TRANSCRIPT OF PROCEEDINGS

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

COMMISSIONER: HER HONOUR JUDGE DEBORAH RICHARDS

COUNSEL ASSISTING: RUTH O'GORMAN QC

ANNA CAPPELLANO

Cairns Magistrates Court, 5D Sheridan Street, Cairns.

Tuesday, 19 July 2022

1 COMMISSIONER: Yes.

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3 MS CAPPELLANO: Good morning, Commissioner. There are 4 four witnesses to give evidence today. All the witnesses will be in person. The first witness, Lisa Buchanan, has 5 given a statement which has already been tendered. 6 The 7 other three witnesses have provided statements to the Commission which have been distributed. 8 Can I tender 9 as bundle F the statements of Thelma Schwartz, Hayley 10 Grainger and Witness B.

12 EXHIBIT #9 TENDER BUNDLE F

14 MS CAPPELLANO: Thank you, Commissioner. I'm now in a 15 position to call the first witness, if that's convenient.

17 COMMISSIONER: Thank you.

19 MS CAPPELLANO: I call Lisa Buchanan.

- 21 <LISA BUCHANAN, sworn:
- 23 **<EXAMINATION BY MS CAPPELLANO**:

Q. Senior sergeant, do you have a copy of your statement
with you?
A. I do.

Q. And feel free to refer to that if need be during your
evidence. I understand for the last two to three weeks
you've been acting in a senior sergeant role relieving the
position in Brisbane?

A. It 's a remote - yes, and that's only for another two weeks and then I go back to my substantive position in Cairns.

Q. And that position is the sergeant, being one of the
senior prosecutors at the Cairns police prosecution court?
A. That is correct.

Q. And just in terms of your service history, you've been in the police for 17 years; is that correct? A. That is correct.

Q. And for a lot of that time, in fact since 2010, you've
been working as a prosecutor?
A. Yes.

1 2 Q. And a lot of that time has been - all of that time has 3 been in north Queensland? 4 I did my training in Brisbane, so at Richlands Α. Prosecution Corps, and then after that I transferred up to 5 Innisfail, and since then I've been in the far north. 6 7 8 Q. And as part of your role as a prosecutor who is based in Cairns you appear in the Cairns Magistrates' Court, but 9 10 you also do circuit courts; is that correct? Α. That is correct. 11 12 13 Q. And in your role in Cairns you're not currently in the domestic and family violence prosecution court? 14 I will go on an ad hoc basis, but that's not my 15 Α. No. primary role at this point. 16 17 But when you're in circuits you appear in all matters, 18 Q. including domestic and family violence matters? 19 That is correct. 20 Α. 21 Can I ask you to begin by talking about the circuit 22 Q. 23 courts that run out of Cairns? 24 Α. The circuit courts in Cairns are Cape A Circuit, which runs on a monthly basis. That includes the Weipa 25 Magistrates' Court as well as Coen, which is bi-monthly, 26 27 and Kowanyama. So when we're in Weipa it is Monday and 28 Tuesday every month, and then every alternate month we're Weipa on a Wednesday, if not in Coen, and then Thursday and 29 There's the Cape B Circuit, which 30 Friday is Kowanyama. runs at the same time. A different prosecutor does that 31 circuit, and that's Pormpuraaw on the Monday, Lockhart on 32 the Tuesday and Aurukun on Wednesday through Friday. 33 34 We also have the Cooktown circuit, which is run out of 35 the cook town Magistrates' Court, but they also service 36 Wujal Wujal and Hope Vale, but Hope Vale sits in the Cooktown Magistrates' Court and then - I'm not too sure, it 37 has changed, but Wujal Wujal I believe is like every second 38 month. 39 40 There's also - the TI circuit has its open prosecutor, 41 but from time to time we do go up to TI to assist with that court when the prosecutor there is on leave, and that 42 43 services Torres Strait communities, and also Bamaga as well 44 as Thursday Island. 45 46 Q. How often does that court sit, and if you don't know that's fine? 47

1 I think it's sort of off weeks. So predominantly on Α. 2 Thursday Island and then Bamaga, and then every - it's not 3 every month but every - there's different circuits for 4 different courts. So the outer islands may be once every 5 three months. I'm not guite sure exactly because it has changed in the last time I was up there. So it's not as 6 7 frequent for the outer islands but more frequent for Torres Strait - sorry, Thursday Island. 8 9 10 COMMISSIONER: So with these courts, these remote courts, if you arrest someone, if someone is arrested and needs to 11 be brought before the court, normally in a big centre there 12 would be an arrest court the next day and they could come 13 before the court. So what practically speaking happens? 14 If they - usually notice to appears or bail 15 Α. undertakings, but if there are an objection to bail then 16 17 they'll link in to Cairns. 18 19 COMMISSIONER: So it's just done remotely? 20 Done remotely, yes. Α. 21 22 MS CAPPELLANO: And do I understand your statement 23 correctly that the primary court that - the primary circuit 24 that you do is the Cape A Circuit? That is correct. 25 Α. 26 27 Q. Servicing Weipa, Coen and Kowanyama? 28 Α. Yes. 29 30 Q. And you might relieve in other positions but that's the circuit--31 That's my core circuit presently, I haven't been there 32 Α. since March, although, but that's generally my core circuit 33 34 court. 35 36 So the evidence that you give generally today about Q. the practices in those circuit courts would be 37 predominantly from your experiences from that circuit A? 38 I can give some in relation to Cooktown. 39 Α. Yes. I used 40 to do that circuit up until about 18 months ago and then 41 I transitioned to Cape A. 42 And in terms of the travel to those circuits that's 43 Q. 44 via police plane? 45 That is correct, yes. Α. 46 47 Q. And while the prosecutors and the police go on one

1 plane is it the case that all the other parties, be it the 2 magistrates, legal representatives fly in on a different 3 plane but also are flying in and out for those circuit 4 weeks? 5 Α. For Cape A, because it's in Weipa the first couple of days the judiciary as well as legal representatives, they 6 7 will travel commercially up to Weipa, and then when they do the circuit as in outside of Weipa, so Coen or Kowanyama, 8 9 it's the legal reps and the probation and parole or 10 corrections, rather, and the magistrate will travel in the same plane to those courts, and then from Cairns for Cape B 11 12 it's the other prosecutor is with myself and we bunny hop 13 to drop the prosecutor off and then go on to Weipa. But the charter is with the magistrate and the legal rep and 14 15 any other party that needs to appear in that particular court that day. I believe QIFVLS has their own charter 16 flight. 17 18 19 Q. Is there any flexibility of court sitting late for you to sit late with the planes? 20 21 Α. Yes, and there has been occasion where the pilot - our 22 pilot had had to go, if we're in mainly in Kowanyama for 23 me, and I've had to come back with the magistrate. 24 In terms of just the way in which the sitting days 25 Q. work on that court A circuit can you - is it always the 26 same or it just depends on what matters are listed if there 27 28 are trials and things like that, how many days you spend in one place, or is that variable? 29 30 Α. Well, it's always Monday, Tuesday, Weipa, every second Wednesday is Coen and Thursday, Friday, Kowanyama. 31 That On the Monday we do Children's Court, 32 doesn't change. 33 domestic violence applications, as well as there might be a private - there is a private legal firm in Weipa. 34 They may 35 bring their matters on on the Monday to have their matters and then the call-over for all other matters, adult 36 37 matters, is on the Tuesday. 38 39 Q. And then what happens on the month that you're not in 40 Coen on the Wednesday? 41 Α. On the Wednesday it will be long pleas that have been set from the previous month. There have been trials that 42 43 have been set on a Wednesday. Or it will be the cross over if we haven't been able to get all matters done on the 44 45 Tuesday, then they can be adjourned to the following day if there are follow ups or there are times where there may be 46 47 a reason a defendant hasn't been able to appear so we've

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1 just adjourned it to the next day to have their appearance. 2 3 Q. And that will be in Weipa on the non-common months? 4 In Weipa, yes. Α. 5 6 Q. So the three days in Weipa and then two days in 7 Kowanyama. How does it work in Kowanyama? In Kowanyama for me I travel with the other 8 Α. 9 prosecutor. So we go to Aurukun first, drop off the 10 prosecutor at Aurukun and then I go to Kowanyama, and then we do a normal call-over, so we do children's matters, 11 there might be adult matters and domestic violence matters. 12 13 and then on the - I stay in Kowanyama overnight. That's my choice, because I know people. 14 15 Generally what would happen is the prosecutor would fly back to Aurukun and then back to Weipa and then the 16 17 following morning on the Friday the same thing, it would bunny hop from Aurukun to Kowanyama. We would then do any 18 19 carry over matters from the Thursday. If there's any long plea matters or in custody long pleas we'll do them on the 20 Friday, or if the time had permitted there would be a trial 21 that had been listed from a previous month. 22 23 24 Q. When do - so do trials get set down on a Friday? Sometimes. They haven't been for some time. 25 Α. Because 26 of COVID there was a huge backlog and so they were used to 27 clear up some of the backlog and trials haven't been set 28 down on the Wednesday or the Friday for some time because we've been able to either - they get set down to a trial 29 30 week. There's a Cape call over. So every three months 31 there's a week where all trials are listed and then it could be at any location. So there is a call-over and then 32 33 the following - and all trials are set down for that trial So the next Cape trial circuit is next month and 34 week. 35 there's 13 trials listed. 36 So how often do the trial weeks occur. 37 COMMISSIONER: I think it's once every three months. 38 Α. I'm not the trial prosecutor, but the Cape call-over is sat in Cairns 39 40 and then all of the matters that are contested or have been 41 adjourned from whatever circuit to the Cape call-over, then they're all listed for that particular week. 42 43 44 COMMISSIONER: And when do you get the files? 45 Α. We have - so when --46 COMMISSIONER: For the normal circuits? 47

For the normal circuit? When we go up there. 1 Α. The 2 physical file is there. In my prep I will go through the court list and have a look and see what matters are 3 4 I've got a system in place where I know what adjourned. 5 matters were last month, what are the new matters and we 6 have or developed a system where we can email the defence 7 copies to Outsource or another legal representative beforehand so that they have the files. But the physical 8 files are in the circuit. 9 10 COMMISSIONER: But do you get electronic files beforehand? 11 No, we can - we look at them in QPRIME and 12 No. Α. download them, or the officers will download them to a file 13 server and then we can email them to the defence. 14 15 COMMISSIONER: 16 Okay. 17 Briefs of evidence are a little bit different in terms Α. of we don't get them until we go to the circuit court. 18 But 19 we have everything downloaded electronically. So then we can provide an electronic copy to defence. Most of the 20 matters are here in Cairns, so the lawyers are here in 21 So it just makes it a lot easier rather than 22 Cairns. posting because sometimes it just takes too long for the 23 24 matters to get received down here. 25 26 COMMISSIONER: Yes, I'm sure. Or they get lost? 27 Yes, unfortunately. So to combat that it's an Α. 28 electronic system for disclosure. . 29 30 MS CAPPELLANO: And when you talk about the trial weeks does that - do contested domestic and family violence 31 applications occur in a trial week or do they occur as part 32 33 of the normal court circuit? 34 It depends on what has already been listed for that Α. 35 next month and the filing dates and whether they can 36 actually fit in to a normal circuit. I have done them on As domestic violence applications it's preferable 37 circuit. to do them on a circuit because it's once a month as 38 opposed to having to adjourn them over to a Cape call-over, 39 40 it's not ideal because that doesn't happen as frequently. 41 So the Cape call overs, I just want to make sure 42 Q. 43 I understand, the Cape call-overs for contested matters are once a month; is that right? 44 45 No, once every three months. Α. 46 47 Q. The call-over rather than the sitting week?

1 Α. Yes. 2 3 Q. And then how often are the sitting weeks? 4 Once a quarter. So once every three months. Α. 5 6 And if you had a matter now that was a fresh arrest Q. 7 and something was wanting to get or couldn't get listed straight away for a trial, if you had a matter ready to go 8 to be listed for a trial how far out is the court calendar 9 10 for trial weeks? Well, the trial - the Cape call-over occurred a couple 11 Α. of weeks ago. So unless we could fit that trial into that 12 13 court week, which we've already got 13 listed, it would go over to the next call-over, if it couldn't be done within 14 15 the circuit week. 16 Q. 17 Okav. So this circuit, currently it is the Cape B circuit 18 Α. 19 week. So if anything was to be a contested matter we'd get brief directions and then it would be - I like to have them 20 adjourned back to the circuit to see whether or not the 21 22 matter is going to be still contested to have those reviews, then it gets adjourned to the Cape call-over if it 23 24 falls in line. If it doesn't it will just get adjourned over to the Cape call-over. 25 26 27 Can you give any indication of how long it would take Q. 28 for a contested matter to proceed through those court 29 processes? 30 Α. Ideally it depends on where it is in the month and how long we have to do the brief. So it could - if we miss the 31 call-over it could take four, five months. 32 33 Q. Before it gets to court or before it gets listed? 34 35 Α. Before it gets listed for a hearing date. 36 And then another how long before a hearing date? 37 Q. I believe it's a month after that. So you've got the 38 Α. call-over and then you've got the designated hearing week 39 40 that I think it's the month following. 41 And in terms of the way in which the circuits - your 42 Q. 43 circuit operates are there differences - the places where you go, other than Weipa, are the other places Aboriginal 44 45 or Torres Strait Islander discrete communities? Coen is a town, not a community, but it does have 46 Α. 47 communities around Coen. Kowanyama is a community.

1 2 And would the population in Coen be predominantly Q. 3 First Nations people? 4 Yes. Α. 5 6 Are there different dynamics that you see in relation Q. 7 to the types of matters in Weipa rather than in Kowanyama or Coen? 8 Weipa is a mining town so there's a different type of 9 Α. 10 offences that do come before the court, and there's obviously more matters that are not First Nations. 11 12 13 Q. I think you said before that there was a private law firm in Weipa. Is there any other private law firms that 14 you encounter throughout the Cape regions? 15 No, unless they're being privately represented through 16 Α. 17 a different law firm, but that's not in the community. 18 19 Q. And would that be the only location where regularly there's private legal representation in Weipa? 20 Yes. 21 Α. 22 23 And you estimated that on circuit 90 per cent of the Q. 24 applications are police applications? Yes. 25 Α. 26 27 And of the remaining per cent which are private Q. 28 applications I think you indicated that the overwhelming majority occur in Weipa; is that correct? 29 30 Α. Yes. I do have some that are private applications because we do have the services of QIFVLS. They do come to 31 They represent the aggrieved in a private 32 do the circuit. application, and they - I do get them or I do see them on 33 the court list from time to time. But that's maybe one or 34 35 two matters. 36 37 Q. One or two matters. Is that in a sitting week or --In a sitting week. 38 Α. 39 40 And how many domestic and family violence applications Q. would there be in Kowanyama, for example, in a sitting 41 week? 42 43 That can vary. It can vary from hardly anything, one Α. 44 or two, or it could be up to 15, 16. 45 46 Q. Is there any patterns you can see in relation to that variance or it's just --47

1 No, not really. It does vary. I'm not quite sure of Α. 2 the reasons why that would be, and I haven't really put my 3 mind as to why. 4 5 Q. Certainly. In terms of Weipa what about the number of 6 domestic and family violence applications there? 7 They also vary from probably five or six to about the Α. same 10, 15. 8 9 10 Q. In terms of - I want to ask you now about some of the differences that you see when you appear in a larger centre 11 such as Cairns as opposed to when you're appearing in the 12 13 smaller more remote communities. But it sounds like the situation in Weipa is guite different to the situation in 14 15 the other places where you appear on a Cape circuit; would that be fair? 16 17 Yes, it is different. Α. 18 19 Q. And so when asking about these differences I'm asking about the differences that you see in places where there is 20 a discrete Aboriginal or Torres Strait Islander community 21 or a community like Coen, which is a town but which is a 22 23 predominantly First Nations population. Does that make 24 sense? Α. Yes. 25 26 27 You indicated in your evidence in your statement Q. 28 I think that in Cairns that about 30 to 40 per cent of the criminal offences each day are domestic and family violence 29 30 related. Is that correct? I haven't done an analysis, but that's just an 31 Α. Yes. 32 estimate. 33 34 And then in your statement you indicated Q. Of course. 35 that that figure is much higher in circuit courts. Are you able to give any sort of indication of what the percentage 36 is? Again, I'm not asking for sort of a precise 37 statistical analysis but just in your experience how much 38 higher it is? 39 40 Α. Some months it's the majority, either assault, domestic violence offence or breach of a domestic violence 41 But other months there would be, you know, 42 order. 43 predominantly, say, liquor offences or public nuisance So it does change. But consistently there seems 44 offences. to be a high number of domestic-related offending that's on 45 the court list. 46 47

1 And in talking about you talked about the flagged Q. 2 offences that are domestic-violence related. Are the other 3 types of offences you're talking about there where there's 4 a contravention of a domestic and family violence 5 condition? 6 Some of them are the contraventions. Α. Others are the 7 criminal offences that have related to the application. So there might be an application that's on foot, but then on 8 9 the criminal sphere there will be a common assault or a 10 wilful damage domestic violence offence that correlates with the application that's also before the court. 11 12 And you talk about - you've already talked about there 13 Q. being significantly less private bordering on almost 14 15 non-existent private applications; would that be fair? Yes, and sometimes that does change. I'm not quite 16 Α. 17 sure why, but there are times where there are some private, 18 but it's predominantly police applications. 19 If we're just talking about domestic and family 20 Q. violence applications now rather than the associated 21 22 criminal charges, is there a proportion of difference in 23 the proportion of matters that are contested or proceed to 24 hearing in a small community rather than, say, in Cairns? I don't actually recall the last application that was 25 Α. contested where it actually went to a trial. 26 27 28 Q. And what timeframe would you be talking about there? The only one that I'm aware of 29 Α. In the last 18 months. 30 was a private - are private ones or mainly in Weipa. 31 But in the discrete communities or in the 32 Q. predominantly First Nations towns over the 18-month period 33 you haven't seen or can't recall seeing a contested 34 35 domestic and family violence application? 36 Α. No. 37 Is there a difference in the level of domestic and 38 Q. family violence - sorry, is there a difference in the level 39 40 of legal representation for the domestic and family 41 violence applications in the circuit courts as opposed to the level of representation you'd see in Cairns? 42 43 Well, in the circuit courts there's - up until Α. 44 recently there's been one legal representative that's flown 45 in to the circuit court. So up in Weipa or Kowanyama. 0n Cape B there's two or three that get sent to assist. 46 So it 47 does make it very difficult for my court or - not my court

