

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

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

**STATEMENT OF**

<b>Name of Witness:</b>	<b>Witness B</b>
<b>Date of birth:</b>	[REDACTED]
<b>Current address:</b>	88 Abbott Street, Cairns, Qld 4870.
<b>Occupation:</b>	Chief Executive Officer
<b>Contact details (phone/email):</b>	[REDACTED]
<b>Statement taken by:</b>	

I, [REDACTED], make an oath and state as follows:

1. I am the CEO of Cairns Regional Domestic Violence Service (CRDVS) and have held this position since July 2020. I have worked for CRDVS in a number of positions since 2005 apart from a nine month period during which I worked for the Department of Child Safety, Youth and Women as the Integration Manager of the Domestic and Family Violence High Risk Team (HRT) in Cairns and stood up the HRT.
2. CRDVS provides crisis counselling including risk assessment and safety planning, ongoing counselling, court support, child and youth counselling, safety upgrades as well information and referral and professional development and community education.
3. CRDVS has approximately 24 staff and four locations in the region – Cairns, Atherton, Mareeba and Mossman and until the 30<sup>th</sup> June 2022 also delivered a federally funded service that covered the Ravenshoe and Southern Tablelands region that was not recurrent funding.
4. CRDVS also has some responsibility for local service co-ordination in the Cairns region and we facilitate this by acting as the backbone organisation for the Cairns Collective Impact on Domestic and Family Violence.
5. Cairns Collective Impact on Domestic and Family Violence (CCIDFV) comprises a number of government and non-government agencies in the Cairns area that are working

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Page 1 of 9

together to develop an integrated service response which reduces the incidence and impact of Domestic and Family Violence in the Cairns community by:

- Increasing co-ordination of service delivery across the target area to effectively address D&FV;
  - Enhancing relationships amongst services within the target area;
  - Investigating complaints or case studies involving D&FV sector-wide service delivery and propose solutions at a systemic level;
  - Contributing to developments in the wider field of D&FV;
  - Continuing to raise awareness of D&FV;
  - Engaging with stakeholders in furthering the other objectives.
- Members include: CRDVS, Womens Centre Cairns ,Ruth's Women's Shelter, Shelter Housing Action Cairns ,North Queensland Women's Legal Service, Cairns Sexual Assault Service (CSAS) ,Warringu Aboriginal & Torres Strait Islander Corporation, Cairns Community Legal Centre, Department of Justice and Attorney General – Office for Women and Violence Prevention, Relationships Australia Queensland, Department of Corrective Services, Cairns Magistrates Court , Wu Chopperen Health Service, Queensland Police Service, Act for Kids, Department Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, Department of Children, Youth Justice and Multicultural Affairs, Access Community Housing, Victim Assist Queensland, Department of Human Services, Centacare Cairns, YETI, Benevolent Society, Fix-It Counselling, Queensland Fire and Emergency Services .
6. CRDVS is also the lead non-government organisation for the Cairns HRT and as such provide the HRT Co-ordinator and proxy and as CEO I often Chair the HRT meetings.
  7. In the 2020-2021 Financial year CRDVS had 1,093 new adult clients access the service which does not include existing or ongoing clients of which thirty-three percent identified as Aboriginal, Torres Strait Islander or both. CRDVS provided support to 88 new child and youth counselling client of which sixty-two percent identified as Aboriginal, Torres Strait Islander or both. CRDVS also provided technology based safety upgrades through our Keeping Women Safe in the Home program to fifty-three clients in the area and thirty-three clients accessed our Home Safety Security Upgrades for lock changes etc.
  8. In the same year CRDVS received 1,392 Redbourne referrals from the Queensland Police Service. This was a forty-two percent increase on the previous year.
  9. From the 01<sup>st</sup> July 2021 to 30<sup>th</sup> June 2022 CRDVS has received 1,636 Redbourne referrals. Of these referrals 1,376 were for the Aggrieved including 406 male aggrieved and 260 referrals were for female Respondents of which 120 identified as Aboriginal, Torres Strait Islander or both.
  10. There are a number of points to be made in unpacking the above data around the misidentification of the primary victim and the over representation of First Nations women.
  11. The first is to highlight the number of men being identified as the aggrieved (29.5%) of the aggrieved referrals in the last year. Statistically this is not consistent with readily available and credible research from organisations such as the Australian Bureau of

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Statistics which indicates that anywhere between 5 and 7% of men are victims of domestic and family violence and within this cohort may be the victims of other men, for example same sex partners, brothers and other family members. It is not reflected in hospitalisation rates or assault statistics nor is it reflected in what we know about who commits violent crimes.

