, historical issues within community or current/historical tensions. For example, there have been multiple occasions where police have tried to put a DVO on a couple without realising there is no relevant relationship and matters are then thrown out of court. This waste of resources and court time could have been prevented if local community people were consulted.

8. I do not believe there has been any effort by police to address any of the historical or current issues between community and the QPS. I do not believe there is any respect given by QPS to the role community leaders play.

9. There is a very limited partnership between ATSIWLS NQ and the QPS.
   (a) There are no formal processes between ATSIWLS NQ and the QPS such as an MOU
   (b) The Community in the draft Community Safety Plan has requested that an MOU be established between the Community and the QPS, however, other community members do not see any benefit to this
   (c) There is supposed to be a working relationship with the Community Justice Group, however this is not done in a respectful or meaningful way.
   (d) There is a Murri Watch program on Palm Island which is currently non-existent. Murri Watch should be visiting any First Nations person taken into custody, but I do not have any indication that this is happening from community members.

10. There is no community engagement by QPS in terms of developing meaningful relationships with community organisations. For example, the police do not get involved in community activities, they don't sponsor any of the events, and on the rare occasion they

[redacted] [redacted]

Witness signature Justice of the Peace/Commissioner for Declarations/Lawyer

have attended a community sports days, they have done so in full uniform including the wearing of weapons which causes tension and fear in community members present.

(a) There could perhaps be alterations made to existing policies and procedures which do not take into consideration the balance between mandatory directions for QPS to wear weapons at all times and community optics.

11. The police do not take information at the front counter or in an interview in a culturally safe or trauma informed way, often making misogynistic or belittling comments.
    (a) For example, I have previously taken young women into the police station to provide a complaint. On one occasion, the officer behind the counter stood with folded arms and said 'what's the problem now?'. The young woman had been hesitant to make a complaint at all, due to fear of police, and was immediately made to feel as though she was not going to be believed and that her complaint was not important.
    (b) This is a common experience.

12. There are ongoing tensions between long-standing staff and the community.
    (a) Additionally, there has been a refusal by QPS to provide opportunity for police officers with ties to the Palm Island community to return to serve at the station.

13. Trouble with police priorities – the way police prioritise their existing resources causes tensions. For example, if there is an urgent DFV matter requiring police attention on a day that the ferry comes across from Townsville there are no resources to investigate or assist.

    (a) This is because the police wait down at the ferry to search bags for incoming alcohol.
    (b) I feel that the searching is often targeted at First Nations people, and while it is part of the Alcohol Management Plan monitoring, causes huge disruptions to any community responses that might be required.
    (c) Too many resources are put into that task and not enough are allocated to responding to community complaints and concerns.
    (d) The Alcohol Management Plan is seen and experienced by community as purely revenue raising. I as an elected Councillor, have requested a review of the AMP.

14. Many of our clients indicate that they experience negative attitudes in their interactions with police in relation to domestic and family violence matters. These attitudes include police officers:

    (a) making misogynistic comments
    (b) making racist comments
    (c) refusing to investigate complaints in any way, let alone a thorough and culturally appropriate way
    (d) not believing First Nations victims who raise complaints about DFV

(e) not listening to victims about what conditions will work for the family unit to balance keeping them and their children safe, and also not placing unachievable compliance standards on perpetrators who are still involved with the family unit
(f) using language that blames victims for their experience such as 'she'll just go back anyway'

15. I believe that in many ways the negative attitudes of police are reflective of a racist and bias attitude of police on Palm Island, even if this is done in an unconscious way. For example, I believe I am received very differently to other First Nations women on the island, likely due to the lighter colour of my skin.

Local issues within community relating to domestic and family violence

16. Misidentification of First Nations women as perpetrators is a major issue on Palm Island.
(a) Our experience is that police refuse to investigate beyond an incident-based response.

17. Police often make no contact orders which leads to a significant number of unnecessary breaches in community. These harsh orders are not practical in a small community.

18. Two incidents of women being transported to the Hospital for injuries suffered from DV however no order was taken out on the Respondent.

19. A standing invitation exists for the QPS to attend the monthly DV meetings. I believe there are 3 DV Officers on Palm Island and no one from the QPS attends these meetings. Those involved include:
(a) The Women's Centre
(b) The Justice Group
(c) Housing
(d) SelectAbility
(e) ATSIWLS NQ
(f) PICC
(g) Ferdy's Haven Aboriginal Rehabilitation Centre

20. 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 was easier to risk going home to an unsafe environment instead of working with Palm Island police.

[redacted]
Witness signature

[redacted]
Justice of the Peace/Commissioner for Declarations/Lawyer

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

Court on Palm Island

21. Every week there are approximately 25 cases through the DFV court. Approximately half of those are new matters coming through. There are a number of legal services who provide legal advice and representation including ATSIWLS NQ, QIFVLS, QLA and ATSILS.

22. Breaches of the Alcohol Management Plan and breaches of DV orders are the two most common offences in the criminal court. As part of these breaches it is clear that Aboriginal and/or Torres Strait Islander women are commonly misidentified as perpetrators due to a lack of investigation by QPS when they attend a scene and the woman has defended herself and/or her children or used response violence.

23. Another primary frustration in community is the impact on families when an individual is charged with an offence on a day where there is no court sitting.

24. In this case they are flown off the island to Townsville. When they are released on bail they have no access to their phone, identification, money, or transport so they often get stuck in Townsville until the next pay day. This contributes to further crime in order to get food, homelessness and trauma for the family.

25. This is contributing significantly to the overrepresentation of First Nations people in the criminal justice system, and is of particular concern when it is a breach of an order that is not wanted by the victim.

[redacted]

Witness signature

[redacted]

Justice of the Peace/Commissioner for Declarations/Lawyer

OATHS ACT 1867 (DECLARATION)

I Andrea Kyle Sailor do solemnly and sincerely declare that:

(1) This written statement by me is true to the best of my knowledge and belief: and

(2) I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating in it anything I know to be false.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

[redacted] Signature

Taken and declared before me at Palm Island this 20th day of July 2015.

Taken By [redacted]

Justice of the Peace / Commissioner for Declarations / Lawyer

Witness signature

Justice of the Peace/Commissioner for Declarations/Lawyer