1 but circuit where there's - for legal representation. If 2 there's one legal representative, if there is a conflict, 3 then it makes it very difficult, especially if it's in 4 relation to a contravention or an application, whether that 5 legal representative can appear on the application on 6 behalf of the respondent. 7 And is that legal representative the legal 8 Q. representative from Outsource is that you're talking about? 9 10 Α. Yes, yes. 11 And you're the only prosecutor. I don't know if 12 Q. 13 we - I think you talk about it in your statement. On those statements when you do the Cape A circuit you're the only 14 15 prosecutor who comes out? We only send two prosecutors: one for Cape A, one for 16 Α. Cape B. 17 18 19 Q. And so in terms of the legal representation for parties or the non-prosecution point of view does that 20 person represent people in relation to criminal matters and 21 22 civil applications? 23 Mostly the criminal sphere. ATSILS were sending Α. 24 someone from their domestic violence section and I can't attest to the last couple of months because I haven't been 25 there, but certainly this year there's been more of a 26 27 representation in that area to assist. But traditionally 28 it's only been the one legal representative from ATSILS. So they've had to take instructions in relation to the 29 criminal matters, but they may not be able to take 30 instructions in relation to the applications. 31 32 33 Q. So on the circuit A courts, again other than Weipa, would it be quite rare for the parties for a domestic and 34 35 family violence matter to be represented legally? 36 Α. Yes. 37 And does QIFVLS attend at times to represent parties 38 Q. or the aggrieved in an application? 39 40 Α. A private application. Not for police applications. 41 Is there differences in the level of attendance 42 Q. Okay. 43 at court by parties to domestic and family violence 44 applications in Cairns as opposed to on your circuit? I'm not quite sure in Cairns of the dynamic in terms 45 Α. of those that actually appear. But on circuit 46 47 the - there's quite a few aggrieveds that will - both

1 parties will attend, and if there's not then assistance is 2 given by the Justice Group in order to have the parties 3 attend, so especially the respondent to ensure that - just 4 so they understand, and in any situation the communities 5 are guite small so it may be the case that they were - parties have attended, but because the duration of 6 7 time the court is taking they might go home. So people or other people would have seen them, so would just say, "No, 8 They're just down the street." So the 9 they've gone home. 10 Justice Group are really good at actually contacting various parties to have them reattend court. 11 12 13 Q. Just in relation to the Justice Group do they assist aggrieveds and respondents? 14 15 In terms of? Sorry. Α. 16 17 Perhaps if we go back a step and if you explain the Q. role that the Justice Group plays in the circuits that 18 19 vou're involved in? Members of the Justice Group, they will attend court 20 Α. and they're able to provide information in relation to if a 21 person's being sentenced for a criminal offence, they can 22 23 provide the magistrate with some information about that 24 person that is relevant in relation to some sentencing or some options that are available to the magistrate. 25 Thev're also aware of the family dynamics that can be spoken about 26 27 as well in terms of whether certain sentencing options are 28 appropriate or what's going on in their lives, which is of benefit to the magistrate. 29 30 So will they be in court - I think you talk about it 31 Q. in your statement - arriving and basically being at the Bar 32 table all day getting through those matters; would they be 33 in court as well or are they sort of in and out? 34 35 In court, but also if we require some further Α. information or if we're not sure if a party - because if 36 I'm the only person that's in court I don't know who has 37 appeared. Most people are on time, but some will duck out 38 to the shop or duck home or they've got kids or have left 39 40 the court precinct. The Justice Group are good at also identifying who the parties are, because sometimes I'll go 41 out and call the names but I don't get a response, but the 42 43 Justice Group are really good at being - and helpful in 44 terms of identifying who the parties are. 45 And in terms of that identification and assistance, 46 Q. 47 I guess almost more the organisation of making sure that

1 people come to court, do police liaison officers play a 2 role there as well? 3 Α. In some aspects. But they may not appear in court on 4 a consistent basis because their role might be to go and 5 assist the general duties or the state police elsewhere. So where I require the PLOs they're very helpful, and 6 7 I think that's more for Cape B circuit than traditionally the Cape A circuit. 8 9 So at paragraph 48 you say that when a party hasn't 10 Q. appeared members of the Justice Group, police liaison 11 officers and/or state police may be called upon to assist 12 13 with having parties appear for a hearing of the application. Is that on an if called upon basis that 14 15 you'll getting in contact with the state police or the police liaison officer? 16 17 Yes, because other than Coen the court house and the Α. police station are close by. So I can either give them a 18 19 call and they'll come and help or I can go and just ask them and have matters stood down, where possible. 20 21 22 And I think you've given evidence, and it appears from Q. 23 the evidence you give in your statement as well, that you 24 personally do make a lot of attempts to try to ensure as much as possible you can get people in relation to domestic 25 and family violence matters to court. Despite those 26 27 attempts are there cases regularly where either aggrieveds 28 are not present or a respondent's not present or neither parties are present in court for an application? 29 30 Α. Yes, and they can be heard ex parte. 31 32 Q. And how often does that attend - sorry, how often does 33 that occur? 34 Where we can - where it might be in relation to Α. 35 conditions that need to be determined, especially where in situations where it might be only a mandatory condition is 36 sought but when you're reading the application whether 37 additional - the magistrate might sort of or myself or if 38 they're represented by ATSILS might consider whether 39 40 additional conditions are appropriate in the circumstances, 41 we might adjourn the matter over to the following day to make those enquiries and as to why certain conditions may 42 43 not have been sought in the initial application. And there But if it hadn't been considered 44 may be a reason for that. 45 whether it is appropriate in the circumstances to seek additional conditions if the magistrate is considering 46 47 making the order.

1	
2	Q. And I think you said you adjourn it off to the next
3	day. Are there cases where matters would get adjourned
4	off, there's no appearance and additional conditions get
5	made or the matter proceeds ex parte?
6	A. There have been times where the magistrate has
7	considered it and will impose further conditions and
8	adjourn the matter to the following month so that parties
9	can be served, because it's a change to the original
10	conditions, to the original application. So that does
11	happen, a temporary order is made, and then further
12	enquiries are made at that point.
13	O And what has seen if a make do not it as seen as the
14	Q. And what happens if somebody doesn't appear on the
15 16	next occasion? A. As long as they've been served with the order or the
17	A. As long as they've been served with the order or the temporary order then the application or that order is
18	granted.
19	granted.
20	Q. And that can proceed on an ex parte basis?
21	A. Can proceed, yes.
22	
23	Q. You talk at paragraph 49 about attempting to explain
24	the details of your personal practice of attending to
25	explain the details of an order in front of a magistrate so
26	that the magistrate also can give some feedback or to make
27	sure that you've explained it in a way that the magistrate
28	agrees with as well?
29	A. Well, sometimes if there is no party representing the
30	respondent we need to make sure that a respondent is aware
31 32	of what the - why the application has been made and why police are seeking the order and that they understand that
32	what the conditions are that the police are seeking and
34	their options in relation to consenting, adjourning for
35	some legal advice or opposing the making of the order. If
36	there's no-one else to provide that - it's not advice but
37	explanation as to what's the contents of that order, it's
38	difficult to make sure that - you are going to get a breach
39	if someone doesn't understand it.
40	But I'm a police officer in a police uniform. It's
41	improper for me to have those discussions outside. I don't
42	want anyone to think that I'm pushing someone in a certain
43	direction. At the same time I feel there is an obligation
44	to ensure that that person understands what is going on.
45	So I would prefer to do it in the courtroom so that my
46 47	explanation of the application can be heard and that if
47	anything I say is improper then I can be corrected to

1 ensure that the person who is appearing understands exactly 2 what is going on. 3 4 And those interactions where you're attempting to Q. explain an order, obviously there's quite significant time 5 pressures on such an interaction because you're in court, 6 7 that matter is finalised, the next matter is about to proceed; is that the case? 8 Well, ATSILS are taking instructions in relation to 9 Α. 10 the criminal matters. So if a respondent is appearing on their own I do have a little bit of time in order to do 11 that while instructions. But being time poor in some 12 13 circumstances it does appear - sometimes it feels rushed. The magistrates as well, if there's an indication that 14 there's no understanding of what's going on it will be 15 adjourned either to the next day or stood down so that the 16 17 Justice Group can make some enquiries or have some discussions to ensure that that person is understanding. 18 19 And in terms of that process, that obviously applies 20 Q. in cases where the respondent is present in court? 21 22 Α. Yes. 23 24 And in terms of if an order is made, whether temporary Q. or final, in that person's absence on an ex parte basis 25 that level of understanding would be reliant on the 26 27 explanation given by the individual officer who serves that 28 order? 29 Α. That is correct, yes. 30 In your statement from paragraph 49 to 50 you identify 31 Q. a number of difficulties that arise in relation to domestic 32 and family violence matters when appearing in circuits and 33 in particular in remote Indigenous communities or 34 35 communities where there's a predominant First Nations population. One of the things that you refer to is that 36 English is not the primary language spoken in some places 37 where you appear. When that is the case how do you 38 How do you ensure those processes and the communicate? 39 40 outcomes are understood? I guess part of that question 41 is: is there access to interpreters, for example? The court has access to interpreters, but getting the 42 Α. 43 right interpreter for the right language could be difficult. That's where reliance is on the Justice Group 44 and the PLOs in order to ascertain whether or not it's just 45 the manner in which I'm speaking and I have to change my 46 47 language to ensure - there is some understanding of

English, but being in the courtroom sometimes it's legal 1 2 jargon as opposed to just explaining it in simple terms, 3 and so I get advice in relation to whether or not the 4 language I'm using is just not appropriate for the 5 circumstance. 6 7 And who do you get that advice from? Q. The Justice Group. I will go and say, "Look, am what 8 Α. 9 I'm saying - do I need to change what I'm saying or is it 10 the case that English - there's no understanding because English is not the first language and we have to get an 11 interpreter." It's more of an issue, I believe, in 12 13 Aurukun. In Kowanyama language is spoken, but in my experience once - I can change how I'm communicating and 14 15 the discussions that the magistrate will have with the respondent, generally there is an understanding of what is 16 going on. But in circumstances where there's not then 17 I would need the assistance of either an interpreter, 18 19 Justice Group, a PLO who speaks the language. 20 21 Q. And how often would that happen? 22 Not very often in the Cape A circuit. I'm not sure if Α. 23 it's more of an issue in Cape B because I think English is 24 more widely spoken, in my experience, not always, but is more widely spoken in the areas that I go to. But it does 25 happen from time to time, yes. 26 27 28 Q. Have you ever had to stand the matter down to get an 29 interpreter in? 30 Α. Not for probably 12 months. 31 32 Where do you get the - how do you know what Q. interpreter to use? 33 34 We have to ring the interpreter service to see whether Α. 35 or not - and the language - like, not everyone is Wik. Ιt 36 might be a different language, and sometimes that might 37 take some time to arrange. 38 Q. And - -39 40 Α. We might have to end up adjourning it for a whole another month in order to make those enquiries in order for 41 that to occur because there's just nothing that we can have 42 43 at court because it's such a short timeframe that we're 44 working on. 45 46 Q. Yes. And you also say at paragraph 50 that there are also cultural considerations that can cause some 47

1 difficulties in engaging and communicating with witnesses, 2 victims and respondents. Can you outline for 3 the Commission what types of cultural considerations and 4 difficulties you're referring to there? 5 Α. Well, sometimes - I'm a police officer. I'm a prosecutor, but I'm also a police officer wearing a police 6 7 So sometimes there can be some difficulties uniform. because the perception of myself might be that I'm a police 8 9 officer, but I'm not there to lock anyone up, I'm there to 10 prosecute. So there can be some difficulties in terms of the fact that I'm wearing a police uniform, that I can't 11 12 get that level of engagement or rapport that is necessary 13 to explain that I'm here for the purpose of the court process, I'm not the person that has arrested or I'm not 14 15 seeking to, you know - I'm there for a different purpose, and for the applications sometimes that is difficult when 16 I'm speaking to an aggrieved, for instance, where 17 I may have sentenced or sought some sentencing options in 18 19 relation to a criminal offence that's not domestic violence related. So that can present some difficulties as well 20 where I've been the person that's said, "This is the 21 punishment that needs to be imposed," and then 20 minutes 22 23 later I'm representing the aggrieved in a domestic violence 24 application where I'm trying to get that rapport in terms of how can I best protect you when 20 minutes earlier I'm 25 the person who said, "Well, you've done a bad thing. You 26 27 need to be punished". 28 And do you encounter perception from community 29 Q. Yes. 30 of I guess negative sentiment towards the police or that that relationship between police an community, and I'm not 31 talking about personally but generally there's a negative 32 or a reluctance to engage with police? 33 I've been doing this for a while. 34 Α. Sometimes. So the 35 longer I go up and engage and people can see me and speak to me then I can build that rapport because I'm a 36 37 consistent face and then people can see me and make their own determinations as to what I'm like. But there 38 are - sometimes there is I guess a difficulty because I'm 39 40 first and foremost a police officer in a police uniform. 41 A number of the other constraints and challenges that 42 Q. 43 you talk about really relate to time and resource type 44 constraints, and I guess to summarise some of the things 45 that you talk about you talk about there being considerable time pressures. You're in a location one day a month and 46 47 then at that time you're trying to get through - in some

places it might be two days, but if we're not talking about 1 2 Weipa, be two days maximum a month trying to get through 3 that entire list, and as I understand that's criminal 4 matters, Children's Court matters, domestic and family 5 violence matters or the mentions, bail applications, 6 sentences, and lengthy pleas. Does that put significant 7 time constraints and time pressure on you? Yes, you don't get a lot of sleep on circuit. 8 Α. 9 10 Q. And given that you're the only prosecutor on circuit from when you arrive to court in the morning, other than 11 perhaps at the start where if a legal representative was 12 13 taking instructions, are you basically at the Bar table all day dealing with the matter in front of you, then the next 14 15 matter? Yes. 16 Α. 17 18 Q. And that's how it proceeds? 19 Α. Yes, pretty much. 20 And I think you mentioned difficulties in that you 21 Q. 22 don't know who's outside. So there might be an aggrieved waiting to talk to you, but you don't know that they're 23 24 there and they're waiting all day? That's why we require services of like the Justice 25 Α. Group because they'll come in, write me a note. ATSILS are 26 27 actually very good because they'll tell me because there is 28 a sign-in sheet so that everyone can go and speak to the ATSILS legal rep, but sometimes that person who signs in is 29 30 actually the aggrieved. So the field officer will write me 31 a little note and come and tell me that there is an 32 aggrieved that is waiting for me outside. 33 34 And you don't have - would you have a capacity to have Q. 35 lengthy discussions with the aggrieved or I think at paragraph 39 you talk about the only chance that you might 36 have to consult with an aggrieved who you're representing 37 is that momentary conversation when they arrive at the Bar 38 table when the matter is being called upon. 39 Is that a 40 common experience? 41 Α. It's not ideal and sometimes depending on the location there's no real privacy in order to really conference with 42 43 the aggrieved in terms of explaining the police application, the orders that are being sought, whether or 44 45 not those orders are still appropriate, whether they're seeking any variations to the order. Sometimes the only 46 47 time I know about this is when the magistrate's asking the

1 aggrieved in court. I'll go out there and call the matter 2 on and as I'm walking in it's a quick conversation. Ιf 3 I can stand down a matter I will. But we're on 4 time -- especially in Coen we're there once every two I don't have time for a lot of discussion. 5 months. 6 7 How many matters would you do with on a day in Coen? Q. It can vary from, you know, a page which might have 10 8 Α. people on it to three or four, five pages. 9 It's once every 10 two months. So a lot can happen in the town over that two month period, and that also includes adjournments from 11 previous times that we've been there. 12 13 In those circumstances is it fair to say there's 14 Q. 15 virtually no capacity for matters, and if I'm looking at domestic and family violence matters now, to be discussed, 16 17 explained, resolved on the day as opposed to what would happen if you were in a different centre, there were legal 18 19 representatives, you could have discussions before court, have discussions after court about what sort of conditions 20 would be appropriate and be able to resolve matters in that 21 22 way? From what you're saying it appears there's just not a 23 capacity for that to occur in a circuit? 24 Α. You're talking about applications for DV? 25 Q. Yes? 26 27 Not beforehand because we don't know if they're going Α. 28 to - who the representative is going to be, whether or not they're going to be a representative, and I certainly can't 29 30 get in contact with the aggrieveds prior to court because by the time I get to Kowanyama I've been in Weipa, so that 31 takes the priority at that particular point in time. 32 So it's the day of court. 33 34 In terms of any - from what you've said the day in 35 Q. court, the only contact with an aggrieved might be the 36 moments as you're walking into court and you've called a 37 Does that mean that any meaningful discussion 38 matter. about how matters could be resolved would have to occur 39 40 between circuit court weeks? 41 Α. Yes, a matter would get adjourned, a determination is made in relation to the temporary application, and then 42 43 discussions will happen in between. Sometimes it might be So if we're there for a couple of days it might 44 overnight. 45 be we can have those discussions in between, like, overnight and then call the matter back on. 46 That happens 47 from time to time as well. But not always. We don't have

1 time to do it. 2 3 Q. And if a person's legally represented I would 4 anticipate that in between circuit weeks a lawyer would contact you. Would they contact you or would they contact 5 another police officer, because I think you had mentioned 6 7 you - the prosecutors don't have carriage of the matters in 8 between? 9 Α. No, we do in Cape circuit. 10 Q. 0kav? 11 12 Α. So we have - we keep carriage of the files. 13 Q. 14 Okay. 15 Α. And we maintain all of the case conferencing, if we're authorised to do it, which I am, and the legal 16 17 representative will contact our office and then it will get referred to me or it will go to me directly. 18 19 And that case conferencing occurs - would occur in 20 Q. between - in the three weeks in between circuit weeks if 21 22 there was legal representation? 23 Sometimes it might be that the court is doing other Α. 24 So there might be some child protection matters. thinas. So I have some time to speak to the legal rep in terms of, 25 "Okay," and some case conferencing can be done. 26 But 27 depending on what it is I might need to clarify it. So I won't have time to do it. There will have to be an 28 adjournment. 29 30 I think you've indicated previously that it is not 31 Q. common for people to be represented when it comes to the 32 domestic and family violence applications. 33 Is that fair? 34 Yes, that's fair. If I can just clarify. That's when Α. 35 there's only one solicitor that's in circuit as well. When 36 there's two they can. So ATSILS have been trying to send a second solicitor on the Cape A circuit and when that occurs 37 that works a lot better. 38 39 40 Q. Yes. 41 Α. But that is dependent upon their resourcing as well, and they haven't always had the resources to send too for 42 43 the Cape A circuit. So up until a couple of months ago it's been one, and then that's where it's - the 44 45 difficulties present itself. 46 47 Q. So up until a couple of months ago and where there's

1 the one lawyer generally parties aren't legally represented 2 on the Cape A circuit? 3 Α. Not for applications. 4 5 Q. Yes, sorry, that is what I meant, thank you. So are you ever in contact with unrepresented parties from remote 6 7 communities about a domestic and family violence application between court days? 8 I would send something through to the arresting 9 Α. No. 10 or the applicant officer in order to make some enquiries If I can get hold of an aggrieved and speak to 11 for me. them myself I will, but sometimes it is difficult with just 12 communicating over the phone. It's a lot easier when it is 13 face-to-face. So a lot of reliance is on the applicant 14 15 officer to make those enquiries for me. 16 17 And that conversation is occurring if you're wanting Q. to talk to an aggrieved and then you'll use the police 18 19 officers that have made the application in the community or Is that when it's initiated - would that in that location. 20 be something initiated by you in terms of something that 21 needs to be examined further? You'll initiate that contact 22 23 with the aggrieved? 24 Α. Yes. 25 26 Is it ever the case where an aggrieved would be Q. 27 getting into contact with you to work something out to try 28 to case conference? On circuit when I'm there and an aggrieved is there 29 Α. then, yes, she'll come and speak to me or he'll come and 30 speak to me. It might be that the police have sought some 31 conditions that they no longer wish to have. They'll speak 32 to me at court at circuit, but not generally outside of 33 34 that circuit week. 35 36 And realistically would it be fair to say that without Q. legal representation a person who was either an aggrieved 37 or a respondent to an application would not even have any 38 way of knowing that you're the person to contact in 39 40 relation to trying to case conference a matter? 41 Α. Not unless they go to the state police - like, to the police station and ask to speak to the prosecutor, which 42 43 I have never received a message to say, "Can you please contact this person to discuss the application." 44 45 And any contact would generally be from an aggrieved; 46 Q. it wouldn't be that an unrepresented respondent wouldn't 47