12. The second is the over representation of First Nations women being named as Respondents in referrals (46.15%). According to the census data available on the Cairns Regional Council website, in 2016 9% of the population in the Local Government Area identified as First Nations, of that 9%, 50.7% were female. On the face of it, it could be extrapolated that 4.56% of the Cairns population is generating just over 46% of referrals as female Respondents. The phased release of the 2021 Census data means that the same data as above is not yet available however the information currently available indicates that in 2021, 9.9% of the Cairns LGA population identify as First Nations. Noting this and the fact that CRDVS does have a slightly bigger catchment area than the Cairns LGA, there may be some variation to the percentages presented however I believe the point remains the same as does the logical implication for the criminalisation and incarceration of our First Nations women.
13. There are a number of factors that could be attributed to influencing the misidentification of the primary victim and the predominant aggressor including demonstrated beliefs about deserving and underserving victims, in fairness these are beliefs that extend beyond the culture of the Queensland Police Service (QPS) as well as the current nature and culture of policing as well as a lack of understanding of trauma response and the context within which survivors of domestic and family violence live.
14. The narrative around what a 'good' victim looks like is not new nor is it unique to QPS however CRDVS has noted some particulars in language that has been heard in different spaces alluding to the 'good' victim. Statements such as "She doesn't deserve it" or "It's unacceptable that she has to deal with this – she could be my sister or my Mum" may well be supportive however these statements tend to be made about victims who display certain qualities such as being easy to work with, emotionally regulated and willing to engage or comply with directions. Those survivors who engage in unhelpful coping strategies such as drug or alcohol use or who may present as angry and difficult are more likely to be dismissed or arrested. CRDVS can list a number of examples of this:
  - (a) Case 1 – Recently a worker from CRDVS was contacted via her work mobile by a young client who identifies as First Nations. There are current cross-orders between the parties involved. The client stated that she was being assaulted by her partner and the worker could hear the verbal abuse and assault whilst on the phone. The worker clearly articulated that she was contacting the police and ascertained where the client was located. The client phoned back a few minutes later and stated she had left where she was and was okay. Police who attended the incident and located the client followed up with our worker and stated that they had arrested her. Our understanding is that she was escalated when QPS arrived and was making threats towards our worker although we are unsure if the threats came before or after her arrest. Our worker discussed with the police the context of the clients' response as potentially resistive violence and/or steeped in trauma response, it was at this point

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that police considered charges against the clients' partner. The client was not seeking to make a complaint against her partner and any charges QPS could pursue relied on the statement of our worker and what she heard during her brief phone interaction. In short, a young First Nations woman was being assaulted by her partner, the police were called on her behalf which resulted in her arrest and as yet no consequences for her partner.

- (b) Case 2 - Last week CRDVS received a Redbourne referral for a male aggrieved that clearly stated that the 'aggrieved' had hit his partner in the face, causing her a bloody nose and that they were seeking a Domestic Violence Protection Order naming the 'aggrieved' as a respondent. The referral stated that the 'aggrieved' was claiming to be experiencing domestic violence from his partner (who he assaulted) but did not detail his experience of domestic violence. Referrals such as these also highlight the difficulty services such as ours have in managing inappropriate referrals as the onus remains on our service to source and on-refer to another service as there is no option to simply decline the referral as inappropriate, something which CRDVS has raised a number of times with Redbourne.
- (c) Case 3 - Earlier this year CRDVS received a referral for a male aggrieved that stated that his pregnant partner/ex-partner attended his residence and found him in bed with someone. The referral stated that she slapped him across the face and he responded by hitting her back.
- (d) Case 4 - CRDVS received a Redbourne referral last year for a male aggrieved that stated clearly that the female respondent had an existing DVPO with extra conditions naming the aggrieved as the respondent. The referral outlined that the aggrieved had attended the female respondents residence at which point she called the police and began throwing things at him (presumably to keep him away from her) and police attended and took out a Police Protection Notice against her.
- (e) Case 5 - More than 12 months ago I was working from our Mareeba office and arrived early around 8am (we open at 9am) to find that a woman had been sitting in front of our office with her belongings and was visibly distressed as cross-fitters ran past her. The woman was First Nations, homeless and in a same sex relationship. The woman reported that her partner had assaulted her around the body and head with a large piece of wood and had strangled her using the seal rubber from a car door. Police had attended and dropped her to the service. The woman stated that she was not feeling okay and we arranged for the woman to be accompanied by a worker to Mareeba hospital. The woman was admitted and transferred to the Cairns Base Hospital due to her injuries which included fractures to her cheekbone and vertebrae in her back as well as bruising to her body. When we received this feedback I contacted the DFV Co-ordinator and asked if he could explore the context of QPS response as I was considering making a complaint. The DVFC followed up, reporting that the officer was distressed to discover the level of her injuries and later the officer involved rang the service and spoke to our Senior Practitioner who had an extensive conversation with him. The officer initially was saying things like, "In those circumstances it can be hard to tell who is who because it's two women and much more obvious who is more vulnerable when it's a man

