

**COMMISSION OF INQUIRY IN THE STATE OF QUEENSLAND
AT BRISBANE**

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

AFFIDAVIT OF NADIA HELEN BROMLEY

I, Nadia Helen Bromley, Chief Executive Officer of the Women's Legal Service Queensland, of [REDACTED] in the State of Queensland make oath and say as follows:

1. I was admitted as a solicitor in May 2005. I have been employed in various roles since this time, including working with Legal Aid Queensland across the period of 2005 to 2014. I have been employed as the Chief Executive Officer (CEO) of the Women's Legal Service Queensland (WLSQ) since 21 March 2022.

Women's Legal Service Queensland

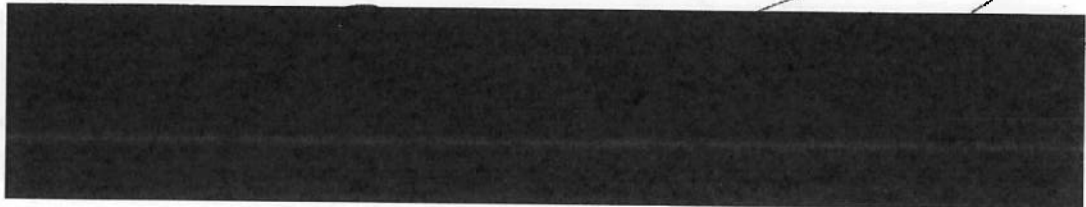
2. WSLQ provides free legal and social work support to Queensland Women. Our priority is helping women who are experiencing domestic and family violence, sexual violence, or disadvantage. We are committed to a society in which every woman can:
 - live free from violence and discrimination
 - tell her story and have it heard and respected without judgement
 - receive a just and equitable outcome from legal and social systems
3. WLSQ began as a volunteer service in 1984 offering telephone legal advice and counselling. The service is now supported by state and federal funding and has grown consistently across its lifespan, with significant growth in demand in the last decade.



4. WLSQ currently employs twenty-five (25) solicitors, seven (7) social workers and a range of paralegal, administrative and other staff. We also utilise the assistance of numerous volunteer administrative officers, law clerks, solicitors, and counsel.
5. In the financial year 2020/2021, services provided by WLSQ included:
 - Answering phone calls for help – 13,397 calls, a 28% increase from 2019/2020
 - Providing 1,140 services Duty lawyer services at Caboolture, Ipswich and Holland Park Magistrates Courts.
 - Providing 5,961 legal advices
 - Providing information to 6,320 women
 - Making 22,960 referrals for women to other services
 - Providing social work services to 330 clients, a 73% increase from the previous year
 - Assisting 80 women in divorce clinics
 - Providing casework support to 453 clients as part of the Domestic Violence Units that provide advice and representation for women with complex needs who are experiencing severe domestic and family violence
 - Assisting 401 clients through the Health Justice Partnership (HJP). HJP links female health care patients and carers of patients experiencing DFV with legal advice and assistance through hospitals across Southeast Queensland.
 - Providing financial counselling and legal support to 277 women experiencing financial abuse and assisting them with clearing almost \$500,000 in debts
 - Providing 150 services in the Counselling Notes Protect service, representing and assisting people involved in Sexual Assault Counselling Privilege applications
 - Appearing at hearings for women in 210 cases
6. More than 90% of the women who seek assistance from WSLQ report experiencing domestic or family violence. As part of my role in leading the service, I receive feedback from employees, volunteers, and other external agencies and services. I also observe service provision and interact directly with victim-survivors in the workplace and at WLSQ events. The information provided in this statement was collected from a combination of these sources. This statement supplements the WLSQ formal submission to the Commission of Inquiry, dated 8 July 2022.