1 know realistically how to case conference a matter? 2 Α. Yes. 3 4 Q. If they weren't represented? That's right. 5 Α. 6 7 That's obviously quite a difference to someone if they Q. were legally represented and they can have case 8 conferencing, they could ask for disclosure. 9 Do you have 10 concerns that that difference leads to a worrying level of understanding and engagement by people in remote and 11 regional communities about the domestic and family violence 12 13 matters that they're parties to? Sorry, what was the--14 Α. 15 Sorry, that was a long question. 16 Q. I'll rephrase. You 17 talk about - I think we've just established that realistically unless you were legally represented an 18 19 aggrieved wouldn't know how to engage with a prosecutor about their matter before court, their domestic and family 20 21 violence application? That's correct, and it's on both sides. An aggrieved 22 Α. 23 wouldn't know to speak to the prosecutor, to me, unless 24 thev asked. The same with the respondent. Unless thev asked the police station or - that would be the only way 25 that they could get some contact details in relation to the 26 27 prosecutions office. 28 Has that ever happened that you've heard of a 29 Q. 30 respondent contacting the police to then be able to speak 31 to vou? It only ever happens in my experience on circuit 32 No. Α. day, and sometimes the respondent will come and approach me 33 because I am the prosecutor, they will come and approach 34 35 me, but not outside of that circuit. 36 37 Q. Would you agree that there is a big difference in what engagement a person who is involved in a domestic and 38 family violence matter, either as an aggrieved or a 39 40 respondent has, with the process depending on whether 41 they're legally represented or not? Most definitely. But also just the access to someone 42 Α. 43 other than ATSILS is difficult because if a respondent doesn't have a legal representative on the day from - or 44 45 any firm, because there are private solicitors that do come up from time to time or appear by phone, but they wouldn't 46 know who to contact in any event if it's not ATSILS, 47

1 necessarily, unless someone can provide them with that 2 information. 3 4 Q. You talk about the services or the location of the court being not ideal for those types of conversations. 5 I take it there's no safe rooms or anything like that at 6 7 the circuit courts you appear in? There is for Weipa. Weipa is different. 8 Α. It's a bigger court, so there are rooms available for that purpose 9 10 and I have used them previously. Coen isn't a court house. Coen is a room, a hall, a town hall. So there are no spare 11 rooms and it's a case of trying to find some spare space if 12 that's in the courtroom, which is not appropriate because 13 that's where the magistrate is. So you can't have those 14 Outside may not be appropriate because 15 discussions. there's no room to have those, and that's the problem with 16 17 ATSILS taking instructions as well, is that there's no So they're trying to take instructions where 18 room. everyone else is present as well. I try to find the most 19 private place that I can in order to have those 20 In Kowanyama the police station is next door. 21 discussions. It's a separate courthouse. There is probably some space 22 23 in between the courthouse and the police station. But 24 everybody else is around as well. So it presents some difficulties. 25 26 27 Q. And you have aggrieved and respondents all in 28 together? Α. Yes. 29 30 Does that create difficulties? 31 Q. It does where there has been no contact conditions, 32 Α. and they can have contact for the purpose of going to court 33 34 but it's not ideal where there's supposed to be no contact 35 and the only place - and they're within a very close 36 vicinity presents difficulties. 37 38 And in your statement you talk about difficulties of Q. having no contact provisions in small communities, and 39 40 that's an example of what you're talking about. Is it the case that sometimes no contact provisions are sought on the 41 42 application in terms where there's no - that hasn't 43 been - there hasn't been consultation with the aggrieved? I don't know if there's no consultation. 44 Α. They're supposed to when they're seeking the conditions speak with 45 46 the aggrieveds. 47

1 So you just wouldn't have involvement in that? That Q. 2 would be --3 I only know from when they come and the application is Α. 4 in court and the conditions are sought on the application. 5 6 Do you see no-contact provisions - sorry, no-contact Q. 7 conditions regularly? Α. I do. 8 9 10 Q. And is there ever circumstances where there might be just the mandatory conditions on the application before the 11 court but either yourself or the magistrate imposes 12 13 additional conditions such as a non-contact condition? There are review of the conditions that are sought. 14 Α. 15 So they might be mandatory, but it's, well, should there - is it appropriate just to have a mandatory 16 17 condition where the information that's in the application may warrant consideration to a no-contact condition and 18 19 non-residential - not to go to the residence to have those additional conditions in place because it might be 20 particularly violent and there might have been children 21 22 present or children involved where is it appropriate in the 23 circumstances to just have a mandatory condition without 24 any other protections for the aggrieved, and that's when I would make or seek for the matter to be stood down or 25 adjourned over to the following day to find out, "Well, was 26 27 there a reason for it." If the aggrieved is present then 28 we can ask her. But if she's not present it may be the case that she didn't want those particular conditions. 29 Ιt might have been that the officer hadn't turned their mind 30 to additional conditions. I'm not sure. But I always - we 31 have further conversations in relation to it. 32 33 34 Q. Is that with the officer or with the aggrieved? 35 Α. Both where possible. 36 And are there cases where if you aren't able to 37 Q. contact the aggrieved and additional conditions will be 38 imposed without having made further contact? 39 40 Α. It has been done, yes. 41 Just in relation to matters in which there are female 42 Q. 43 respondents do you find that there are more matters 44 involving female respondents in remote Indigenous 45 communities compared to what you might see in Cairns? The majority are male respondents, but I have seen 46 Α. 47 female respondents more recently.

1 2 And where you see female respondents are they usually Q. First Nations women? 3 4 In the communities, yes. Α. 5 6 In most cases where a female has been named or is Q. 7 being named as a respondent in the domestic and family violence order has that woman usually previously been an 8 9 aggrieved? 10 Α. She might be an aggrieved, but where she's been named as a respondent isn't against her domestic partner, it 11 might be a different family member. That occurs. 12 It miaht 13 be a brother or a sister or a parent. But there are--14 15 Q. What about if it was the same couple? Yes, there are where - there hasn't been, like, a 16 Α. 17 traditional cross order. It's been that she's been named as an aggrieved but a different incident has occurred and 18 19 she's now a respondent or named as a respondent in a current application. 20 21 22 And in those matters is there any sort of indication Q. 23 as to how that has occurred, that matters have changed, 24 that dynamic has changed between that couple? There's been generally an escalation in 25 Α. difficulty - obviously difficulties in that relationship 26 27 mostly where they are a respondent there's been an act of 28 actual violence against what the police have named as the aggrieved that has been a respondent previously, be 29 30 that - well, there's one recently where it's a stabbing, it's a wounding. 31 32 Q. And what was the instrument used in that case? 33 34 Α. I believe it was a knife. 35 And does that happen in cases where - is that the 36 Q. 37 pattern that you see in cases where the person has previously been or is also an aggrieved, that there has 38 been a previous - or there is an aggrieved and then there 39 40 is an escalation in which the woman then is a respondent? 41 Α. In my experience, yes. 42 43 And in those circumstances were there any indications Q. 44 or considerations of whether the escalation was an act of 45 self-help or defensive type situation? That's in the criminal - that then becomes in the 46 Α. 47 criminal space. So what has happened is that the whole

1 matter gets adjourned off and then the criminal matters 2 take a certain course or there's conferencing in relation 3 to that or there has to be a trial in relation to that 4 criminal matter to determine whether there is - it was a 5 defence in relation to how that wounding or GBH or whatever It's a bit difficult to answer 6 charge it is took place. 7 that question because some of the matters are quite serious and they haven't actually been determined yet. 8 But there has been submissions from defence in relation to how that 9 10 transpired and defences that have been raised and they have to be looked at. 11 12

- Q. And are they just determined on a case-by-case basis
 or is there any I guess, can you say anything about
 whether those submissions are generally accepted once it's
 brought to your attention or is that a case-by-case
 situation?
- It's a case-by-case basis. Like, there might be some 18 Α. 19 merit in it, but it might be the type of charge that's an indictable offence that I don't have the authority to 20 accept or reject or it has to take a certain course through 21 22 the criminal justice system. If it's an offence where it 23 can be dealt with in the summary jurisdiction, well, then 24 the submission is considered on its merits and further investigation is generally had in relation to whether or 25 not that is something that we need to consider whether or 26 27 not it is pursued or the charge is pursued.
- Q. And just in relation to that discretion that you have as a prosecutor is it the general practice or you in your position, you have the discretion to vary orders, you have the discretion to withdraw orders if needed; is that correct?
- A. We don't generally do you mean withdraw anapplication?
- 36 Yes, sorry, withdraw an application? 37 Q. I don't just withdraw an application. 38 Α. I always go through and have discussions with my officer in charge and 39 40 the officer in charge of the station and the arresting officer or the applicant officer in relation to whether or 41 not there is sufficient I guess evidence in order for the 42 43 application to be maintained. 44
- Q. But if there is a disagreement between your view and
 the investigating officer's or the applicant officer's view
 as to the evidence or what should happen with the matter

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who gets to make that decision? 1 2 I always go and speak to my officer in charge in Α. 3 relation to the withdrawing of an application. I don't do 4 it of my own volition. 5 And would you need the approval of an officer in 6 Q. 7 charge or a commissioned officer to withdraw an allocation; is that correct? 8 9 Α. My officer in charge. 10 Q. Your officer in charge? 11 I refer it to him. 12 Α. 13 In your experience would it be uncommon for 14 Q. 15 applications to be discontinued? I don't recall - only a handful would be 16 Α. Very rarely. discontinued. Sometimes in court after a few months the 17 issue of "necessary and desirable" comes up if an 18 19 application has been adjourned a number of times, a magistrate may dismiss the application. 20 21 22 Have you ever proceeded - does it happen that the Q. police will proceed with applications where an aggrieved 23 24 has indicated that they don't want the application to proceed? 25 Yes. 26 Α. 27 28 And does that happen where the police will proceed Q. with particular conditions, imposing particular conditions 29 30 where they have said - where an aggrieved has said they don't want those particular conditions imposed? 31 That's a little bit different in terms of if an 32 Α. aggrieved comes and says that they no longer wish for the 33 application to be on foot and they want it to be 34 discontinued, in order to provide protection the police 35 applicant officer and myself in discussions, it's, well, in 36 order to provide that protection the order should remain. 37 It may just be the conditions that are no longer workable 38 that need to be considered, but not to withdraw an 39 40 application because then that doesn't offer any protection 41 to the aggrieved. Although they might not wish for the application to continue, that might be because they're 42 43 being coerced to drop it or to discontinue it. So we need 44 to make sure that the aggrieved, despite their desire to no 45 longer have it, it may be more appropriate for the application to remain on foot and it might just be the 46 47 conditions or the length of the order that is - what is

1 actually being sought to be either reduced or the 2 conditions to be varied to be more workable for the 3 particular situation. 4 5 Q. Can I ask you about coercive control. Do many 6 applications that you see come before the court involving 7 coercive control as opposed to acts of physical violence? In the Cape, unfortunately, most are acts of violence. 8 Α. Coercive control comes in in relation to proceeding with 9 10 the application or the matter goes to trial, in my view. 11 So it's not the substance of the matter before the 12 Q. 13 court? 14 Α. Not traditionally. 15 And the breaches that you see before the court, 16 Q. 17 they're not generally in relation to coercive control? Some of them are in terms of breaches, but the initial 18 Α. 19 applications that are before the court generally has some element of violence. 20 21 22 You've talked about your opinion that body-worn Q. 23 footage would be - is it your opinion that body-worn 24 footage would be something that would be useful in the prosecution of matters? 25 26 Α. Absolutely, especially in - well, we can use it for 27 applications. It's a different standard. But for 28 breaches, absolutely. 29 30 Q. Are there any particular - sorry, I'll ask about that in just a moment. What about the availability of service 31 supports in the circuit courts? Are there perpetrator 32 33 people there to help with perpetrator engagement or -- domestic and family violence support? 34 They do have the men's group and some other support 35 Α. 36 services. 37 Is that in Kowanyama? 38 Q. Yes, and they do have in Weipa and they do 39 Α. have - I think the Justice Group run their own 40 41 service - like, domestic violence programs. 42 43 And what about for aggrieved? Are there Q. domestic violence support services at the courts and 44 45 circuit courts that you attend, other than Weipa? I'm actually not too sure, unfortunately. 46 Α. 47

1 Q. That's okay. But it would be nice to have. 2 Α. I can say this: there 3 doesn't appear to be the same level of support services 4 that you would find in Cairns up in the Cape communities. 5 6 And is there any gaps - you're the person as a Q. 7 prosecutor. You bring the matter before the court and you understand what the court expects in terms of applications 8 9 for domestic and family violence matters. Is there any 10 gaps in understanding that you see from an investigating police point of view? 11 At times, yes, and the applications are a different 12 Α. 13 jurisdiction. So it's a civil jurisdiction, and so sometimes the information that is provided needs to be 14 15 clarified. It may not be specific enough. It may not be The whole history. There's more 16 particularised. 17 information that could be included in some applications. certainly, and on those occasions where there doesn't seem 18 19 to be enough, well, then I'll take that back to the applicant officer to provide further information. 20 21 22 Do you think that there is difficulties or one of the Q. 23 gaps are between the investigating police understanding the 24 differences between civil and criminal matters, whether that be the standard of proof or preparation of affidavits 25 26 as opposed to a taking of a statement? 27 I think so. I think there's different requirements Α. 28 for an application than there are for a criminal matter, and I'm not sure how much training they get beforehand. 29 30 Because some investigating officers are quite young in So they're still developing and training and 31 service. getting their head around everything that they're required 32 It's just sometimes there is a gap and it needs to 33 to do. be addressed and we use it as a training tool in terms of, 34 35 "This is what is the area of deficiency, this is what you need to do, this is how we can make it better so that it 36 can be seamless the next time." 37 38 And what other - when you give that feedback how is 39 Q. 40 that received generally? 41 Α. Generally my experience it has been positive, and then once it's explained then any, I guess, negativity towards 42 43 what is being conveyed to them goes away because you're 44 able to show, "Well, this is why I'm saying from a prosecution perspective this is where it is deficient." 45 Unless they can tell me otherwise, then I'm the one that's 46 47 in court, I'm the one that's presenting all of the

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1 evidence. If you don't give me the evidence and you have 2 it, I need to have it so that I can present the best case 3 possible for that situation. So then - that's why going up 4 to those Cape communities, we stay there, it's an opportunity to have some training and to explain what has 5 happened in the court that day so that there can be some 6 7 improvements. 8 9 Q. At paragraph 60 you say that where a DV application 10 involves a police officer as a respondent the principal prosecutor or the OIC of Cairns PPC will take carriage of 11 Has that occurred in your time with 12 those matters. 13 prosecutions? Yes. 14 Α. 15 How many times? 16 Q. 17 Α. I'm aware of about half a dozen or so. 18 19 Q. And are any of those recent? Not this year that I'm aware of. 20 Α. 21 22 Q. Last year? 23 Yes. Α. 24 And those applications, those half a dozen or so 25 Q. applications where the respondent is a police officer, were 26 27 they brought as police applications or private applications? 28 I believe that some of both. 29 Α. 30 And I'm not asking you to identify any individuals 31 Q. involved but in those cases that you're talking about were 32 the police officers also stationed in the Cairns district? 33 34 I believe so. I don't have carriage of those matters. Α. 35 So they would be taken and dealt with separately because it 36 involves a police officer. So it might be from a different area and it's come to Cairns for whatever reason. 37 38 Or do you not know about those particular matters? 39 Q. 40 Α. No, because that's - we don't - I don't prosecute 41 those. They get prosecuted by someone with a lot more experience than me. 42 43 Thank you. I have no further questions. 44 MS CAPPELLANO: 45 COMMISSIONER: Ms Hillard? 46 47

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1 MS HILLARD: Thank you. 2 3 <EXAMINATION BY MS HILLARD: 4 5 Q. Just in relation to the females as respondents you gave some evidence about that and you spoke about sometimes 6 7 you'll receive a submission from defence. Am I correct in assuming that that would be submission from defence on her 8 9 criminal charges? 10 Α. Yes, and sometimes it's in relation to the conditions or the application, because if there is a defence that's 11 been raised in relation to the criminal matters then 12 13 consideration to be given as to whether or not the application is necessary and desirable in that specific 14 15 case. 16 17 Because there is no duty lawyer service that is Q. provided for women aggrieveds just generally, you wouldn't 18 19 receive those sorts of submissions unless from criminal defence or from a community legal centre or community 20 support service; is that right? 21 But that's the same for males as well. It's just 22 Α. 23 respondents in general, yes. 24 And it can perhaps take a little bit of time for that 25 Q. to resolve and the woman would be on a temporary protection 26 27 order until it is resolved; is that right? 28 Α. Yes. 29 30 Q. And sometimes there might be conditions which have ouster conditions or non-contact conditions; is that right? 31 32 Α. Yes. 33 34 And that can have the effect that she's excluded from Q. 35 her community? 36 Α. Yes. 37 And you spoke about when you're doing circuits in the 38 Q. Cape and you're going to those particular areas and you 39 40 spoke about the value perhaps of doing some training to police officers at the time or telling them what happened 41 in court, practically, though, have you actually had time 42 43 to do that given the time constraints of doing these circuits? 44 45 I have. I stay over in Kowanyama overnight for that Α. Don't get a lot of sleep, but it is important to 46 purpose. 47 convey what's happened in court on that day. Even if it is

through an email to the officer in charge or to the station if there is something of particular concern that needs to be addressed it needs to be done immediately. So although I may have other matters that I need to prepare for, it's of utmost importance to convey that immediately. So I make a concerted effort to do that.

And do you see that there's some level of need for 8 Q. some, perhaps, ongoing training, continuing professional 9 10 development, whatever one wants to call it, to the police officers just generally in these regional areas that might 11 include, for example, that type of information? 12 13 Training is always an invaluable tool, especially in Α. relation to getting the paperwork correct and 14 having - ensuring that the right information is provided, 15 and the correct information is provided. So training 16 17 should always be a continual process.

Q. And when you were answering questions from
Counsel Assisting about the adequacy of the contents of
applications you used the word "applications". Can I just
clarify. Does that also extend to the affidavits that the
police prepare as well?
A. Yes.

Q. And in terms of either the application or the affidavits have you noticed that there appears to be a lack of understanding of the necessary and desirable - sorry, necessary or desirable limb?