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and a woman" the officer was also very clear that he had offered to take the woman to the hospital but she refused, carried her own bags and asked to be dropped to our service when they offered for her to wait at the police station until we opened. Our Senior Practitioner spoke at length to the officer about the fact that the woman was First Nations, homeless and in a same sex relationship and may not have felt entirely comfortable with police, especially if she had a sense that police were unsure of who the primary victim was at the time. The overall outcome was positive in that the police officer genuinely took on board the feedback and also dropped into the service to introduce himself however could have had a very different outcome and was still something the woman experienced.

- (f) Case 6 – Some time ago we had a matter at the HRT, CRDVS was unable to contact the client and the existing safety plan that we had with her included the provision that if we could not contact her, CRDVS would contact QPS seeking a welfare check. CRDVS contacted the then QPS HRT core member via email as this was the reliable process for contacting them. This created tension between CRDVS and QPS as the core member contacted the worker who was working with the client and stated it was a waste of time and resources and referred to the client as a 'druggo'. When the HRT met the QPS member presented as angry referring to the fact that we had emailed rather than phoned. My response to the QPS member was that survivor safety trumped everything and we were all relieved that when QPS did check, she was okay and highlighted that the client was grateful that the safety plan discussed had worked and reassured her that she would hopefully never again be in circumstances where she was held in a room for days being sexually assaulted by her partner and no-one knowing this was happening for her as had been the case in the past.
- (g) The Redbourne referrals referred to are just a few examples that have been highlighted to me as CEO as workers respond to the referrals however we receive similar referrals on a regular basis.
- (h) It has struck me throughout my career in the sector the difference in response that can occur depending on who's reporting. It seems often that men's stories are given a credibility and weight that is not always seen in responding to women whose stories are often interrogated. Earlier this year we had a client who is Russian and currently on a Partner Visa. Our service has been assisting the client navigate immigration matters and making an application under the Domestic and Family Violence Provisions of the Migrations Act, part of this is providing evidence other than a DVPO where a service such as ours provides a letter. The client is no longer living with her now ex-partner but she has remained hopeful that the relationship would reconcile and has continued to sometimes work for him. The clients' ex-partner accessed her emails through his computer and discovered the letter we had provided in support of her application, printed it and presented at the Cairns police station. I would note that Cairns police station is not the local police station for her ex-partner and is over an hour away from his local police station. Police called our client into the station and spoke to her for around three hours without accessing an interpreter. The client presented at our service as soon as we

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opened the next day as the messaging she had gotten from police was that she had done the wrong thing and our service had also done the wrong thing and had in fact acted illegally. Our service later received a phone call from a police officer stating that what CRDVS had done was unethical and illegal and seeking a response as well as questioning our assessment of risk and actions or inactions. I was in a meeting at the time and responded by email later that day providing links to the Migration Act where it clearly states a letter from a service such as ours is an evidentiary requirement as well as giving context to risk and safety decisions such as not referring to the HRT as she was not at imminent risk and there was nothing for the HRT to value add to her matter. I did also enquire as to whether there were any concerns about the fact that the clients' ex-partner had accessed her emails without her consent to get this information in the first instance. The response that I received back still seemed to intimate that the officer believed we were overstating her experience of domestic violence and asserted that her ex-partner had not 'hacked' her computer to get the information therefore they would not be following up. The client later reported to us that the officer involved presented at her workplace (she's a masseuse) as a client and when she recognised him and asked if this created a problem he stated that it was fine. The client reported being incredibly uncomfortable but not wanting to make things worse. The client stated that after the massage the officer questioned her about whether she had regular days and about being a regular client, the client made excuses about being a casual and not knowing her schedule. The client did not want to pursue a complaint with police because of her experience and not wanting to 'rock the boat'.

- (i) Over the last 12 months our service in collaboration with RAATSICC have worked to create a resource called 'Our Voices Count'. Our services interviewed six First Nations women about their experience of domestic and family violence and their experience of the domestic and family violence sector as a whole including responses from QPS. Five out of the six women interviewed identified that their interaction with police often left them feeling like they had done the wrong thing or felt like they were being treated like the perpetrator, even when police were doing the right thing. One participant recounted calling the police for help, acknowledged that she was escalated when they arrived and made some regrettable choices and is now facing charges as a result.

