

Annexure 1.

A brief explanation of the Application Assistance Program at the Brisbane Magistrate Court

The Application Assistance Program is available to women who are intending to file domestic violence order applications at the Brisbane Magistrates Court. Application assistance can be provided to complete the following: application for a protection order (DV1), application to vary a domestic violence order (form DV4) and application for a grant of Legal Aid in a Domestic Violence and/or Family Law Matter.

The domestic violence prevention workers provide the following support in the application assistance program: provide information to clients on the application process, provide information on the court process and guidance on relevant details to include in their relevant application, conduct risk assessments and develop individualised safety planning relating to filing an application or attending court, and provide appropriate referrals to support services. The program operates as a drop-in service two days per week at the Brisbane Magistrates Court, Monday and Friday from 9:00am – 1:00pm. Supports are also available Tuesday to Thursday weekly when civil DV Courts are operating. Support outside of these times may also be provided through phone assistance.

1. What the clients using those services commonly report to the DVPW's about their experiences with the police officers who responded to or investigated their domestic and family violence matters.

Case study 1

On 13/05/2022 a female client attended the Application Assistance Program at the Brisbane Magistrates Court. Client was hoping to file an application for a protection order (DV1). Client identifies as Aboriginal and had her young child, a 9-month-old boy with her. The other party in the matter, client's ex-partner also identifies as Aboriginal. The two were in a relationship for approximately 4 years on and off. They officially separated on 11/05/2022. This meant it was a very recent separation. The other party is the father of the clients's child.

Client identified experiencing physical abuse, emotional abuse and verbal abuse by the other party. The last incident occurred on 11/05/2022 when the other party refused to hand over their young child. When the client took the child from his home and returned to her house with her parents the other party and his extended family followed her to her house. They then started banging on the doors, swearing and making threats – the other party's father told the client's father that "he knew where he worked". Whilst this was happening the client called the police. When the other party was yelling at the client and she asked the officer if they could hear what was happening and the officer confirmed they could. The police then attended the property and took statements. Rather than taking out an application on the client's behalf they encouraged her to file the application on her own. The client could not understand why they did not take out an application after hearing the verbal abuse.

There had been past incidents of physical abuse. Client disclosed that on the 16/04/2022 the other party hit her in the mouth, busting her lip. The other party had made self harm threats including texting the client that he was "done and to say goodbye to their son" for him. The other party was unpredictable in his communication with the client, he would ignore her

texts and then blow up her phone with text messages if she didn't respond. The client also had concerns that the other party would try to take her son. The other party is part of a large family and the client described feeling intimidated by them. Due to feeling concerned that the other party would come to her house again her family agreed to stay with her in the meantime. LAQ was able to support the client in applying for a DV1, conduct a risk assessment and safety plan accordingly. The client wanted to go home and finalise her application before submitting.

She engaged with the domestic violence prevention workers again the following week while attending dv court at BMC. She identified that when she returned home on the 13/05/2 the other party came to her house, entered her home, removed the child from his bed and left (there was no domestic violence order in place yet). The client then attended the police station who filed a police protection notice.

Case study 2

The client has attended DV Court at the Brisbane Magistrates Court on several instances between 2021-2022. She applied for a private DV1 against her ex-husband. She and the other party had been married for 15 years, they separated in September 2021 and they have two daughters together (aged 10 & 6). She has consistently reported feeling "let down" by the police. She has disclosed experiencing coercive control, emotional manipulation, escalation of verbal abuse (yelling, screaming, name calling) and physical aggression (punching walls including putting holes in the bathroom door). On one occasion the other party came to the house during the night while the client was asleep. He refused to leave, he was yelling, screaming, swearing at the client and saying she couldn't get rid of him that easily. The client called the police who said they could not assist as it was a "domestic dispute" and there had been no physical violence or threats. The client has attempted to call the police several times over OP breaching the domestic violence order. The client has identified feeling unheard by the police and that it is not taken seriously and has commented that she feels like nothing will be done until she is dead. She has also commented that she feels like she is being gaslit and has received little communication from the police.

Case study 3

The client attended BMC DV Court on 09/03/2022 for a police domestic violence order application and was listed as the respondent. When LAQ spoke to her it was recognised she required an interpreter. The client was born in Columbia and spoke very little English. had been in a relationship with the other party for approximately 5 years, they had separated two years ago and had a 5-year-old boy together. The client called the police after an argument on 03/03/2022. The police attended the property and noticed the other party had scratches on his arm. The other party, who spoke more fluent English, told the police that the client had abused him. The client was not offered an interpreter with her interaction with the police. This meant several high-risk indicators were not identified including extreme jealousy by the other party, threats towards the client's family, verbal abuse, controlling behaviour (telling the client she was not allowed to get a job and controlling who she could and could not see) and the other party had thrown food at client when he was upset. The client was also extremely isolated with her family living in Columbia. She expressed feeling confused as to why she was at court and why she was listed as the respondent. Had an interpreter been arranged these high-risk indicators would likely to have been identified.

The client was also not provided with any information regarding making her own cross application.

Case study 4

Client detailed a very alarming interaction with Hendra Police. The PUV breached the DVO which was in place by attending the client's address. The original incident triggering the DVO listing the client as the Aggrieved and the PUV as respondent, involved the client driving her car while the PUV was a passenger. An argument began at which time the PUV pulled up the handbrake while the car was in motion and the car crashed. The client did consent to the PUV entering her home, while the PUV was at her house they decided to go swimming. A verbal argument began which escalated to physical violence from PUV. The PUV pushed the client and in defence the client pushed back. The client then ran to the front door and attempted to leave, however the PUV then pushed the client with more force causing her to fall on the ground. The PUV then held her to the ground, put his hands around her neck and strangled her. At this time the Police attended the address and when they knocked on the door the PUV answered. It was noted in the PPN, Police heard muffled noises from the other side of the door – these noises were from the client struggling to breathe due to strangulation. The client had struggled attempting to push the PUV off her. Upon seeing the PUV with scratch marks from defensive wounds, Police arrested the client. The client was only dressed in a bikini at this time. The Police refused to let her get dressed prior to arresting her, despite her requesting to. Police then took the client to the watchhouse for four hours. The client was not offered clothing during her time there. The client had no charges against her and was released to find her way home dressed only in a bikini. She was not offered any medical attention following the strangulation. The client expressed hesitation and deep fear when considering calling Police for future incidents.