That comes out generally in the trial. 30 Α. So officers provide the affidavit of the information that they can 31 So I think there could be some training in 32 deduce. relation to how to get that information out and the 33 necessary and desirable does come up in relation to the 34 35 trials that I have experienced. That's the key, generally 36 the - they get the domestic violence relationship, act of domestic violence, but how necessary and desirable tends to 37 be the issue. 38

40 Q. And how you need to be able to point to evidence in
41 your material to be able to support it?
42 A. Absolutely, yes.
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Q. One of the issues that affects women that Women's
Legal Service hear about is a perception of an
uncooperative complainant or an uncooperative aggrieved in
an application for a domestic and family violence order.

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1 Can I ask you this question. In respect of an 2 uncooperative or perceived uncooperative complainant in 3 your experience do you take the time to or have the time to 4 talk to the aggrieved, inform them about court supports, 5 inform them about the court process, inform them about what 6 can be put in place to help them through an application or 7 a criminal matter? It is our practice in our office to conference with 8 Α. 9 the aggrieved and to provide them with all of that 10 information. But sometimes for whatever reason it's not that they're uncooperative; they just don't want to go 11 through that process, and that's the difficult part, is 12 13 when you've provided all of that information and there's no longer that support for that application or for that breach 14 15 we're hamstrung in relation to how we then provide that level of service in offering protection when - for whatever 16 the reasons are. Some of them I understand, and there are 17 18 a lot of different reasons as to why someone would not wish 19 to go through that process. So it is our practice to make sure that we conference with our aggrieveds to ensure that 20 they know what support - and in relation to criminal - the 21 22 breaches, making those applications for special witnesses 23 prior to the court, we do that on a consistent level. The 24 prosecutors, and it is our practice as I said, if there is any concerns in relation to coercion investigations are 25 26 made and there have been situations where charges of 27 attempting to pervert the course of justice have had to be 28 preferred against a respondent because we have found that they have been coercing the aggrieveds to discontinue or to 29 30 not participate any further. So I think we do make that effort in relation to ensuring that we can offer them 31 protection but at the same time sometimes they need 32 33 something beyond the ability of the prosecutor in order to feel safe. 34 35

You talk about offering protection and the ability to 36 Q. be able to feel safe and explaining all of those process. 37 Do you see a value in there being a specialist domestic and 38 family violence worker or a social worker involved at that 39 40 police or prosecution information level? So there might be 41 two aspects at the police investigation level or potentially to assist you in what you have to do? 42 43 Absolutely. I'm not equipped and I don't have the Α. 44 expertise in relation to psychological, social work, all of 45 those other needs that an aggrieved may require in order to feel that we are offering the best service for them and in 46 47 order to convince or to show that by coming to court and

1 going through this process may lead to the change that they 2 require, and to hold domestic violence perpetrators to 3 account, because without that court appearance then no one 4 is going to be held to account and the cycle is going to 5 continue. So having a DV kind of co-responder at that 6 investigation as well as the court process would be a 7 fantastic opportunity to canvass the reasons why a person doesn't wish to pursue the application or to pursue the 8 I don't think it's uncooperative. 9 court process. It's 10 sometimes they're just not supportive of that process for various reasons that are legitimate reasons, but it does 11 mean that there are difficulties in the prosecution being 12 13 pursued and a successful prosecution at that. 14

15 And do you see in the matters that you do in an Q. application or an affidavit for a domestic and family 16 17 violence order disclosure of things that would be able to be prosecuted as separate charges but they're not charged? 18 19 Α. Do you mean in terms of --

21 Q. I'll give you an example. So in an affidavit it might refer to grabbing on the arm, pushing down on the ground, 22 23 causing bruises, it could be a common assault or an assault 24 causing bodily harm, but there's no charge that results Do you see that in the work that you do? 25 from that. Generally, and I don't know about Cairns, I'm not 26 Α. 27 entirely sure about Cairns, but up in the Cape I do see a lot of applications and the criminal domestic violence 28 Sometimes it may be where there's none. 29 related offences. It might be that in the PPN it has been that the aggrieved 30 has not wished to pursue a criminal complaint. 31 In that aspect of it I have from time to time questioned the 32 33 officers in relation to, you know, how is that conveyed to them in terms of why they don't want to make a complaint 34 35 because are they being - are there cultural reasons --36

37 Q. It perhaps comes back to that social worker liaison, domestic specialist to be involved at that level perhaps as 38 well? 39 40 Α. Absolutely. Anything like that would be of assistance

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41 42 in relation to domestic violence space.

43 You spoke about the difficulties and the very Q. pragmatic view that you have and understanding of being a 44 45 prosecutor in a police officer uniform. Are there civil prosecutors that do any of those circuits that you're aware 46 47 of?

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A. We have a civil prosecutor up at Cape A at the moment.

3 Q. I know I'm eliciting an opinion about something out of 4 Do you know if they also experience those sorts of court. 5 problems about appearing in the capacity as a prosecutor as being connected to the Police Service or not? 6 7 I've been - there's been three civilian Α. I don't know. prosecutors that have gone up and assisted me in terms of, 8 so giving the opportunity for civilian prosecutors to go up 9 10 to do the Cape circuit, and in my view I've found that not being in the uniform sometimes people are a little bit more 11 open to engagement. But I think that also comes down to 12 general communication and trying to build that rapport. 13 Sometimes I find that it is a barrier in relation to 14 15 building that initially. But others find it comforting in terms of I am a police officer as well. So I'm someone 16 that they can go to, otherwise they might think that the 17 civilian officer is the defence lawyer. I'm not sure. 18 19 There's probably two schools of thought on that one when I come to think of it. 20

- Q. You mentioned in your evidence a reference to a field officer and you said sometimes when people attend court the field officer will write down their names. I just want to clarify you're actually referring to the field officer that might be attending with the ATSILS representative; is that right?
- A. That's correct, yes.

30 Q. And when we talk about the community Justice Group we're not talking about a Justice Group as in a group of 31 legally trained people; they might have lawyers connected 32 to it, they might have some experience or they might be 33 legally trained, but it generally speaking is a group of 34 35 the community comprised of Elders in those groups or in those Indigenous communities; is that correct? 36 That's correct, yes. 37 Α.

Q. And so they don't really or shouldn't really have a
role perhaps in providing legal advice, but sometimes they
assist and really from what you're saying is they do
attempt and they facilitate?

A. They wouldn't give any legal advice. It is purely to
assist the court, and it might be that they can provide
some additional information or they can provide or explain
an order that I haven't been able to do or the magistrate
hasn't been successful in doing. They're able to assist in

1 that aspect of it but they wouldn't by any means be giving 2 any advice. 3 4 One of the questions that you were asked was about Q. 5 bail and the timing of when things happen up in court. If I can just talk about that just very briefly. One of the 6 7 difficulties, isn't it, in these regional areas is where there can be difficulty getting a bail address, for 8 example, if someone is from a remote community, they might 9 10 be care of the police office or, sorry, care of the post office, that might be their bail address, or they might 11 have a bail address for Lockhart River, for example? 12 13 Α. I've never seen one for the police station. 14 15 Q. Sorry, I meant to say post office? No, I've never seen one for the post office. 16 Α. 17 18 Q. So if you come back to the bail issues and going into 19 these communities, and I'm focusing in on the First Nations communities specifically, when there is someone in custody 20 waiting for something to go through the court, as you've 21 described it can be a period of time, have you seen 22 23 difficulties with getting appropriate bail addresses? 24 Up in the Cape, but also in Cairns in Α. I have. relation to work because the Cape is a small community, 25 some of the conditions is in the consideration of bail to 26 27 mitigate the risk, an alternate bail address outside of a 28 community is proffered, either a different community or an address in Cairns. That has occurred. That does occur. 29 30 Sometimes the issue is contacting the person whose address has been given to see whether or not they're wanting to 31 have that person reside with them at the address, and 32 33 there's various reasons as to why they don't. But 34 sometimes that hasn't been - there's been times where an 35 address has been given on a bail and then the occupant has 36 said, "I actually didn't want this person at my address." 37 MS HILLARD: 38 Thank you. Commissioner, those are my questions. 39 40 41 COMMISSIONER: Thank you. 42 <EXAMINATION BY MR HUNTER: 43 44 45 Can I just ask you about body-worn camera footage. Q. Do you as part of your duties regularly review body-worn 46 47 camera footage that was captured by first responders at

domestic and family violence incidents? 1 2 Not in the initial stages, but if matters are Α. 3 contested or there's an issue that has been raised then, 4 yes, I will. 5 6 And are you able to form a view based upon what you've Q. 7 seen of the body-worn footage as to the way in which first responding officers go about their duties? 8 Predominantly from what I have seen it has 9 Α. 10 been - I haven't had an issue in relation to how they've attended the scene initially or what has transpired. 11 But if there is something that I might question I'll raise it 12 13 with the officer or raise it with my officer in charge or note it down and speak to their officer in charge in 14 15 relation to their actions. 16 17 All right. Did I understand you to be saying that Q. when it comes to the withdrawal of an application for a 18 19 protection order that the approach you take is a very cautious one? 20 Α. Yes. 21 22 23 And any decision about the withdrawal of an Q. 24 application is one that has to be made by your officer in 25 charge? 26 It's a measured approach. I wouldn't do it on my own Α. 27 volition. It is always something that I would get further 28 authority from and refer it to my officer in charge. 29 30 Q. Do you have the authority to discontinue an application yourself? 31 32 Α. No. 33 34 What rank does the officer in charge hold? Q. 35 Α. Well, in Cairns it's a senior sergeant position, but there are some calls where the officer in charge is a 36 37 sergeant. 38 39 Q. And can you just explain the reasons behind the 40 caution? Well, there's various reasons as to - if there is - an 41 Α. aggrieved is or a respondent for that matter is asking for 42 43 the matter to be discontinued, so a variation might come up 44 too because an order has been made and they no longer wish 45 for the order to be in place, you have to ascertain as to They might want a reduction in the number of 46 why is that. 47 years the order is in place. But we have to make sure that

there's no coercion that's involved and that the level of 1 2 protection is still there for the aggrieved. If it's a 3 case that there's insufficient information on the 4 application and it needs to be withdrawn, that's a training 5 issue and we need to make sure that in first blush we're not racing to withdraw an application where there actually 6 7 is further evidence to support the making of the application but it just hasn't been conveyed or articulated 8 9 appropriately. So it's not something that we should just 10 be withdrawing because in first instance there doesn't seem to be sufficient information there. That's why it's the 11 officer in charge, it's domestic violence, we need to make 12 13 sure that we are providing that protection as the legislation requires. 14 15 Can I ask you about First Nations women who are named 16 Q. 17 as the aggrieved in an order but who then become the respondent in an application in respect of the same - in 18 19 respect of the same relationship? M'hmm. 20 Α. 21 22 Did I understand your evidence to be that that is most Q. 23 likely to occur when the woman has committed - allegedly 24 committed an offence of serious violence? That's where I have seen it. I don't know if that's 25 Α. 26 traditional. I don't have the stats on it. But certainly 27 in my experience that has been the case. 28 When it's an offence, for example a wounding or a GBH, 29 Q. 30 is it the position that a temporary order - if an application is made and granted the position is that a 31 temporary order remains in place until such time as the 32 criminal proceedings are resolved one way or the other? 33 34 Α. Yes. 35 And if there's an acquittal or the charge is 36 Q. 37 discontinued what then happens? It's a different standard of proof in relation to the 38 Α. making of a protection order as opposed to the criminal 39 40 charges. So an assessment will be made whether or not it 41 is still necessary and desirable in the circumstances for the application to be on foot. 42 43 It's been suggested in some quarters that there is a 44 Q. significant problem, and a problem within the service, of 45 police misidentifying the person who should be the 46 47 respondent; that is, for example, identifying a

1 First Nations woman as the respondent to an application 2 when in fact it should be the other way around. Firstly, 3 is that something that you've seen? 4 No, usually it's very - it seems to be clear who's the Α. 5 respondent and who's the aggrieved. It may be the other 6 aspects of what the incident has occurred, but 7 generally - I haven't seen - I'm sure it has happened, but I haven't seen it in quite some time that it's been a 8 9 misidentification of who the correct parties are. 10 Are you, though, as a prosecutor astute to look out to 11 Q. 12 see that the parties have been correctly identified by the 13 investigating police? When reading the application, if it doesn't seem to 14 Α. 15 make sense, then it is queried in terms of - and the incident - especially if there is, like, a cross order to 16 have a look and to see, "Well, what has actually occurred? 17 What is the incident," and in reading it have I got the 18 19 parties correct because usually it's just the respondent has done this, the aggrieved has done this, to make sure 20 that those parties have been identified as part of the 21 22 process in relation to preparing for the court that day. 23 24 If, though, in the course of preparing a matter it Q. struck you that the parties had been incorrectly identified 25 26 what would you do? 27 I'd stand the matter down if time permitted to make Α. 28 further enquiries as to whether or not my assessment of the situation is correct and an error has occurred. 29 If that's 30 the case it needs to be rectified. If I don't have the time on the day then it will be adjourned generally. 31 It might just be that there is an order in place but there are 32 no conditions, or there's no order that's made until 33 there's been a further assessment if it does seem that the 34 35 parties have been misidentified. 36 37 Q. All right. That then brings me to my last topic. Do I understand the effect of your evidence to be that the 38 primary difficulty you face in doing your job is that 39 40 you're spread too thin? 41 Α. Absolutely. Absolutely. 42 43 That the addition of even another prosecutor to Q. 44 accompany you on your circuit would make an enormous 45 difference to your ability to do your job? Definitely. There's enough work in the Cape circuit 46 Α. 47 for there to be a prosecutor stationed in Weipa. Because

1 we have our own workload in Cairns that we do in addition So being a prosecutor that 2 to the Cape circuit as well. 3 goes up to the Cape, I'm a Cairns prosecutor with a Cairns 4 workload, in addition to going up to the Cape and servicing the Cape, and that workload as well. For Cape B that is 5 6 certainly a far greater workload than mine on the Cape 7 circuit. 8 9 Q. You would of course agree that in doing work in this 10 space, the domestic and family violence space, building a rapport with the aggrieved in the case of an application or 11 the complainant in the case of a prosecution for an offence 12 13 is vital to effectively doing the job? I think it goes to making sure that the aggrieved is 14 Α.

15 comfortable with the person who is there to assist them, and if there's all different people - we're not coming 16 17 up - if it's on - it used to be an ad hoc basis. We didn't have a regular prosecutor. It's very difficult to have 18 19 that rapport. If you can't build that rapport, then it's more likely that someone is not going to understand that 20 court process or feel that we are providing the service. 21

- 23 And the situation is that you just don't have the time Q. 24 to devote to building that rapport that you would like to 25 have?
 - Α. That's true.

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28 And even if you did have the time the infrastructure Q. in place at the various locations doesn't allow for any 29 30 sort of privacy for you to communicate with aggrieved or 31 complainants? 32

- Depending on where you are there's very little privacy Α. which is an issue in itself.
- 35 Q. And that's because the court houses are small and don't have interview rooms? 36 Unless you go to the police station, which also isn't 37 Α. ideal. 38 39
 - Q. Yes. That that's all I have, thank you.
- 41 COMMISSIONER: Can I just ask you some questions on this 42 issue of misidentification? 43 44 Α. Yes. 45
- So we're on a Cape circuit. 46 COMMISSIONER: We're in 47 Kowanyama. So you've got a day to do all these matters,

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1 some of which you've never seen the files before; is that 2 right? Have I got the situation right? 3 Well, I can always have a look on QPRIME. So I'll get Α. 4 the court list beforehand, make sure that all of the files have been collated and that QPRIME matches the court list. 5 and then I can download and have a look at the applications 6 7 prior to --8 9 COMMISSIONER: Okay. So when does that happen? The night 10 before or the week before or --It is very much dependent on my current workload and 11 Α. sometimes it is the weekend before I'm going up that I'll 12 13 have a look and read those DV applications. 14 15 COMMISSIONER: Okay. I should add this is no criticism of It's just examining your workload and how much time 16 you. 17 you've got to do some of these things? 18 A lot of the time we do it for the love of the job, Α. 19 and that's the only way to get ahead, is we do a lot of work in our own time. Like I said earlier, there's very 20 little sleep on the Cape circuit because it is a constant 21 "what is happening the next day". 22 23 24 COMMISSIONER: No over time? I will ask for it. 25 Α. 26 27 COMMISSIONER: So one of these applications is a female respondent. Is the first thing you do or do you look to 28 see if she's been an aggrieved before? 29 30 Α. I generally do because I look up to see whether there 31 are other matters that are before the court for whatever reason, but I do these traditionally for all of the matters 32 because there are some that might be adjourned to another 33 month, so I'll bring them on, but I'll have a look to 34 35 see - so I can paint a picture in my own mind as to what 36 the situation has been. 37 38 COMMISSIONER: So you can see that she's an aggrieved previously against the person who's now going to be an 39 40 aggrieved, and there's been - so then do you look at - to see whether there's been any breaches of that previous 41 42 order? 43 Where she's the aggrieved and there's been breaches? Α. 44 45 COMMISSIONER: Yes. And do you look at the contents of 46 those breaches? 47 If time permits, yes. Α.

L. BUCHANAN XN (Hunter)

2 COMMISSIONER: All right?

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3 So there is - I do try to have a look to see, get a Α. 4 little bit of a history in my own mind as to what has 5 occurred and then have another read of that application to 6 see whether or not it paints a picture as to the situation. 7 COMMISSIONER: Yes. And what if it's DV other? 8 So there's been call outs but it's been recorded as DV other? 9 10 Α. I'll have a read to see because it might just be that there's been an escalation or you read something into it 11 12 and then you see that there's been an application where 13 she's the aggrieved but there might have been some other I'll read them if I get the opportunity to do 14 occurrences. 15 But I will just have a look to see what's been going SO. on, and then have a read of the incident. 16 But other than 17 that I'm not quite sure exactly what has happened. 18 19 COMMISSIONER: Yes, you're not a mind reader. So if there are breaches or DV others where police have decided it's an 20 argument or someone doesn't speak to them so they don't get 21 22 enough details, it's recorded as DV other, what do you do Do you go, "Oh, well, this must be a 23 then? 24 misidentification", or do you say, "This is likely to be a misidentification"? 25 26 Α. I have another read of the application to see what the situation and how it has arisen and what the facts are in 27 28 that application. If I question it I'll go and speak to the officer in charge to go, "Do you want to have another 29 30 read of this, because there's been these other occurrences. 31 Have we missed something or what is the situation? there something else that's gone on that has precipitated 32 33 this particular event that we haven't found out about yet?" That might come with, you know, what is the - the 34 35 aggrieved, what have they said about the incident, and that's when you might have a look at the body worn in terms 36 of how have the interaction with police and what we said at 37 the time and what has - if the respondent, I suppose, if 38 there's criminal matters, whether they've done a record of 39 40 interview. But I'm not the investigating officer in 41 relation to it, but it might be questioned in terms of, "This seems a little bit odd." 42 43 44 COMMISSIONER: So would you have time to do that before 45 the circuit? 46 Not always, no. But they don't generally occur Α. 47 where - that situation doesn't occur all the time. It just

1 seems sometimes something will just - you read something 2 and it just seems a little bit odd because you might recall 3 where the aggrieved has been a respondent and you're like, 4 "Well, now they're the aggrieved. That's an interesting occurrence considering I've been there for such a long time 5 and going up and I'm aware of the parties that this has 6 happened." So you might take a little bit more time to consider, "Well, it just seems a little bit out of the 7 So you might take a little bit more time to 8 ordinary." 9 Sometimes relationships are quite tumultuous 10 and both parties have been in the court on a number of occasions in relation to domestic violence. But every now 11 12 and again there's one that you just think there's just 13 something a little bit more going on. 14

15 COMMISSIONER: Would it ever be noted on an application generally or just for your information by the police that, 16 17 "Oh, this respondent has been an aggrieved before"? Sometimes. But that's dependent on the officer as 18 Α. 19 well. I think the more experienced officer who is doing it the more information, relevant information, the application 20 But it doesn't always happen. It just depends 21 contains. 22 on who's doing it. 23

24 COMMISSIONER: All right. Thank you. Ms Cappellano?

26 MS CAPPELLANO: Nothing further, thank you, Commissioner.

COMMISSIONER: Okay. Thanks very much, Senior Sergeant. Thank you. Sorry for keeping you so late yesterday? A. These things happen. Interesting being on the other end.