15. There are genuine challenges for police as current response is retrospective and incident based which means that I could call the police three times and they may decide I am the person who needs protection but I call them a fourth time and have perhaps held a butter knife in my hand and sworn at my partner and they may decide at that point that my partner is the one in need of protection. Research clearly articulates that once we begin treating the primary victim as a perpetrator they disengage from services and systems as well as having a significant impact on future help-seeking behaviour. To address the misidentification of the predominant aggressor it would require a shift in policing beyond training, it requires police to examine beyond the incident they are attending and be future focussed on who is in genuine need of protection and the

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context of resistive or retaliatory violence, this shift will be imperative with the implementation of coercive control if we are to avoid criminalising victims.

16. In recent years there has been strong rhetoric from QPS regarding improving response to domestic and family violence and the implementation of specific teams or units. Since the introduction of Domestic Violence Liaison Officers and DFV Regional Co-ordinators and the more recent innovations our service has always welcomed a safe pathway to police especially when initial response has been unhelpful or harmful however we have often found they are poorly resourced and become overwhelmed by need which means that they narrow their purpose and those pathways are no longer available to the service and clients. The hierarchical nature and autonomy inherent in their positions also means that whilst DFV Co-ordinators and similar roles may give feedback and offer suggestions there is no obligation for an officer to comply. The solution offered around this has from time to time been for our clients to go back to the original officer and insist they take action clearly articulating 'How will they learn otherwise?' however I would posit that it is not the role of our clients to 'teach' the police how to 'police', I would also argue that our clients are not in the position to be heard in this way. If we are to truly examine the culture of QPS with regards to domestic and family violence it is important to note how those officers in specialised roles or teams are treated by their peers and the broader policing community. Throughout my career at CRDVS the feedback from these officers has been steeped in the level of hostility that they feel is levelled at them from their colleagues and the sense that they are not doing 'real' police work. This begs the question as to why some members join the police force and the work they expect to be engaging in and the level of honesty in recruiting about the realities of police work and the fact that domestic and family violence is estimated to be between 75 to 80 % of workload. It would also be interesting to unpack how much training members get in other aspects of policing such as firearms versus domestic and family violence.
17. In 2005 when I began at CRDVS our local police had an arrangement with our service that new recruits would come to our service and attend three days of training with our then CEO. This shifted after QPS developed their own training package and began delivering it. There can sometimes be difficulty in a general trainer delivering specialist knowledge as often nuance can be missed. When QPS introduced their training our service would be invited to attend and speak briefly about our service and what we do. I attended one of these sessions and arrived a little early, the presenter was presenting to a PowerPoint slide that listed different types of domestic violence however when he got to reproductive control he shrugged and said, 'I don't really know what they mean by that' and continued on. When I was introduced to speak I offered to speak about reproductive control and what that might look like which was well received. Our service has not been invited to introduce our service to new recruits for a number of years in Cairns, on the Tablelands this was a practice that we maintained however with recent movement of QPS staff we are unsure if this will continue.
18. Increasing understanding of trauma, trauma response and trauma-informed practice are key elements to improving response. It is also important that there is an emphasis on police also understanding their own trauma response as demonstrated by a recent incident during which an officer yelled at an aggrieved "I'm here to help you". This is also

reflected when feedback is provided in different spaces such as the HRT around initial response and client experience but may not always be received well. There are a number of great police officers with which we have positive relationships however I note that there is a level of exhaustion and sensitivity as a 'good' police officer receiving details of poor response from other members.

19. As mentioned throughout this statement Cairns has a HRT which can be most effective when the perpetrator is engaged with our justice system on some level and can be held to account. At one point the Cairns HRT had a QPS representative who was very experienced and insightful into the gathering of evidence and capacity to pursue charges. The officer acknowledged that often inexperienced officers were attending domestic violence incidents and did not know what criminal charges they may be able to pursue so as a matter of course he would look at each HRT case and refer back to the officers to follow up on evidence and suggest the charges that could be added which led to increased perpetrator accountability.
20. Cairns has a strong service sector response to high risk which is necessary to support the work of the HRT however the flip-side of this is that if the sector cannot manage the risk and it needs to be escalated to the HRT that there are high expectations of what the HRT may be able to do. Sometimes this means that matters are referred into the HRT and then stepped down quickly as there is nothing that the HRT can value add other than sharing information between agencies – something that can happen between services without referring into the HRT.
21. CRDVS welcomes and commends QPS for their commitment to improve responses to domestic and family violence and acknowledge that this is something local QPS leadership has clearly wanted to prioritise and the challenges inherent in implementing cultural change in such a diverse and large workforce but advocate strongly that the voices of our victims and their experiences are heard and become central to driving positive change.

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**OATHS ACT 1867 (DECLARATION)**

\_\_\_\_\_ 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 MAREEBA this 13<sup>th</sup> day of JULY 2022

Taken By \_\_\_\_\_

Justice of the Peace / Commissioner for Declarations \_\_\_\_\_



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