

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

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

STATEMENT OF KARL MCKENZIE

Name of Witness:	Karl McKenzie
Date of birth:	[REDACTED]
Current address:	[REDACTED]
Occupation:	Chairperson, Townsville Justice Group
Contact details (phone/email):	[REDACTED]
Statement taken by:	Samantha Giunta

I, **Karl McKenzie**, make oath and state as follows:

1. I am the Chairperson for the Townsville Justice Group. I live and work in the Townsville community.
2. Townsville Justice Group provides support to individuals who come into contact with the justice system through a variety of programs, including, but not limited to, a Men's Group, a Women's Group, Murri Court, personal and cultural support roles, and court support in the Youth system, Domestic and Family Violence Specialist Court, Murri Court and Community Corrections.

Collaborative responses in Townsville

3. It is critical that support services work in a collaborative way to support both parties in domestic and family violence proceedings, however it is also critical that this is done in a culturally appropriate way, ensuring the holistic safety of the community.
4. For this reason, it would not be appropriate for the Townsville Justice Group to be part of any crisis response with police, however the Townsville Justice Group receives referrals in

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the days after an incident, and provide support through the men's or women's group in addition to support in the court environment. A more appropriate model would be utilising PLO's in this way.

5. This allows the Justice Group to remain separate from government agencies, particularly police, and maintains the cultural safety for First Nations people in Townsville to access support.

Police Relationship with the Townsville Justice Group

6. The Townsville Justice Group has a very positive relationship with QPS, though mostly comes into contact with the QPS in a court capacity, rather than working directly with First Responder police.
7. The Justice Group is soon to be accompanying QPS with a young justice cautioning system involving an Elder and a young person to try to limit the need for more serious intervention at early stages for young people.
8. 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.
 - (c) 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.

Domestic and Family Violence Court

9. The DFV court sits on Monday, Wednesday, Thursday for DVO applications. Friday is for criminal breaches. The Townsville Justice Group provides a male worker for men and a female worker for women to ensure culturally safe support can be provided on the day and any appropriate follow up can be managed in a holistic way.
10. The Justice Group plays an important role in supporting both parties who identify as Indigenous. We are able to speak with the clients before and after the proceedings, be a support person in interviews with lawyers and in court, and play an advocate role by

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linking people in with external support services where it is required.

11. One of the primary issues we see come through the specialist court is the provision of non-contact orders, and the impact that has on families, particularly those who either want to stay together or those who have children together. Oftentimes, either party may not understand the implications of a non-contact order, and how strict this condition is in practice, extending to 3rd party contact.
12. In Townsville another issue that stems from this is the inflexibility of the Prosecution team to negotiate terms within the orders, even when parties are involved with support services. 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.
13. The general direction from prosecution is they will not assess any order for a variation for a minimum of 12 months. This can have a devastating impact on families who are ripped apart as soon as an order is in place and does not recognise their agency to decide whether or not they should remain together, even in cases where there are not high levels of violence.
 - (a) 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 non-contact order in place, despite her efforts to have it varied.
14. It is important for Aboriginal and/or Torres Strait Islander families to remain in their children's lives, and this should be considered, even in a supported way, when looking at imposing strict non-contact or onerous conditions on an order long term. It does not take into consideration the best interest of the aggrieved if they are not involved at any stage in the making of the order.
15. The Townsville Justice Group works with both males and females in a culturally safe way to ensure that behaviours are address and in a holistic way to ensure that any relationship is in a healthy and safe environment. This is particularly important where children are involved, and the continuous learning that occurs about addressing unhelpful and toxic behaviours by both parties, and focuses on raising strong, healthy families, and taking responsibility for our own healing and behaviour.

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The Murri Court Process

16. The Murri Court in Townsville is focused on rehabilitation and healing rather than being a purely punitive model of justice. This involves mandatory attendance at programs targeted to help the individual in a holistic way, helping to address any underlying causes that contribute to offending.
17. This model of mandating culturally appropriate healing would be helpful in the domestic and family violence space, rather than making attendance an option. It would also be more appropriate for Indigenous men and women to be offered to attend a culturally appropriate men's program such as Uncle Alfred's Men's Program rather than mandating a mainstream program which may not be appropriate.
 - (a) An example of this is a men's program with a female facilitator which is not culturally appropriate for First Nations men and is a barrier to engagement.
18. The focus on healing rather than punishment alone, would be a helpful model to implement into the criminal breaches area of the specialist court to help perpetrators to properly address behaviours and to learn better coping skills and strategies and healing.

OATHS ACT 1867 (DECLARATION)

I Karl McKenzie 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.

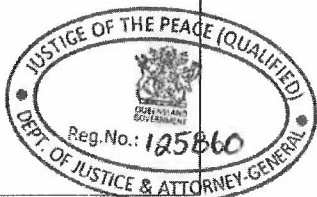
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

.....
Signature

Taken and declared before me at Townsville this 21st day of July 2022.

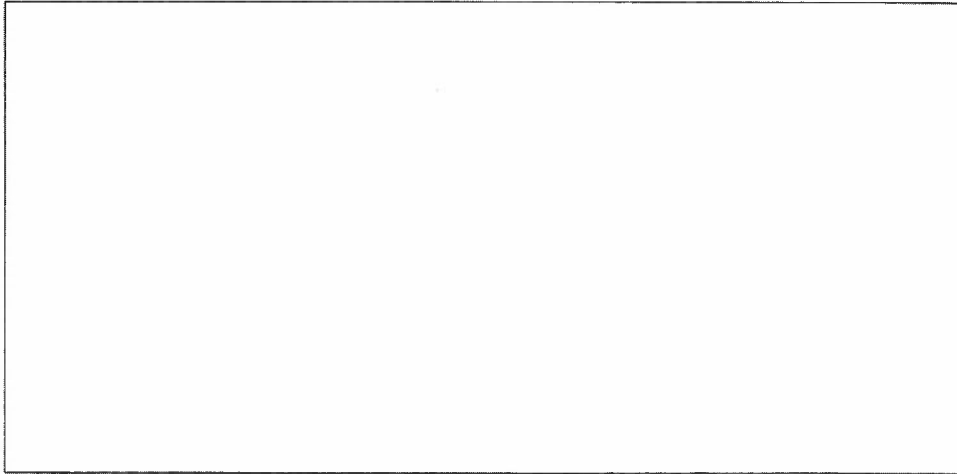
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Justice of the Peace / Commissioner for Declarations / Lawyer



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Justice of the Peace/Commissioner for



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Witness signature
Declarations/Lawyer

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Justice of the Peace/Commissioner for
Declarations