33 <THE WITNESS WITHDREW

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35 MS CAPPELLANO: Commissioner, I call Thelma Schwartz.

37 **<THELMA SCHWARTZ**, sworn:

39 **<EXAMINATION BY MS CAPPELLANO**:

Q. Ms Schwartz, you have provided a statement to
the Commission and have you got a copy of that statement
present with you in case you need to refer to it?
A. Yes, I do, thank you.

46 Q. Now, in your statement you indicate you're the 47 principal legal officer at the Queensland Indigenous Family

1 Violence Legal Service? 2 Α. Yes, that's correct. 3 4 Q. And what's that service also known as? 5 Α. It's known as QIFVLS commonly. 6 7 And is it the case that you also identify as being a Q. Torres Strait Islander woman? 8 I identify as Torres Strait Islander 9 Α. That's correct. 10 as alongside my German, Samoan and Papua New Guinean heritage. 11 12 And does your role as the principal legal officer at 13 Q. QIFVLS as well as your lived experience as a First Nations 14 15 woman allow you to provide quite unique perspectives in relation to the domestic and family violence matters that 16 we're looking at? 17 Yes, it does. With respect, I've been the principal 18 Α. legal officer of QIFVLS since 2015. Prior to that I was a 19 criminal defence solicitor at the Aboriginal and Torres 20 21 Strait Islander Legal Service here in Cairns for close to 22 10 years. I've been practising since admission from 23 12 August 1999 in both the Northern Territory and 24 Queensland. I've worked across commercial litigation in both Northern Territory and Queensland, as well as my 25 extensive criminal law experience here in Queensland. But 26 27 since 2015 I have worked exclusively with and for the 28 Queensland Indigenous Family Violence Legal Service. 29 30 Q. Just in terms about giving us a little bit of background in relation to QIFVLS do I understand correctly 31 it was established in 2010 when four different legal 32 33 services were combined? That's correct. So in Australia you have recognised 34 Α. 35 four legal service providers who are funded primarily through funding arrangements. They are the Legal Aid 36 Commissions, the Aboriginal and Torres Strait Islander 37 Legal Services, the Community Legal Centres, and then 38 finally the family violence prevention legal service 39 40 providers. FVPLSs, of which QIFVLS is one, were 41 established after recognising a gap in service provision for victim survivors of domestic and family violence who 42 43 identify as Aboriginal and/or Torres Strait Islander. So in 2010 Queensland had - I think we had four little hubs, 44 officers a - offices across Queensland. 45 Through the nature of our funding arrangement I believe it was then that the 46 47 Prime Minister and Cabinets Department, we were forced to

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regionalise and amalgamate under the one banner of the Queensland Indigenous Family Violence Legal Service. So you can see that currently our region, and I believe it's in my statement at page 5, there's a regional map.

6 Mr Operator, would you be able to place page 5, the Q. 7 map at the top of page 5 up on to the screen, please? Just as that's being put up, Ms Schwartz, is it the case that 8 9 you largely service regional Queensland, although from 2014 10 you've also operated in the Brisbane local government area? The whole purpose of family violence prevention legal 11 Α. 12 services was to provide services for regional and rural persons across Australia. Since 2014 we were able to 13 successfully negotiate with our primary funder, the then 14 15 Commonwealth, Prime Minister and Cabinet, which is now the national Indigenous Australians Agency, NIAA, to extend our 16 service provision footprint to the metropolitan hub which 17 18 is Brisbane, and you can see that we service those areas 19 and regions. I believe I've set out that we have eight officers in my statement at page 5. I forgot to add we 20 actually now have a total of 10 officers given additional 21 22 funding. We'll be opening up a satellite office on Palm 23 Island which is a discrete Aboriginal community off the 24 coast of Townsville. And we've opened recently an office in Mackay, which is being furnished this week as I speak. 25

27 Q. And so the officers that you can see are the black 28 dots where you've got offices in Brisbane, Rockhampton, Mackay, Townsville, Cairns, Bamaga, Thursday Island, Mt Isa 29 and there's also one coming in Palm Island? 30 31 Α. That's correct, and from those offices you can see that we will service all of those outlying regional and 32 33 remote communities. So we service in total over 80 Aboriginal and Torres Strait Islander communities. 34 We 35 haven't blown up the map in relation to Thursday Island. So we service both Thursday Island and we service all of 36 the outer islands that follows the Magistrates' Court 37 circuit which takes us right up to the border, the 38 international border with Papua New Guinea. 39 40

41 Q. And do you have any data on how many clients you would see on a yearly basis? 42 43 In terms of the funding - so I've just finished our Α. 44 funding report for NIAA, the National Indigenous Australians Agency. We're to report on the KPIs of new 45 clients, new cases, referrals from, referrals to, legal 46 47 advices, non-legal supports, community education, community

1 legal aid education, and stakeholder engagement. So for 2 new clients this year we saw a total of 410. Now, that's 3 only 410 new clients for this financial year. The new 4 cases, we saw a total of 546 new cases. Once again 5 I qualify that. This is on top of what we are already 6 carrying as a service provider. Legal advices totalled 7 1019. 8 9 Q. Sorry, Ms Schwartz, just in terms of the financial 10 year we're talking about is that --From 1 July 2021 to 30 June 2022. Α. 11 12 13 Q. Thank you. Sorry for interrupting. That's okay. So non-legal supports equated to 414. 14 Α. 15 Community educations equated to 67. Community legal education equated to 46. And stakeholder engagement 16 17 equated to 519. There is a mix. So this isn't just - you would have seen that I spoke to non-legal supports, 18 19 community ed, community legal education, stakeholder engagement. Part of a family violence prevention legal 20 service is not to just solely focus on the provision of 21 22 pure legal service provision. The scope of an FVPLS is 23 also to provide community support, primary and early 24 prevention and intervention, which we do through the provision of our community education and community legal 25 education sessions. The stakeholder engagements is around 26 27 the connection to our community, which is fundamental to 28 the work that QIFVLS as an Aboriginal and Torres Strait Islander community controlled organisation does. 29 30 31 Q. Can you explain what is an Aboriginal and Torres 32 Strait Islander community controlled organisation and why 33 that's important? 34 It's important for the purpose that we are registered Α. with ORIC, I always forget the acronym, the Office of 35 36 Registrar of Indigenous Corporations, I believe it is - sorry if I've mangled it, but our business is 37 registered with ORIC. We have - I believe I've got it set 38 out in my statement - nine board members who identify as 39 40 Aboriginal or Torres Strait Islander. They are picked from each of the different service regions which we saw on our 41 map and they're representative voices for that region. 42 43 There are two specialist board directors, finance and 44 legal. They are non-identified roles. Our chair is an 45 identified position. For the purposes of what is an Aboriginal community controlled organisation, QIFVLS is an 46 47 Aboriginal community controlled organisation as registered

with ORIC. 1 2 3 Q. And in terms of the - you've given us figures about 4 and we've seen the location in which QIFVLS operates throughout Queensland? 5 Yes. 6 Α. 7 How many staff do you have? 8 Q. We currently have I would say about 50 staff and in 9 Α. 10 that I've got about 13 lawyers currently, I have a number of staff vacancies, including a number of lawyers who 11 I haven't been able to fill. So I am down lawyers and you 12 13 can see the expanse of what we cover. We are primarily funded through the Commonwealth, as I've indicated before. 14 We receive a discrete amount of funding through the 15 Queensland government, and that really is the ambit of our 16 17 funding. 18 19 Q. You have currently 13 lawyers servicing most of regional Queensland and part of Brisbane? 20 That's correct. 21 Α. 22 23 How many positions are currently vacant for lawyers? Q. 24 I believe I have - I think I've got about six vacant Α. positions for lawyers currently. 25 26 27 COMMISSIONER: So you're trying to do it with seven? Trying to do with it - I believe - --. 28 Α. 29 MS CAPPELLANO: It's 13--30 31 Α. Plus seven. 32 33 Q. You've got 13 currently and then you're trying to fill 34 an additional seven? 35 Α. That's correct. 36 COMMISSIONER: So you have up to 19. Okay? 37 Okay. That's correct. 38 Α. 39 40 MS CAPPELLANO: And what are the difficulties in terms of obtaining staff? Is there anything you can identify? 41 I think we're in a very similar position to a number 42 Α. 43 of different industries. I know that they're all 44 struggling attracting staff to regional and remote locality. We've had COVID. COVID has probably seen people 45 not wanting to move out of their current roles. There's 46 47 also current economic instability where people are not

1 wanting to take that leap and come across. The other issue 2 that we have is around the fact that we can't fund 3 positions on par with what is offered, let's say, at your 4 legal aid or your ATSILS pay rates, and that's due to the nature of the funding that we receive from the 5 The majority of our funding is spent on one, 6 Commonwealth. 7 wages and secondly travel. Travel is one of the most exponential costs that we carry. We are either on charter 8 flights into the Cape and the gulf communities. 9 We charter 10 flights to service the Torres Strait, including the outer islands. There is ferry, there are car travel. So there 11 is an exorbitant cost on our business in terms of those 12 costs to provide a face-to-face service. We provide a 13 service from legal advice all the way through to full court 14 representation, including the ability to appeal where there 15 is merit to do so. 16

- Q. I'll ask you a little bit more about the different
 roles that ATSILS has. You just mentioned face-to-face
 interaction. How important is it to provide services in
 your opinion face-to-face as opposed to using electronic
 facilities?
- 23 For Aboriginal and Torres Strait Islander peoples it Α. 24 is the preferred method of communication. A lot of communication can get lost through an electronic means. 25 There are nuances in body language that cannot be discerned 26 27 and deciphered through an electronic means, that you can 28 only really pick up when you're in the room with a person. I'm not having - I can understand with COVID we've had to 29 30 adapt. Obviously we went into lockdown. We had to deliver our services through MS teams on the phone and our clients 31 and communities slowly got used to that mode of service 32 But you can't build trust and maintain 33 delivery. relationship long-term through a very impersonal means of 34 35 communication, and that's what we've found and that's been the success of our business model and I think that's 36 indicative of the level of stakeholder engagements we've 37 achieved for this financial year that we are out and about, 38 we're in touch with our communities, we live in our 39 40 communities, and we engage with our communities. So we're seen as a bit of a voice for our communities in that 41 respect. 42 43
- Q. You talked about providing some of the different
 services that you've provided, and you've talked just about
 the legal services and also some other community
 engagements?

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- A. Yes.
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Q. Is it correct that you also provide non-legal support services to your clients, and I think you refer to it as a client management practice model?

6 Α. I believe the reference is case management practice 7 We have in QIFVLS both a legal service and a case model. management practice. That case management practice began 8 in 2016 in our Rockhampton office. 9 It was the brainchild 10 of my case management practice manager. She was a case management officer then. She's now our case management 11 practice manager. She's a qualified social worker, 12 13 Aunty Bino Toby. We saw the interface with domestic and family violence and child protection and associated birth 14 15 suite removals that were happening in the Rockhampton hospitals and we developed - she developed that model of 16 17 actually linking in early with expectant mothers where they were on the periphery of child safety notifications and 18 developed a model of linking in and ensuring that they were 19 linked in with other service providers to negate any 20 concerns that there was a child in need of protection which 21 22 would satisfy the Act and satisfy the birth suite removal. 23

24 So we started working with expectant mothers in that catchment and built the capacity of our - they were client 25 support officers then which was the equivalent of a 26 27 paralegal function. We started building the capacity to 28 start working more with associated service providers who could do counselling, who could link in and provide 29 30 supports let's say for addressing some of the drivers that we saw our clients. So there were drugs and alcohol. 31 they were still involved in a domestic and family violence 32 33 relationship, so getting some specific counselling around 34 that to identify harm and risk. Financial counselling, 35 independent access to finance. Let's say accessing 36 Centrelink, for example. So that's where it evolved.

It's now at a point in 2022 where we have embedded 38 within the legal practice our case management practice. 39 40 Our case management officers identifies Aboriginal or 41 Torres Strait Islander and they will come from any of those communities that we saw on the service map on page 5. 42 We 43 have skilled them with training through the Case Management Society of Australia and we run the entry point for service 44 through - when a client is accessing QIFVLS for service we 45 will also do a case management assessment, and it's a 46 47 non-therapeutic form of service and it's a high level of

referral. We don't have social workers or counsellors on staff. We used to. But that was not working given the high level of outreach travel that we could provide, and it wasn't the service that our clients needed at that point in time.

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7 So through your - QIFVLS intersects with victims of Q. domestic and family violence in a number of different ways, 8 whether it's representing them through the courts process 9 10 or also providing that support services referring them to other support services. Now, through that involvement with 11 victims of domestic and family violence can I just ask you 12 generally to start with, you talk about family violence as 13 being a cornerstone or an intersection with other legal 14 15 Can you explain what you mean by that? systems. What we find is family violence is the 16 Α. Yes. 17 underlying theme that intersects and brings our clients into contact with the criminal justice system, the child 18 19 protection system, the youth justice system, and then we have an overflow into the family law courts. So we see it 20 When there is an act of 21 as the underpinning threat. 22 domestic and family violence that one of our clients is 23 brave enough to report and it comes to the attention of 24 police it will also trigger a notification to the department. Child Safety will become involved. 25 So when a client enters our service and there is a notification of DV 26 27 there will also be a following notification of child 28 protection proceedings that are either on foot or I've got Child Safety on the periphery becoming involved or they are 29 involved where they're working with families. 30

I will also see in that context where children are 32 33 involved. These young people are also known to the youth 34 justice system as well. So we may be providing services 35 for domestic and family violence responses, child 36 protection, whether there is court proceedings or we're at the pre-court phase of an intervention. We will then also 37 be on the periphery of understanding that a young person is 38 known to youth justice and is involved in the criminal law 39 40 courts. It's important to note that QIFVLS is not funded 41 to provide services for criminal law matters. So that would be a referral to your ATSILS or your Legal Aid 42 43 Commissions who have that specific bucket of funding. So 44 we provide the referral through. 45

We also will intersect and support clients where they're victims, seek access to Victim Assist Queensland

1 for that particular support. Then there is also Family 2 Court proceedings if families are separating, and you might 3 have a number of different parties. Let's say grandparents 4 who might want a right recognised to access or contact with 5 children. So we're right in the middle. 6 7 Ms Schwartz, do you have some water there as well? Q. Sorry, I'm getting a bit thirsty, thank you. 8 Α. 9 10 Q. I'm not sure whether that needs to be refilled? Α. Thank you. 11 12 13 Q. So given this intersection there is a criticism of siloed approaches to trying to address domestic and family 14 violence. Can domestic and family violence be addressed 15 properly by looking at only one response? For example, can 16 17 it be addressed properly by looking only at the Police Service response to domestic and family violence, or 18 19 is a more holistic approach needed With respect, no. I think you've had a number of 20 Α. If I start from the genesis point of the Royal 21 reports. Commission into Aboriginal Deaths in Custody that have made 22 23 it very clear that you can't look at this in isolation. 24 There is the latest report here in Queensland, the Women's Safety Justice Report: Hear Her Voice, volume 1, that has 25 made it very clear that these things can't be dealt with in 26 27 isolation. You've got the reference to the Wiyi Yani U Thangani report by Social Justice Commissioner June 28 Oscar, that makes it very clear that these matters cannot 29 be dealt with in isolation. 30 31 32 I think it's very clear that dealing with things in isolation and silos has not worked. I think there is 33 34 enough of an independent evidence base to show that and 35 that government needs to take a very different approach to 36 dealing with this. You have now the national partnership agreement on closing the gap, which looks at things 37 holistically. Yes, there are very targeted socioeconomic 38 targets to deal with the over representation of adults and 39 40 youths, target 10, target 11, but there's also a flow-on 41 target of the domestic and family violence target as well as the child protection target. So the days of dealing 42 43 with things in isolation, with respect, must come to an 44 end. 45 46 Q. In terms of what is needed you talk about requiring 47 the investment - you talk about a holistic and targeted

1 response as opposed to a piecemeal approach looking at 2 things in a silo and that there needs to be investment by 3 government at the front end. What does that mean? 4 For too long investment has targeted let's say the Α. 5 correctional response. So you're at the tertiary end. So once a defendant has passed through the criminal legal 6 7 system, is processed through the criminal system, and then So there is a lot of focus on our 8 he's sentenced. But what is lacking with respect is 9 correctional services. 10 the early intervention right up front, before people actually enter the system. Why aren't we actually looking 11 at that and addressing the underlying reasons why people 12 come into contact with the criminal legal system in the 13 first place; i.e. housing, poverty. All of those 14 15 underlying intersecters that makes someone more vulnerable to coming into contact with police and then entering a 16 17 criminal legal system which is designed to sentence. There are many different layers of sentencing which is evidenced 18 19 in our Penalties and Sentences Act in Queensland which, in some circumstances will see people sentenced to terms of 20 What is happening when they're sentenced to 21 imprisonment. 22 terms of imprisonment and then they come out on an order? 23 24 You talked about in your statement some of Q. 25

the - having to identify and address those core social
drivers which give rise to the over representation of
Torres Strait and Aboriginal women, children and men being
victim survivors of family violence. What are some of
those core social drivers?

30 Α. Poverty. Homelessness. Mental health and disability. These are matters - I'm just trying to go off the top of my 31 head - that you can see really fleshed out in June Oscar's 32 Wiyi Yani U Thangani report which I've referenced in my 33 34 statement. I don't understand why we don't focus on these 35 underlying issues. We can see at the moment that there is 36 a real tight housing crunch in Queensland, and there's been investment in our recent budget to deal with some of these 37 I've spoken in my statement about the lack 38 housing issues. of appropriate housing or shelters in regional and remote 39 40 communities for women fleeing violence to escape to. The longer we don't address those underlying drivers the more 41 we will see this interaction where people will come and be 42 43 processed, as they should be, and come out one end, whether 44 that is a term of imprisonment or another penalty being 45 imposed on them.