Issues reported by women in relation to the Queensland Police Service Response to domestic and family violence

7. Dealing with domestic and family violence is a complex and difficult task for the community, and especially so for first responders. Some women report having a positive experience with police. Regrettably, the majority of the women seeking assistance from WLSQ have not felt supported by the Queensland Police Service (QPS). A thematic summary of the issues reported by women and the consequences of their experiences is included below.
8. Failure to adequately respond:
 - a. Women regularly report attending police stations to report abuse and being either directly discouraged from reporting, feeling pressured not to report, or feeling disbelieved. As a result, many instances of violence go unreported. Women have advised that they have attended police stations to report abuse and have left without even preliminary details being taken.
 - b. Many women report that police advised them that it is not necessary or appropriate for any intervention if there are family law proceedings on foot. On occasions, women report that the police had treated their reports with suspicion and suggested that they address the family law issues in that jurisdiction.
 - c. Women often report that police attending a call-out did not directly ask them about domestic and family violence, hence they did not disclose it
 - d. Numerous women report being asked if they want "to make a formal complaint" which they find overwhelming and respond in the negative to avoid being responsible for escalation and/or future risk
 - e. Many victim-survivors report being advised that they will need to make a private application for protection if police have not attended a domestic and family violence incident and witnessed any harm or risk of harm. This presents an insurmountable barrier for some women hence no order is sought.
 - f. Women report being referred to support services instead of receiving assistance from police which they perceive as either disbelief or an indication that their situation is not being taken seriously.
9. Failure to appreciate the broader context of the situation or relationship

- a. Police adopting an incident-based approach to responding to domestic and family violence have failed to appreciate the impact of control, manipulation and a prolonged course of conduct that results in a heightened response from a victim. This can have multiple effects. One is that this regularly results in women being misidentified as a respondent or considered an unreliable witness.
 - b. The consequences of behaviour described in 9.a can be particularly harmful to vulnerable women who are on visas and in a relationship with an Australian Citizen. WLSQ is currently working on a pilot program to specifically support women who hold a temporary visa and who are experiencing domestic and family violence. Incorrect assessments resulting in erroneous cross applications may imperil a woman's future visa application or even her continuing ability to remain in the country.
 - c. Women are also exposed to additional vulnerabilities when they are reliant on their abusers as primary carers. There are instances where women have reported being misidentified as a respondent, but, as a result of being dependent on their abuser for care, have consented to orders to avoid losing housing or other necessities.
 - d. Women have reported Police including ouster conditions or no contact conditions on orders when they have expressly indicated a desire to continue the relationship/cohabitation. Women have reported feeling disempowered and disinclined to further engage with police as a result of these issues. Our conversations with other service providers indicate that this is a particularly prominent issue for First Nations women.
 - e. There are many consequences of a response which fails to appreciate the broader context. These consequences can be exacerbated in the court system. An example of the compounding of such an issue reported to us by women occurs when women attempt to report a breach of an order and are told by police that it is a "technical breach" or that the evidence will not meet the criminal threshold hence it will not be prosecuted. Women are then often left to self-represent to seek a variation of the order to attempt to address the behaviour. Women report difficulty when doing so, as Magistrates regularly direct them back to police rather than varying the order. Women are left feeling powerless and exposed in these circumstances.
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10. A lack of Trauma/Domestic and Family Violence informed responses (by this I mean the use of a strengths-based framework, founded on principles of safety, trustworthiness, choice, and empowerment, but, most critically, a priority focus on doing no harm; not re-traumatising or blaming victims for their efforts to manage traumatic reactions)

- a. While commitments have been made to broadly introduce a trauma informed approach, many current examples exist of responses which are not well adapted to eliciting a positive response from victims or making them feel safe. Examples of such issues include response teams comprising all male officers, versions of events being taken from parties in the presence of the other party, and a lack of dedicated contact points, such that victims are forced to retell their story on multiple occasions.
- b. One of the most significant challenges women face in relation to the police response to domestic and family violence is the approach taken by many officers to enter the environment with both an assumption of an equal standing of the parties, and a traditional investigative approach, which focuses on visible evidence and proving harm. Such an approach ignores; the imbalance of power often present in relationships involving violence and abuse, the potential history of control and fear, and focuses on physical evidence, proof of harm and the quality of the potential aggrieved as a witness. It is these actions which result in the underreporting of domestic and family violence, misidentification of women as respondents, and lack of confidence and future engagement with police.

11. Inconsistent responses

- a. A significant challenge for women is the disparate experience based on geographical location. This is partly a result of resourcing, for example the availability of DVLOs, but also the local variations in attitudes to; responses to incidents, responses to counter enquiries, protection orders, breach proceedings, criminal charges, and changes to existing orders. This is an unsatisfactory position in terms of access to justice, but also a significant barrier to providing accurate and useful advice to women as to the best course for them to take to minimise harm and further trauma.

12. WLSQ is engaged in advocating for the rights of women and children affected by

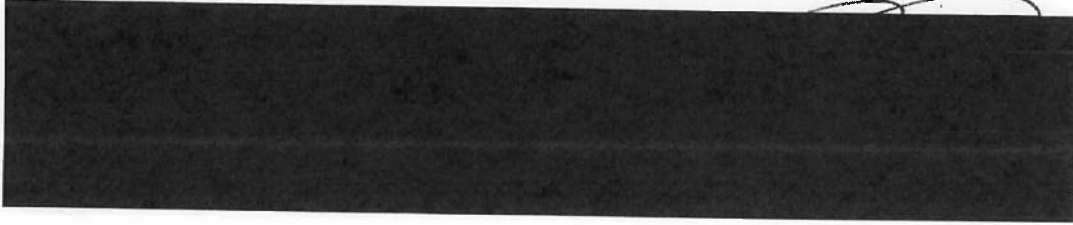


gender-based violence with a range of stakeholders across a variety of forums. We are yet to be engaged in operational matters such as co-designing or co-delivering training for police recruits, the development of training material or operational manuals for police or police prosecutions but would welcome the opportunity to provide input and expertise in these areas.

13. WLSQ has been provided with a copy of the Domestic Violence Video Recorded Evidence (VRE) brochure. WLSQ welcomes the use of video recorded evidence for its potential benefits to victim survivors, including reducing the trauma associated with re-telling their experiences in court and reducing the capacity of the perpetrator to intimidate a victim. While we acknowledge that the brochure accurately reflects the wording of the legislation, the use of formal and legalistic language in this brochure is likely to reduce its effectiveness in actually ensuring victim-survivors are informed and is an example of an intervention that is not well adapted to a traumatised audience. This is the kind of document that may have benefited from input from specialist agencies. By way of example, the pamphlet script involves input from a victim-survivor at 11 points, 10 of these are binary yes/no responses. The questions are often long and include technical language, for example the following question:

"If your recorded statement is presented as your evidence in court you may be required to attest to the truthfulness of the content in court and give further evidence in court. Do you understand?"

It is unlikely that a woman in a heightened state would understand the meaning of this statement or have the confidence to indicate a lack of understanding. Even if she did so, the pamphlet offers no guidance or support to officers to provide an alternative explanation. Given the very function of the process is to provide an opportunity for women to choose to provide a contemporaneous account, clarity and effectiveness of communication in the document is critical. The pamphlet appears to be directed primarily at compliance rather than engagement.

14. Another observation of WLSQ is that there are insufficient mechanisms for showcasing and sharing the positive and innovative approaches adopted in specific locations or stations. We are aware of specific reports of stations or areas in which proactive steps have been taken to improve the experience of victim-survivors which
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have been very successful. We have not seen any evidence that these achievements are being shared more broadly across the service or any systemic attempt to replicate or adopt successful practices.

15. Significant steps forward have been made in recent years in relation to community awareness, law reform, investment in domestic and family violence services, offender intervention, and a host of other initiatives. There remains a disturbing similarity in the accounts of women today and the accounts heard by the Special Taskforce on Domestic and Family Violence over seven (7) years ago. Many of these are similar to those contained in the very recent Women's Safety and Justice Taskforce reports. More clearly needs to be done across the community, and, based on the experiences of our clients, reforming the culture, systems, and processes of the QPS is an important part of that work.

All the facts and circumstances deposed to in my affidavit are within my own knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

Sworn by the deponent at Brisbane this 14th day of July 2022.



NADIA Bloomley
NAME



JULIE ANNA SARKOZ
SOLICITOR
WITNESS NAME