- 46 47
- Q. While acknowledging the evidence that you have given

in relation to a need to be focusing in a holistic way --A. Yes.

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4 Q. I am going to be asking you about a more specific 5 topic now and that is what you refer to in your statement as the historical - an historical and entrenched culture 6 7 within the QPS. You have indicated that - and this is at page 6, you said that, "Queensland's history is marked by, 8 9 among other things, the state's historical use of police as 10 the agent of colonisation. Accordingly, we believe the path to acknowledging our clients' experiences begins with 11 addressing historical and entrenched cultures of systemic 12 13 racism, lack of cultural awareness, sexism and under resourcing of services and programs delivered to Aboriginal 14 and Torres Strait Islander communities." Now, why is it 15 important to address these attitudes? 16 17 These attitudes have continued to exacerbate the Α.

alarming contact of Aboriginal and Torres Strait Islander
people with respect with the criminal justice system to the
state where we speak of over representation. There is a
significant over representation of Aboriginal and Torres
Strait Islander people, whether they are adult or youth
within our criminal justice system.

Now, can I ask you to identify some of the attitudes 25 Q. that you talk to, that you speak about in your statement. 26 27 The first one that you talk about is what you say you see a 28 misidentification of offenders by police when responding to domestic and family violence involving Aboriginal and 29 30 Torres Strait Islander people. What do you mean by this? I mean quite simply what I've said. It is not 31 Α. uncommon on a weekly basis across my practice in Queensland 32 for clients to approach us seeking assistance because 33 they've been turned away from police stations when they go 34 35 to make complaints of domestic and family violence. They will come to seek our assistance at QIFVLS. We will then 36 draft the necessary applications for a domestic and family 37 violence protection order and file that in court and are 38 successful in obtaining temporary protection orders when we 39 40 finally get our matters on. It happens on a weekly basis. I can't understand that. 41

Q. So is what you're talking about there a lack of
investigation?
A. I'm talking about there's probably two things there.
So you will have people wanting to access police, wanting
to make that first contact with police, for them to

1 intercede and take out either a police protection notice or 2 an application for an order on their behalf being turned 3 I will then also have situations where police will away. 4 arrive at a scene, there will be a victim. Now, our 5 practice is available to both men and women and children. 6 But our data indicates our practice is predominantly 7 accessed by people who identify as women, female. They will come to - respond to a site. There will be a woman 8 9 there. She will otherwise be covered in blood. She might 10 be holding an instrument. They will see a man sitting there very quiet and calm. They will go to him and speak 11 12 with him. She will become probably irate. They will then 13 treat her as the aggressor. She will then be charged with a criminal charge as the primary aggressor. 14 She will then 15 be the respondent on a PPN. I've had an incident where I spoke at the Disability Royal Commission about a woman 16 with disability who was in that same circumstance. 17 Now. 18 she was non-verbal. She was deaf. There was no attempt to 19 communicate with her to find out what her needs were other than to issue her with a PPN that she was a respondent, he 20 21 was the aggrieved, and the associated charge. When we've 22 become involved and properly investigated the matter it's 23 become very clear that there's a history of him being the 24 perpetrator of offences, she has always been the aggrieved, and what has led to this particular instance; it's because 25 26 she was heightened, he was quiet and calm, and he became 27 the - I think the literature calls it the ideal victim. So 28 you've treated him as the ideal victim and preferenced him. So that is what I speak to when I talk about 29 30 misidentification, when police are called in a primary response call out. 31 32 33 Q. I'll get you some more water? Α. Thank you. 34 35 I'll give you a chance to drink that. In terms 36 Q. of - what are the direct consequences then of - sorry, I'll 37 take one step back. You've said this is common. 38 Can vou give any more detail about how often you would see this 39 40 sort of thing happening? Is it an isolated --41 Α. I think I've indicated my evidence. I've said it happens weekly. It happens across any of my offices in 42 43 Queensland.

45 MR HUNTER: I'm sorry, can I just clarify something. The 46 question was how often does the witness see these things 47 happening. I'm just wondering whether the witness is

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1 talking about things that she has herself seen or things 2 that she's been told about? 3 I can attest that I have seen this because I supervise Α. 4 officers in my practice. 5 6 MS CAPPELLANO: To be a bit more precise when I'm asking 7 in relation to - obviously in your role as principal legal officer of this organisation you then also have a role of 8 collaborating research and preparing submissions and the 9 10 like. So when I was asking that question I was talking about in terms of the organisation, how often with the 11 12 organisation? 13 Yes, from an organisational perspective I'm Α. responsible for data collection for the presentation of not 14 15 only our board reports but all funding reports that are prepared, and in addition I actually play a supervisory 16 17 function of supervising lawyers within my practice. In that supervisory capacity I will examine applications for 18 legal advice and legal assistance and make - especially if 19 it's for case work, make an assessment as to whether or not 20 that legal case work meets the eligibility criteria for our 21 practice. So I see them in both capacities, with respect. 22 23 24 Just so there's clarity as I'm asking you questions if Q. I do talk about what do you see I'm talking about in that 25 capacity on behalf of QIFVLS? 26 27 Α. That's correct 28 In terms of the consequences what are 29 Q. More generally. the consequences particularly in relation to over 30 representation of Aboriginal and Torres Strait Islander 31 32 women that stem from the misidentification? I think one of the primary factors for over 33 Α. representation is you have a criminal charge that is 34 35 associated. So you've got someone that will come into 36 contact with the criminal legal system and possibly eventuate with a criminal conviction that's recorded on a 37 criminal history. That will impact on their ability later 38 on if their circumstances change to hold a blue card and 39 40 employment in regional or remote areas. So that's one 41 consequence. 42 43 The other consequence is the connection with child 44 protection, and the notification being sent to the department that there are children involved that have been 45 exposed to domestic and family violence that are at risk of 46 47 harm and getting the department involved. When, let's say

1 if it's a woman who has come into contact, there's been 2 domestic and family violence and associated criminal law 3 charge, she is taken into custody for a matter if bail is 4 denied or refused. She will go in, but then you have a 5 disassociation with where do her children go if there isn't family around for those children. That's where you can see 6 7 Child Protection coming in and children being removed and So those are some of the consequences. 8 either split up. 9 10 Q. That's the misidentification issue that you have talked about. The other issue that you identified was 11 inadequate investigation or inadequacies in relation to 12 13 investigations when people are actually coming forward to the police. Can you explain what you mean in relation to 14 15 that? I think there's a case study I've got in there. 16 Α. So you will have people coming forward to make complaints, to 17 want to get police to help them. They're turned around. 18 19 That's it. And they come to us to seek assistance in being the advocate either to broach police, if it's a criminal 20 matter that they need assistance with, or if it's domestic 21 22 and family violence matter then we can through the Act 23 assist them with an application, private application, for 24 protection order. 25 26 Now, are there differences in terms of investigations Q. 27 or inadequacies within investigations depending on 28 location? Some regions that we service don't have, like, a 29 Α. Yes. 30 police station actually in the region. For example, 31 I believe it's Mapoon, which is outside of Weipa. Police will travel from Weipa, which is a couple of hours away, to 32 33 get to Mapoon. Now, that's accessible very well during the However when the wet season comes that's 34 dry season. 35 inaccessible. So we've seen that the lack of an actual police presence can cause problems, especially if people 36 are wanting to actually make - call police. We've seen 37 instances where, for example, I believe it's Yarrabah where 38 there is a police station there, they will call police, but 39 40 no one will attend. They won't attend for a day. I don't 41 understand why not is the simple answer to that. 42 43 In terms of these structural barriers is this just Q. purely a resourcing issue or is there any relationship 44 45 between some of the cultural attitudes you see and the 46 structural inadequacies? 47 Resourcing is always brought up and raised as your Α.

1 It's always put forward as the reason why first shield. 2 there hasn't been an appropriate response. With respect, 3 I'm really tired of that. We have police that are meant to 4 be providing the service across all of Queensland, 5 including regional and remote areas. We have police who What I find is there is - it's 6 are based in community. 7 almost a disconnect. There are some amazing police that I've had the benefit of knowing and working with throughout 8 9 my career. But they're the minority, and what they bring, the value when they get there and they connect with 10 community, they know their communities, they work with 11 their communities to find a response that suits each 12 13 individual community. I don't see that consistently mirrored and reflected, and I don't - I can understand it's 14 a high rotation. I think they're sent out to regions with 15 a - I think it's a four-year turn around. But it takes a 16 while to build trust and relationship, especially with 17 Aboriginal and Torres Strait Islander peoples and 18 19 communities. As an Aboriginal and Torres Strait Islander community controlled organisation that's fundamental to the 20 way we do our business, and why we succeed in providing a 21 service that's delivered for and by Aboriginal and Torres 22 23 Strait Islander peoples. It's that investment in community 24 and being part of your community. 25

26 Now, can you talk about the barriers that you see Q. 27 which affect the relationship between Aboriginal and Torres 28 Strait Islander people and the police? This is something you talk about from page 7? 29 30 Α. Yes, I'm just having a look at that particular page. Fear of reporting is definitely one of them. 31 Poor relationships with police. I mean, you know, I think 32 33 that's probably another one of them. Obviously I've indicated that if we're making a report to police we're 34 also concerned that Child Safety are going to come and take 35 That is a really big fear, and I don't 36 children away. think it's really appreciated as to why there may not be 37 that contact with police. Yes, there is fear of negative 38 repercussions, and this is a live issue in our small 39 40 communities in relation to payback by the other parties' 41 offender, stigmatisation. If there is no safe place, a safe place for that victim to move to, they're normally 42 43 left in that community where police do become involved, if 44 there's bail conditions and no contact, that's almost 45 non-operational in a small community. You're going to come across people and people's family are there. 46 So payback is 47 an exceptionally live issue as well as ostracisation. Ιf

1 you don't have family down here in Cairns, your bigger 2 regional hubs, all you've ever known is out in the bush, this is foreign to you. So moving away is not an option. 3 4 5 Q. And are there reasons why police would not be seen as a safe point of contact that your clients talk about or 6 7 that the organisation observes? They're just not, with respect, culturally appropriate 8 Α. 9 to respond to the needs of Aboriginal and Torres Strait 10 Islander peoples. I know there's been a number of strategies to address that, to build the competency level 11 12 of the service to appropriately respond. But we're not 13 seeing that coming across in terms of over representation So I think there is a real lack of trust in the 14 data. 15 Police Service to provide a service that meets the needs of Aboriginal and Torres Strait Islander people, and that 16 really needs to be tackled and addressed before we actually 17 start seeing a real shift in our communities and the 18 19 overall relationship with police. 20 21 Q. Given that QIFVLS does cover such a large area of Queensland do you see any differences in response depending 22 on whether you're representing a woman in Far North 23 24 Queensland or whether you're representing somebody in the south-east corner and that could be either culturally or 25 structurally? 26 27 Can I just ask is that police response? Α. 28 Yes? 29 Q. Look, I think there are some amazing initiatives 30 Α. happening in the south-east corner. I've heard of the 31 trial of the co-responder model that's happening in the 32 33 south-east, you know, and I'm watching that with interest. But obviously one of the difficulties of Queensland is we 34 35 are a massive decentralised state. Now, I understand that and I'm very uncomfortable with the approach of one size 36 fits all because each region and then each community within 37 that region is distinct. I have seen some amazing police 38 responses and initiatives, for example in the 39 40 Torres Straits and the outer islands, where through a lack of resourcing, a scarcity of resourcing, people have had to 41 work together to provide a holistic response that is 42 43 tailored at the safety and needs of an individual. So that's been borne out of need. 44 Where islands are cut off 45 by water, you don't have the access that we would normally have in our bigger hubs. But I just see that there's such 46 47 a disparity in responses and what's available and, you

1 know, you're looking at building systems and responses that 2 can fit the need or suit the need of each community but 3 providing the infrastructure that actually support your 4 responders, especially police, who are our important 5 gatekeepers to the criminal justice system, support them in the vital work of protecting the most vulnerable in our 6 7 community to do that, and people having faith in them to do 8 that.

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Q. And how can you see from your experiences police could be better supported?

That's very difficult and I know there is a report 12 Α. 13 from the Women's Safety and Justice Taskforce with 89 recommendations that have been made, and I am aware of that 14 15 report because I was a taskforce member. But there are a number of recommendations that speak to what can be done to 16 17 better equip police. I think just probably a very different way of policing is going to be needed, and I'm 18 keen to see the evaluation of the outcomes of the 19 co-responder model, how that could actually work in 20 regional remote areas if you're building capacity of key 21 Aboriginal and Torres Strait Islander Elders or 22 23 representatives to assist police in that role. I think 24 that has, for me, that's really piqued my interest as something that may work. It's also about building the 25 capacity of your community. People need to get up and stand up and actually say, "Enough is enough." I think 26 27 28 there's also got to be that emphasis that violence against primarily women and girls and young children is not going 29 to be tolerated, and how do we work in partnership with 30 police to see an end to this which satisfies the 31 requirement of the national partnership agreement on 32 33 closing the gap.

35 And in your statement you talk about - you make a Q. 36 number of recommendations. A number of them, the first five, relate to training and increased cultural competency 37 for police, and there are also other recommendations 38 including investing in community-led solutions. If you 39 40 look through those 12 recommendations, and I'm not asking 41 you to speak to each of them now, are there any that from your experience need more immediate priority? 42 43 I suppose I always get stuck with probably two here, Α. and one of them is the specialised and building specialised 44 and culturally safe and competent police force. 45 Now, the cultural competence training with respect needs to be 46 47 delivered by people with the experience in cultural

1 So I'm talking about Aboriginal and Torres competency. 2 Strait Islander people through Aboriginal and Torres Strait 3 Islander community controlled organisations. You might be 4 looking at the cultural competency that comes from dealing with people from culturally and linguistically diverse 5 backgrounds. You would have that led by that particular 6 7 cohort. 8

9 I think for me that's probably one of the biggest ones 10 alongside the investing in communities and community led 11 solutions. Those two are probably right up there. But 12 I can't say this is my No.1 --

Q. I'm not asking you to divide those two. In terms of
community led solutions what types of programs or
initiatives are there, any that you are aware of that seem
to be working?

I think I've referred to at page 2 the community 18 Α. 19 policing model in Broome with the Kularri patrol which is run by local community women. It's used as an alternative 20 to police and intervenes and de-escalates and prevents 21 22 family violence. So I think that's one that I'm aware of. 23 I believe that a lot of these recommendations that we've 24 put in here that we've voiced and supported have also come out of the Victorian Royal Commission as well, which has 25 got an evidence base as to why they've come to a conclusion 26 27 and made certain recommendations. I think that's 28 probably - that policing model is something obviously that's working very well in Broome. If we were going to 29 have that it would need to be in consultation with 30 community to see that they've got general support for this 31 And who would lead it, what your infrastructure to 32 idea. support it would look like. It's great having initiatives, 33 but then when you only have pilot funding, so one year or 34 35 two year, it really defeats the purpose. So you need to 36 build the capacity by ensuring that if we have these investments you've got the funding that aligns with that 37 long-term investment to see success not only for community 38 but for policing responses. 39

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41 Q. And do you have any view on justice re-investment
42 models?
43 A. I believe that there is room for justice re-investment
44 models in this discussion and what it actually looks like.
45 Once again that should be led by each individual community.

46 It shouldn't be imposed on them. They should actually be 47 asked, "Is this something that will work? What will the

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1 infrastructure look like in investing in justice 2 re-investment models for each community?". 3 4 And just on the final topic, Ms Schwartz, at Q. 5 recommendation 10 you talk about the QPS to focus on increased support, recruitment, retention of Aboriginal and 6 7 Torres Strait Islander staff with a particular focus on frontline police officers and expanding the powers of 8 9 police liaison officers. I've got two questions stemming 10 from that recommendation? Α. Yes. 11 12 13 Q. The first is why in your view is it so important to have more Aboriginal and Torres Strait Islander staff, 14 15 especially frontline police officers? I find - obviously I work with an 16 Α. It's important. Aboriginal community controlled organisation. 17 I find that there is comfort that an Aboriginal or Torres Strait 18 19 Islander person will feel engaging with an Aboriginal or Torres Strait Islander person. That may actually lead to 20 just dealing with some of these issues around trust and 21 22 connection with the Police Service as a service that can 23 represent and support Aboriginal and Torres Strait Islander 24 people's needs. 25 The second question is around police liaison officers 26 Q. and there are two parts to this question. Firstly, why do 27 you say they are important; and, secondly, what additional 28 powers do you think they require? 29 30 Α. In some communities such as in the Torres Strait there will not be a police presence with officers, sworn 31 officers, so to speak, but they will have the police 32 33 liaison officers who are present. The only issue that I really have is they have no powers of arrest. 34 They can 35 only calm incidents to the best of their ability and call for police to come out. I think that there is an 36 under-utilisation of our police liaison officers who are in 37 They identify, they come from communities. 38 community. They can actually be there to support the work and 39 40 initiatives of Queensland Police Service and build stronger 41 relationships with community because they're living in So I see that as an under-utilised resource at 42 community. 43 the moment which has capacity to grow. 44 45 Thank you, Ms Schwartz, they are all the questions Q. The Commissioner or some of the other parties 46 I have. 47 might have some questions for you too.

1 A. Thank you.

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3 COMMISSIONER: Ms Schwartz, can I just ask you one 4 In relation to the co-responder model you said question. 5 it should be looked at building capacity of traditional 6 Aboriginal Elders to assist police. I just have a question 7 about in smaller communities do you see it as a bit of a barrier using Aboriginal Elders even if they've built 8 9 capacity in terms of conflict within the community? Μv 10 understanding is sometimes the Elders are a bit reluctant to get into the middle of a domestic and family violence 11 situation for fear of repercussions, I suppose. 12 Do vou see that as a bit of a barrier? 13 Yes, thank you, Commissioner, there is that barrier, 14 Α. 15 yes, given the nature of conflict I can look at Aurukun, for example, where you've got a number of different clan 16 17 groups and traditionally because they were all forced to live in there under the old mission system you've got clan 18 19 groups that are opposed to each other. You would then have a conflict of working out who is authorised, who's got the 20 authority to speak for each of these individual clan 21 22 Then the problems within the intimate or the groups. 23 family structure as well. So I know some chatter I've 24 heard is probably other Aboriginal and Torres Strait Islander people from different communities, if they felt 25 that that was a way of alleviating any perception or the 26 27 actuality of conflict to resolve an issue. And I think 28 this is something that I've seen used in the Torres Strait outer islands given that the PLOs are from that island and 29 30 are very uncomfortable getting involved with disputes, 31 especially where it will involve their family, and family is that extended kinship definition of "family" and they 32 won't want to be - they are reluctant to be involved to be 33 34 a decision maker. 35 36 COMMISSIONER: So in the Torres Strait they could use PLOs from other islands? 37 Α. Yes. 38 39 40 COMMISSIONER: In that capacity. I did say I only had one question but actually I've just thought of another one? 41 Yes, Commissioner. 42 Α. 43 Particularly in the Torres Strait I suppose 44 COMMISSIONER: and maybe some of the other remote Aboriginal communities 45 or ATSIC communities where English is not their first 46 47 language how do you as an organisation tackle that problem

1 in terms of communication?

2 Α. That is a very hard question. We're very lucky to have recruited locally and we have local staff who can 3 4 speak the Creole that is common. The staff member I have based on Thursday Island is also NATI accredited. So we 5 6 were very lucky to have her. The stuff member I have on 7 Bamaga, the two staff members I have, who live there and identify as Torres Strait Islander and Aboriginal also 8 9 speak some of the local dialect. So we've been lucky to 10 have that in-house. But it poses an issue that you might have to look at accredited translators and interpreters to 11 assist in the role where you don't have that resource 12 13 within your service. We've got to bolster that so that people can understand what it is that they're wanting, 14 15 rights, responsibilities and consequences, all of those 16 types of things.

COMMISSIONER: So from your clients in those sorts 18 Yes. 19 of areas where English is a second language do you know do the police ever call in interpreters for those people? 20 I think we've been able to - not that I can speak of 21 Α. 22 because we've always had the ability, if I'm taking the 23 Torres Straits for example, with having that resource 24 ourselves. But I do know that there is the NATI accredited system. I don't know if that's been used successfully to 25 have an accredited translator who can assist in that 26 27 particular dialect.

COMMISSIONER: Have you ever been in a court in one of the
remote communities where an interpreter has been used?
A. At the very beginning of my legal career in Aurukun,
yes, I have. It was difficult. But it did work. It just
requires a bit of patience and I think for the interpreter
to feel comfortable as well in the court setting.

36 COMMISSIONER: Yes, thank you. Yes, Ms Hillard.

38 <EXAMINATION BY MS HILLARD:

40 Ms Schwartz, just from the perspective of Women's Q. Legal Service who provide services to the whole state we 41 don't have a large number of Indigenous clients but from 42 43 some of the Indigenous clients we do have they recount experiences of being perceived as being the uncooperative 44 45 complainant or the uncooperative victim when the police go 46 to that call out. Is that something that you see mirrored 47 in what's reported to you?

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1 I think there are perceptions Α. Yes. Uncooperative. 2 about our clients either being drunk or just not being in a 3 position to assist police, and when you unpack what it 4 is - I mean, there's obviously a level of trauma. 5 Obviously when she has come in, and I'm using "she" because that is who we represent, when she's come into contact with 6 7 police it's because there has been a trigger, and that trigger, that flash point has built up over years, and 8 9 she's snapped. So there is a lot of emotion going on when 10 she comes into contact with the police, and then the manner in which they treat her as well. So, yes, I agree with 11 12 that observation.

Q. One of the other experiences as well for an Indigenous 14 15 woman who has been involved was that she was misidentified as a respondent, had gotten a baseball bat to defend 16 17 herself after being strangled and attacked and had her head bashed into the ground, and she was named as a respondent 18 19 on an application and she was also charged with criminal That's a very specific case example, but are 20 offences. those types of things things that you have reported to you? 21 Yes, not necessarily with a baseball bat. 22 It's not Α. 23 uncommon for the charging of our clients with unlawful 24 wounding with the use of knives. Particularly in our Cape communities and our gulf communities I've seen that occur. 25 Obviously we can't get involved in the criminal law matter 26 27 but we're working at the back end where she's a respondent 28 on the DV application and unpacking that, and once again identifying that lengthy history of domestic and family 29 violence and/or sexual violence that has led to that flash 30 point where she's retaliated. I believe it's called 31 retaliatory violence in the literature, and that's occurred 32 and she's come to police attention then. 33

Q. Is it also your experience that your women who
experience domestic and family violence often don't
disclose it unless they're asked?
A. That's correct.

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40 Q. And asked appropriately, I should add as well? That's correct. I believe - I don't want to sound 41 Α. It's not like peeling an onion, but it's about 42 flippant. 43 establishing the relationship and having the trust. 44 They're not going to just disclose to you the levels of violence and how horrific that violence is. You actually 45 need to make them feel safe, establishing a rapport before 46 47 we start to unpack. What we find is we will get a surface

1 description of, yeah, there's verbal, there's growling so 2 there are verbal arguments that are happening. That might 3 be in the first occasion that she engages with us. The 4 second occasion that she will engage with us, "Oh, and he 5 likes - you know, when he gets really mad he will throw things at me. He might hit me." Now, the third occasion 6 7 or the fourth occasion that we engage then we've got the disclosure of sexual violence as well. But it takes time 8 9 to build the relationship and particularly the trust, and 10 we do have to ask but you can't just ask right out front because that can be confronting if you're not taking into 11 12 account the history of trauma, and where a person might be 13 on that trauma spectrum, and making them feel that they can actually open up to you, you're going to hear what they 14 15 have to say, and they're not going to be so confronted or frightened that they can't tell you. So it's a long time 16 to get there. It's not - I think we're so used to, like, a 17 bit of a pipeline where things come and go very quickly and 18 19 you can get an outcome very quickly.

21 Q. One of the common experiences to our women generally is that there is often an incident based or police based 22 response, an assessment is made and then someone - a 23 24 decision is made about who is the perpetrator and who is not the perpetrator. Based on what you've just said and 25 your other evidence today, do you see a value in that 26 27 process being more thoroughly investigated and a better 28 consideration being given at that beginning point in time rather than leaving it until later on to sort out? When 29 I say beginning point in time I mean not immediately then 30 31 and there on the doorstop. I mean a bit more considered? I think there needs to be more time. 32 I agree. Α. Not 33 when it's a crisis response. There's too much pressure in a crisis response given what's happening right then and 34 35 there. But soon after, yes, there needs to be more time given to properly investigating what has occurred. 36 I think that too many things are missed at that initial crisis 37 response because you've got people in different states of 38 heightened - they're heightened, you've got a lot of things 39 40 going on and I don't think you can fully capture what's 41 happening right then and there. I agree. 42

Q. One of the things that is commonly raised as well and
which there will be some evidence from another witness
today about systems abuses or systems responses by
perpetrators. Where there are those occasions where a
woman is misidentified as a respondent and the calm,

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1 articulate perpetrator is willing to press charges, 2 therefore she gets charged, that's systems abuse that you 3 Can you think of any other ones? Do you agree that see. 4 that's a systems abuse perhaps that you see --5 Α. Yes, I agree.

7 And are there any other ones that you have seen? Q. There are other examples of systems abuse that I see 8 Α. where an application for an order is taken out. 9 There is 10 clearly no evidence to satisfy the requirements, not that there's a relevant relationship, but whether or not there's 11 an act that constitutes domestic and family violence and. 12 13 secondly, that it's necessary or desirable that an order be We find difficulty negotiating with that type of 14 made. 15 perpetrator - respondent, excuse me. It will go all the way right up to the doorstep of a hearing before any reason 16 is seen by the other party. Unfortunately in those 17 circumstances that particular aggrieved will be 18 19 unrepresented, which adds to the difficulty and probably aggravates the level of systems abuse that I've seen. So 20 that's probably one example at the top of my head that my 21 22 practice - that we see. 23

24 Do you think that the police when they respond have a Q. good understanding of that type of systems abuse, and then 25 the second part of it is do you think they have a good 26 27 understanding in the prosecution or conduct of those 28 applications? So the first responding type and then the continued prosecution? 29 30

Α. No to both parts of that question.

What sort of time - you mentioned that when you have 32 Q. applications it's often at the point of the hearing or just 33 before its hearing or the morning of. Is that what you 34 35 mean?

Α. Yes. 36

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What kind of impact does it have on the aggrieved, who 38 Q. is the proper aggrieved even though she has been named as 39 40 the respondent, to have to provide affidavits, turn up to 41 court, what trauma effect does it have on her to have to leave it to that period of time? 42 43 It's litigation. It means that the onus is on that Α.

litigant to defend themselves. It means that they will 44 45 spend hours giving evidence that we will collate into affidavit material. It means being available for that 46 47 It means coming to every single mention, you hearing.

know, just to progress this matter to completion. 1 It means 2 taking time off work. It's distressing, you know, 3 especially if there's an evidence base where there might be 4 cross-orders or there's a past history where that person 5 who is the respondent was actually the aggrieved on past So there's a feeling that you've just been 6 orders. 7 completely - you are not believed or supported by the There is that level of frustration. 8 system. 9 10 Q. And when we're talking about going through that court process and you're taking those statements you're taking 11 information from your clients that would no doubt amount to 12 13 criminal charges and placing that in affidavit material; is that correct? 14 15 Α. Yes. 16 Have you experienced and your clients experienced 17 Q. difficulty in getting police to charge where there is 18 19 information in the applications that would found a charge? That's correct. I believe I've referenced that in a 20 Α. little case study - I'm sorry, I'm just referring to my 21 22 notes. 23 24 Q. I think it's on page 7 of your statement; correct? That's correct, Mary and Jane, the 12-year-old child. 25 Α. 26 27 And one of the things that you gave evidence about was Q. 28 about the Department of Child Safety trigger. I think that when you were giving your recitation of the very extensive 29 30 work that you have done you've mostly represented 31 Indigenous people. Are you able to say whether or not in your experience there is a trigger to notify the Department 32 of Child Safety when it's an Indigenous woman compared to a 33 non-Indigenous woman? 34 35 Α. There's nothing in the Act. Practice. I've seen a 36 trigger for domestic and family violence. Obviously my practice is representative of Aboriginal and Torres Strait 37 Islander peoples. 38 39 40 And do you see that as something that is so common Q. 41 that it is a trigger that almost happens in every single client you have or the bulk of them? 42 43 I would say it's probably the bulk of the clients that Α. 44 we come across. The other trigger that we've found in our practice is if they've been known to Child Protection 45 Services. So if they were a child in Child Protection 46 47 Services and they later go on to have children, they will

1 automatically be flagged because they were a child of the 2 So that's the other factor that we've seen, and svstem. 3 that was evident in our birth suite removals in Rockhampton 4 and why we created the case management model, because these 5 younger people were having children but they had just come off child protection, long-term guardianship orders. 6 So 7 they were known to the department. 8 9 Q. If I can just ask about calls for service and delays 10 for service. You may or may not be able to answer this, but have you experienced complaints from your clients about 11 delays in police calls for service to particular suburbs in 12 the Cairns area or to known - when I say known - Indigenous 13 people, is that something that you have experienced or been 14 15 reported to you by your clients? For this particular - no, not for this region. 16 Α. 17 The delays for service that you speak about, the 18 Q. 19 delays in the callouts for service that you speak about in your statement, are you able to give any examples of any 20 particular delays and the effects that has had? 21 22 I believe I've had delays for service in my gulf Α. 23 So the gulf communities are Doomadgee, communities. 24 Mornington, Normanton, so that's your gulf communities. There's been delays for service in my NPA communities which 25 26 are the five communities in Bamaga, so the northern 27 peninsula areas. I've seen delays for service in Yarrabah, 28 which is a suburb just outside of Cairns. It's an Indigenous suburb about 40 minutes outside of Cairns. 29 The 30 effect of a delay for service is people don't want to 31 proceed any further when police do arrive, and if they do come and see us later on for assistance it might be many 32 33 months down the track. So we will work backwards to try and assist with whatever their legal issue is at that 34 35 particular moment in time. 36 37 Does the delay in the call for service also impact on Q. their preparedness or willingness to make a further call 38 for help? 39 40 Α. Yes. 41 You also gave evidence about your clients turning up 42 Q. 43 at police stations and being turned away. One of the 44 experiences that's been advised to Women's Legal Service is 45 that women will attend a station and sometimes their details won't even be taken. Is that something - when 46 47 I say details, their name and their details so there's no

1 entry that then is made. Is that something that your 2 clients have experienced and that you've had reported to 3 you? 4 Α. Yes. 5 6 And you also spoke about the weekly - seeing the Q. 7 misidentification weekly, and then you were asked to clarify. Can I just ask one question about that. 8 You sav Would that be once a week or a couple of times a 9 weeklv. 10 week or can you be any more specific than that I can't give you the specifics, but I know it is 11 Α. weekly and that comes down to the fact that I process the 12 13 applications for my offices on a weekly basis. So I can't say how many times it's occurring on each of those offices 14 15 when the clients are seeking assistance from QIFVLS. 16 17 And you spoke about your new clients in the statistics Q. for the 21/22 financial year and the new cases, and you 18 19 mentioned that that's in addition to your existing case load and your existing cases? 20 Α. Yes. 21 22 23 Q. What is that figure roughly? 24 My existing case load, that's a very good question. Α. I didn't get that. I'm only guesstimating it at 25 probably - that's close to - I would say another 600 that 26 27 we've got at differing phases because you have to remember 28 that not only do we provide domestic and family violence support, there's also a support for child protection 29 matters, family law matters, Victim Assist Queensland 30 applications and then some of our minor civil matters which 31 relate to QCAT appeals, blue cards, those types of things 32 that are at various stages of the continuum. 33 But I do 34 carry - my family law matters are quite lengthy given the 35 amount of time it takes to progress matters through to a 36 final hearing in the Family Courts. 37 So your 13 current lawyers would potentially have 38 Q. about 100 files case load each? 39 40 Α. That's roughly correct 41 MS HILLARD: Thank you, Commissioner. That's my 42 43 questions. 44 45 COMMISSIONER: Thank you. Mr Hunter? 46 <EXAMINATION BY MR HUNTER: 47

1 2 I wanted to ask you about the two areas. Firstly is Q. 3 the area of the misidentification of parties? 4 Yes. Α. 5 6 Q. And the other is the failure to investigate? 7 Α. Yes. 8 9 Q. You've told us that these are recurrent issues that 10 are brought to your attention? Α. Yes. 11 12 13 Q. And when you made your submission to the Inquiry you gave examples? 14 15 Α. Yes. 16 Q. You call them case studies; correct? 17 That's correct. 18 Α. 19 Q. And I assume you selected those two examples, and you 20 accept that there are two? 21 22 Α. Yes. 23 24 You selected those to use as examples because you Q. thought they best illustrated the problem; correct? 25 Α. Yes. 26 27 28 They were what you thought were really good examples Q. of, in the first example, the police getting it wrong as to 29 who should have been the respondent? 30 That's correct. 31 Α. 32 33 Q. And in the other case a complete failure by the police to investigate serious matters that were drawn to their 34 35 attention; correct? 36 That's correct. Α. 37 Now, in the first case, the case study that you've 38 Q. called Anne's story, obviously not Anne's correct name, 39 40 were you personally involved in that case? 41 Α. No, I wasn't. 42 43 Have you personally seen the documentation, that is, Q. 44 the application for a protection order in relation to that 45 lady? 46 Α. No. 47

1 Have you personally seen the affidavit material that Q. 2 was filed by the police in support of the application? 3 Α. No. 4 5 Q. In what you called the case study, Mary and, this involved an attempt by a mother to obtain assistance in 6 7 circumstances where her 12-year-old daughter, Jane, was being persistently abused physically, sexually, verbally 8 9 and emotionally; yes? 10 Α. That's correct. 11 12 And, as I say, you wanted to use this case as an Q. 13 example of a complete failure by the police to act in the face of a request for service by a First Nations lady; 14 15 correct? That's correct. 16 Α. 17 What was the source of information about the attempts 18 Q. 19 that this lady had made to engage with the police and Child Safety? 20 What was the source? 21 Α. 22 23 Q. Yes? 24 Α. Other than her making the requests for help? 25 26 Q. Yes? 27 Α. It's her making the request for help. 28 So she told you, did she, that she went to the 29 Q. Okay. police and told them that, amongst other things, her 30 12-year old daughter was being persistently sexually 31 abused? 32 That's correct. 33 Α. 34 35 Q. And nothing was done? 36 Α. That's correct. 37 Q. Okay. On how many occasions? 38 I'm not sure as to how many occasions. If you wanted 39 Α. 40 this case study you could have put me on notice so I could have pulled that file to bring it down to speak to it. 41 42 43 Well, that's the thing I was going to ask you, Q. 44 I suppose. Are you prepared to disclose confidentially the parties involved in order that the incident can be --45 These are de-identified case studies which I've 46 Α. 47 provided to the Commission based on the strength and nature

1 of the work that QIFVLS provides to victim survivors of 2 domestic and family violence and sexual violence. 3 4 And I'm asking you whether it's possible for my client Q. to verify whether or not it's in fact correct that a woman 5 would go to a police station, complain that her 12-year old 6 7 daughter was being persistently sexually abused and nothing would be done? 8 If I have to pull this I will get the client authority 9 Α. given that it is confidential information. 10 11 12 Q. Thank you. But I would like a notice formally. 13 Α. 14 15 We don't have power to issue notices. Q. 0n1ythe Commission can do that. But that might be something 16 17 we'll raise with the Inquiry itself. 18 Α. Maybe you should. 19 Q. I guess what I'm wondering about is given you say this 20 is an example of the abject failure of the service to deal 21 appropriately with a serious complaint, the sum total of 22 23 your description of the attempts made by this lady are set 24 out in three lines in the third dot point. You sav. "Attempts by Mary to engage and utilise service providers 25 such as the police and Child Safety were unsuccessful." 26 27 That's the sum total of your description of her efforts? 28 Α. That's correct. 29 30 Q. And you wanted to use this case study, as you call it, as a means of exemplifying what you describe as a 31 persistent commonplace problem with First Nations 32 engagement with the Police Service? 33 34 Α. That's correct. 35 36 MR HUNTER: I have no further questions. 37 MS CAPPELLANO: No further questions, thank you, 38 Commissioner. 39 40 COMMISSIONER: 41 Thanks very much, Ms Schwartz. Thank you 42 for coming in. 43 Yes, thank you, Commissioner. Α. 44 <THE WITNESS WITHDREW 45 46 47 MS CAPPELLANO: I call Hayley Grainger.

1 2 <HAYLEY GRAINGER, affirmed:</pre> 3 4 <EXAMINATION BY MS CAPPELLANO: 5 6 Ms Grainger, are you currently the acting director and Q. 7 principal lawyer at North Queensland Women's Legal Service? Yes, I am. 8 Α. 9 And have you been in that role since 2014? 10 Q. Α. Yes. I have. 11 12 13 Q. And have you worked in the service since 2008? Α. Yes. 14 15 And can you tell us what North Queensland Women's 16 Q. 17 Legal Service does? Yes. We are a specialist community legal centre. 18 So Α. 19 we provide advice to women and we operate throughout the whole of - the top half of Queensland from Mackay in the 20 south out to Mt Isa, to the Northern Territory border 21 including Mt Isa, and up to the Cape and the islands. 22 We 23 have offices in Cairns and Townsville, and then we provide 24 outreach services to the rest of our service area. 25 26 Does that include representing women in the domestic Q. 27 and family violence matters in the Cairns and Townsville 28 Magistrates' Courts? Yes. it does. We provide advice, drafting documents, 29 Α. representation and other kinds of assistance to women in 30 domestic violence, family law, child protection, and as 31 part of that role we do deliver that duty lawyer service to 32 women in both the Cairns and Townsville courts, yes. 33 34 35 Q. And do you appear in any other courts? I should just 36 be clear, when I'm talking about you I mean your lawyers. So I'm asking you questions in your capacity as the 37 principal lawyer? 38 39 We do provide the family advocacy and support Α. Yes. 40 service, which is a duty lawyer service for victims of domestic and family violence in the federal and 41 42 family - federal circuit and Family Court of Australia. 43 44 Q. But the jurisdictions you predominantly practice in are either in Cairns or in Townsville? 45 46 Α. Yes. 47

1 And in the course of providing those services do you Q. 2 and your lawyers come into daily contact with women who have encountered domestic and family violence? 3 4 Absolutely. Most years our statistics reflect that Α. our clients have experienced domestic and family violence 5 in the realm of 95 to 100 per cent of clients. 6 7 Q. 8 And last year how many women did the service help? 9 Α. We saw about 2,500 women last year. 10 And there's obviously a variety of services that your 11 Q. service provides. Are you able to quantify how many 12 13 different services were provided in the last financial year? 14 15 Α. I believe we provided about 15,000 services last year to women. So that includes everything from information 16 17 support, referrals, advice, drafting documents, duty lawyer services, representation, negotiations with other services, 18 19 and also with the other side in a legal matter. 20 And that stemmed out of the client base of about 21 Q. 2,500? 22 23 Α. Yes. 24 And how many of the clients that the North Queensland 25 Q. Women's Legal Service sees identify as Aboriginal or Torres 26 27 Strait Islander women? 28 So that varies from year to year, but it's usually Α. between 20 and 30 per cent. I think last year it was about 29 30 20 per cent, which equates to roughly 500 or so First Nations women that we've helped. 31 32 Now, is there - the Commission has heard in the course 33 Q. of the hearings a lot about trauma informed practice? 34 35 Α. Yes. 36 And another term that is sometimes used is domestic 37 Q. and family violence informed practice. Are they the same 38 thing? Are they different things? 39 40 Α. They're not the same thing. They are different. I think they really do need to be used together. 41 So we know that pretty much all victims of domestic and family 42 43 violence have experienced trauma. So it is very important to have that trauma informed approach. 44 However, we also know that not all people who are victims of trauma are 45 victims of domestic and family violence. 46 So domestic and 47 family violence is very much about that power and control.

It's about intimidation and threats, and that creates a certain dynamic and has certain trauma impacts I guess that aren't necessarily there with other victims of trauma. So I think it's really important that that distinction is maintained, that being trauma aware is not necessarily being DV aware and that we actually need both.

And you may have already answered this but just in 8 Q. 9 case there's more to the answer, what does it mean to be 10 domestic and family violence aware or informed? So basically to be domestic and family violence aware 11 Α. we need to understand the dynamics of the relationship. 12 So 13 we need to view everything that occurs within that relationship in the context of power and control, and 14 recognise I think that in most cases perpetrators are 15 choosing a course of action, and that course of action is 16 17 about maintaining power and control over that person. It's It's not about losing control. 18 not about anger. I think 19 when you can frame or look at incidents in that light that is different to looking at something in a trauma informed 20 A trauma informed way takes account of a person's 21 wav. trauma and how that affects their presentation, how it 22 23 might affect their recall, their story telling, they may be 24 triggered, which is different to being DV aware. 25

- Q. If you're talking about the role in Cairns where the women's - where we are now and where the North Queensland Women's Legal Service has an office, can I ask you what is the relationship like between your service and other support networks in this centre?
- A. We're really lucky in Cairns that we have an excellent
 integrated response. We have really dedicated workers
 within the non-government and also the government agencies,
 and the relationships are very strong.
- Q. So is there a strong support sector aside from your organisation in Cairns? A. Yes.
- 40 Q. And is that generally speaking for specifically in the 41 domestic and family violence space?
- A. Our experience is mainly within that space and the
 women's service space. I guess it goes without saying that
 because we deal in the women's services networks we're also
 dealing with the domestic violence services because of the
 gendered nature of domestic and family violence.

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1 I understand that there are interagency models and Q. 2 interagency cooperation in the Cairns area that you're involved with. Firstly, I'll ask you to tell us about 3 4 that, but are the QPS also involved in that interagency 5 response? 6 Yes, they are. Α. 7 8 Q. And can you tell us a bit about the nature of that 9 interagency model in Cairns? 10 Α. Yes. So we have two, I guess, responses. So the first is I guess driven by the sector rather than the 11 government, and that's our Cairns collective impact on 12 13 domestic and family violence. That has been going in one shape or form for many years now, maybe since the 1990s or 14 15 early 2000s, and it's about an integrated response to domestic and family violence. So that's driven by the NGOs 16 17 and it does have, like, police and some of the other government agencies involved in that. We also then have a 18 19 legislated high-risk team in Cairns which obviously involves very similar agencies, however it's that more 20 formal legislative government driven process. 21 22 23 Now, I understand from your evidence that you're not Q. 24 one of the core agencies of the Cairns high-risk team; is that correct? 25 That's correct. 26 Α. 27 28 Q. Do you refer people to the Cairns --We do. 29 Α. 30 31 And do you get feedback as a result of those Q. referrals? 32 We do. 33 Α. 34 35 Q. And what is that feedback? The feedback is generally positive. Most women that 36 Α. we speak to that have been referred to and who have had the 37 support of the high-risk team report really good outcomes. 38 I guess one of the big gaps, however, in high-risk teams is 39 40 the lack of ability to really engage with the perpetrator 41 of the violence. So the high-risk team is really good at wrapping those intensive supports around the victim to keep 42 43 her and her children safe. However, the perpetrator is 44 still sitting over here outside of that, I guess outside of 45 the agencies' abilities to engage with him unless he is already in custody or perhaps probation and parole engaged 46 47 with that service. So that is a gap in the high-risk

1 teams. 2 3 Q. And then in terms of the - if we go back to the 4 Does the fact that there is a strong collective. interagency cooperation, does that affect the relationships 5 6 between non-government organisations and government 7 organisations? It does. I think what it does is it strengthens 8 Α. individual relationships and it opens up referral pathways. 9 10 So, yes, I would say it does. 11 And so if you had a problem with something that 12 Q. 13 Queensland Health were doing do you have a pathway to address that because of - is that the sort of thing that 14 15 you're talking about? I think where it falls down, though, is that 16 Α. Yes. 17 often these relationships and pathways are very individual So it might be that there is a person or a 18 based. 19 representative from Queensland Health who is involved in the integrated response, whether that's through the 20 informal or the more formal, but sometimes I guess you are 21 dealing with large government organisations. 22 So there can 23 still be, you know, hiccups with referrals and being able 24 to speak to the correct person if you do have an issue. 25 26 And in a general sense that applies. Where obviously Q. 27 in this Commission of inquiry looking specifically at 28 police responses? Yes. 29 Α. 30 Does that general thing also apply to the 31 Q. relationships between the police and the service sector? 32 I think so because again it gives you a point of 33 Α. contact, perhaps, but it doesn't necessarily increase the 34 35 ability to have a good relationship with the entire 36 service. So it's still very confined to those sort of individuals involved. 37 38 You were talking before about trauma-informed practice 39 Q. 40 and then having domestic violence awareness or being informed about domestic violence. Does involvement in 41 collectives change the attitudes of police who are involved 42 43 in the collective in terms of developing the 44 domestic violence awareness? Α. 45 I would say yes it does. I think the - because they're working directly with those frontline services, 46 47 they're looking at great detail in individual cases and how

1 best to support victims and hopefully hold perpetrators to So, yes, I believe it does increase those 2 account. 3 individuals' knowledge and understanding of 4 domestic violence. 5 6 Do you see that in your involvement with the Q. 7 collective, that an individual police officer's attitudes or awareness might increase over the time that they work 8 9 with the collective? 10 Α. Yes. I would again say that that's very much individual and there are some officers that have absolutely 11 grown and really understood and others perhaps not so much 12 13 and I guess that comes down again to, you know, individual differences and perhaps suitability for those sorts of 14 15 roles. 16 Do you think that when individual police are involved 17 Q. in collaborative interagency models such as the collective 18 19 that growing awareness and those changing attitudes then trickle back down when they go back to their stations and 20 help to improve the attitudes of the other police officers 21 or the awareness of the other police officers that they're 22 23 then coming into contact with or work with? 24 I would like to say yes. I think the reality is, Α. though, obviously the police are a huge organisation and a 25 lot of those cultural attitudes plus lack of awareness is 26 27 across the agency as a whole and I think it's very 28 difficult for one individual officer to have too much of an So maybe, you know, on a couple of people. 29 impact. But I think as an institution it's very difficult for one or 30 two individuals to actually make that change. 31 But everv bit helps. 32 33 Now, in your statement you talk about that by being in 34 Q. 35 your role as a principal lawyer and then also the other staff within the North Queensland Women's Legal Service, 36 from that role you get feedback from clients, you hear 37 first hand accounts from clients about their interactions 38 with police, and you would also observe interactions with 39 40 the police through your involvement in the legal matters of 41 your clients. Is that the case? Yes, that's correct. 42 Α. 43 44 Q. And it appears from what you've said in your statement that there's mixed feedback. If I could begin at a general 45 Do you receive good feedback? 46 level. 47 Yes, we do. Α.

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1 2 And what sort of feedback do you receive in that Q. 3 positive way? 4 So generally if we're getting good feedback it's Α. because a woman has been able to receive assistance from a 5 police officer who obviously has an awareness of domestic 6 7 and family violence, they understand the dynamics, they're supportive, they believe her, and they also are then taking 8 9 steps to hold that perpetrator to account for his violence. 10 And then you also say that in your interactions or the 11 Q. interactions of your lawyers with clients and their own 12 13 observations through the legal proceedings you also receive negative feedback, and you talk about that in a general 14 15 But if I could take you to some of the specific way. attitudes that you talk about, and this is beginning at 16 17 page 2 of your statement? Yes. 18 Α. 19 You indicate that over the years that your service has 20 Q. operated in Queensland you have received significant 21 feedback that indicates that there are significant cultural 22 23 issues within the Queensland Police Service, and you go on 24 to talk about some specific issues or topics, I guess, and I'll take you through some of those? 25 Α. Yes. 26 27 28 Q. The first cultural issue that you identify is concerning race and racism. You've already indicated that 29 20 per cent to 30 per cent of your clients are Aboriginal 30 or Torres Strait Islander women. What is the pattern or 31 the cultural attitudes that you see in relation to race? 32 33 Α. I think the biggest impact that we see based on race is an absolute over-representation of First Nations women 34 35 being identified as respondents in domestic and family 36 violence matters. That's probably the biggest impact. 37 And do you see any difference in the response of 38 Q. police for women who are First Nations women compared to 39 40 women who are non-Indigenous? 41 Α. Yes, we do. I think a lot of police officers tend to be a bit dismissive of First Nations women and again are 42 43 more likely to see them as the problem than if they were 44 attending an incident where a white woman was the victim 45 calling out for help. 46 47 Q. You talk about one of the reasons why this might occur

1 is because First Nations women who are - police are 2 responding to domestic violence in relation to - sorry, I'll start again. If police is responding to 3 4 domestic violence incident involving a First Nations woman 5 she may not appear as the perfect victim; what do you mean by that? 6 7 So I think society and police being part of Okav. Α. society have a picture in their mind of what a victim of 8 9 domestic violence should look like. She should be very 10 meek and mild and downtrodden and be very distressed but in a very calm and palatable way. The reality is that a lot 11 of victims don't present like that. Often they've had 12 years of trauma and abuse and they may have just been 13 physically assaulted or berated for hours on end, sleep 14 15 deprived, the list goes on, and often they call the police, the police turn up, and for whatever reason she's agitated, 16 17 she might be swearing, and automatically there's an assumption that she could be part of the problem and then 18 19 it just deteriorates from there basically. I think the other issue is that often other people will ring the police 20 and, given the history of First Nations interactions with 21 22 the police in Australia, many women will react badly to the 23 police turning up. They may be mouthy. They may be 24 aggressive. And it's not so much that they haven't been a victim of violence but it's that system, it's the violence 25 26 from the system that's triggering them again. 27 28 Q. And then how - in the situation where a woman is responding that way, a First Nations woman, how does that 29 lead to a difference in treatment? 30 It leads to a difference in treatment because they 31 Α. find themselves on the end of an application for a 32 33 protection order naming them as a respondent. So again if - I think that in our experience there has been a 34 35 difference between a mouthy First Nations woman and perhaps a mouthy white woman and the number of protection orders 36 37 that are taken out against them. 38 Q. Is there ever a charging of additional charges? 39 40 Α. Sometimes, yes, absolutely. Often not, though. It just depends on the individual circumstances. 41 42 43 In circumstances where a PPN may have been taken out Q. 44 naming the female as a respondent in a circumstance that 45 you've described are those matters then usually contested? 46 Α. No. 47

1 And are there any barriers or reasons why that doesn't Q. 2 happen? 3 There's many. So many women - yes, there's multiple, Α. 4 multiple reasons. Many women just cannot physically get to the court for the court date. They might have caring 5 responsibilities, not just for children but for family 6 7 members as well. They might have work. Often these women are the sole income earners. They may not have the mental, 8 9 emotional, physical or financial capability to try and 10 defend such a court proceeding. Often they're the most vulnerable and they're going up against the State and 11 there's sort of a feeling of, "Why bother". Often they're 12 13 told that, "It's not really that much of a big deal. It's not criminal. It's only civil. So, you know, no biggy if 14 you don't go and contest it." And the other big thing is 15 that particularly in the case where you have a woman who 16 17 may have been subject to some pretty horrific violence and control for five, 10, 15 years, sometimes she finally will 18 19 call the police or the police attend because she's finally snapped and suddenly she is the one that's having to 20 explain and defend her behaviour after putting up with 21 22 15 years of abuse, the injustice of it really can 23 demoralise and destroy a woman and she's just like, "What's 24 the point," and she won't contest it. 25 26 In your statement you outline some examples of these Q. 27 sorts of things. You talk about the case of Mariah and 28 Lynette? 29 Α. Yes. 30 31 Now, those examples that you talk about, are they Q. women who have been clients of the service? 32 So all of the clients stories that we 33 Α. Yes, they are. 34 tell in our submission are based on clients of the service, 35 and I think the other important point is that none of these 36 are isolated stories. So these are just one that we have chosen from potentially hundreds of women who have been in 37 the same situation. So we've just chosen one or two to 38 highlight some of the systemic issues that we're seeing. 39 40 41 Q. I didn't ask you at the start. How many staff does the service have? 42 It's changing rapidly at the moment, but at the moment 43 Α. 44 I think we have about six lawyers in our Townsville office and we have four lawyers in our Cairns office. 45 46 47 Q. And obviously you haven't been the lawyer who's been

1 working in each of the examples? 2 Α. No. 3 4 Q. Or client stories that you outline in the submission. 5 But are they all stories that have come from the other 6 lawyers in your office? 7 Absolutely. Some of these stories are based on my own Α. personal experience. I have - for a long time our service 8 9 was much, much smaller and for many years I was the service 10 in Cairns. So I have done direct client service delivery for probably 10 to 12 years during my time at the service, 11 and then the rest of the stories have come from our other 12 lawyers who have reported back. 13 14 15 And you've outlined some of those examples, but Q. I think it was your evidence these aren't - they're 16 examples, not isolated incidents? 17 18 Α. Exactly. 19 Is the misidentification issue, is that solely - do 20 Q. you find that solely occurs in terms of Aboriginal and 21 22 Torres Strait Islander women? 23 It doesn't solely occur but it absolutely Α. 24 predominantly occurs or there's an over representation of First Nations women as respondents, and that's come through 25 26 very clear in our service. We've really, really noticed 27 For example, it was about a month or so ago one of my it. 28 duty lawyers came back to the office and said, "All of my clients today were First Nations women who were defending 29 police applications against them, after they had called for 30 31 help." 32 33 Q. And do you see that as an aspect that it is at times the person who calls for help who is ultimately named as 34 35 the respondent? Yes, and that happens a lot, and I think part of that 36 Α. reason was, as I said before, often the victim is 37 hysterical when the police turn up, the perpetrator is very 38 calm, it's much easier for him to calmly and clearly 39 40 articulate what's gone on according to him, whereas the 41 victim might be very distressed, angry, and not particularly coherent at that time and just attending and 42 43 looking at that it's very easy to make an assumption that 44 she's the problem. 45 46 Q. Then another of - a related topic that you speak about 47 but in relation to the race is the overcharging of

1 First Nations people. What do you see in relation to that? 2 Again I think particularly in relation to Α. 3 First Nations women who end up with protection orders 4 against them, so they're named as respondents, once a woman 5 has a protection order against her there are many cases where criminal charges follow and part of that is because 6 7 again she might be calling for help, when the police turn up, her behaviour because she's distressed again because 8 she's just been maybe assaulted, will lead the police to 9 10 thinking she is the problem so then criminal charges will flow from that. 11 12 13 Q. And an example, a different example, that you give at the top of page 4 is a client who - they saw police talking 14 to a boy on an E-scooter and then, as I understand it, have 15 come over asking why - what was happening and then as a 16 17 result of their involvement there's a domestic violence order in place on that couple and the client's partner then 18 19 got charged? Yes. Α. 20 21 22 Q. Is that another example that you were talking about? 23 Α. Yes, yes. 24 25 A second attitude that you talk about or identify is Q. victim blaming, and I think the words you used were "victim 26 27 blaming attitudes doggedly persist in the QPS", and 28 although there has been an advancement in the - it's no longer "just let him sleep it off" or "what did you do this 29 time" which are things you had previously heard from 30 clients, there is some victim blaming. How does that 31 present in your experiences now? 32 So I think as we say in the submission one of the big 33 Α. ways that it portrays or it's evident is in this sort of, 34 35 "Why are you still there? Why are you going back to him?" 36 So that again not understanding the dynamics of the domestic and family violence relationship, not 37 understanding how difficult it is to extricate yourself 38 from one of those relationships, and also I think not 39 40 understanding that if she does choose to separate it's placing her at greater risk. Separation is one of the main 41 42 high-risk factors. It's going to increase her risk. So 43 I think if - I can understand that police get frustrated because they might be called to an address repeatedly and 44 But without understanding why she stays 45 she still stavs. and looking at how the system doesn't support her to leave. 46 if that's what she wishes to do, really does result still 47

1 in women being blamed for the violence that's perpetrated 2 against them instead of looking at, "Well, why is he 3 perpetrating that violence," we're still saying, "Well, why 4 is she staying?" 5 6 And is that something that you hear from your Q. 7 interactions with police and the relationships that you have with police, that there is a frustration of going to 8 the same house for domestic violence callouts? 9 10 Α. I have heard that, yes, and we've had clients also that have been told by the police that, you know, "We keep 11 If you're not going to leave him, why do you keep 12 coming. 13 calling us?". 14 15 I guess that ties in to the importance of Q. domestic violence informed practice? 16 17 Absolutely. It's crucial. Α. 18 19 Q. The third attitude that you talk about is I guess in some ways related and maybe part of the victim blaming, but 20 that there's - you talk about there being a culture of 21 22 disbelieving victims or minimising the harm perpetrated on 23 them, and then there's also relationships between that 24 dynamic and the misidentification. But if we put misidentification to one side here and you're just talking 25 about a lack of believing or a lack of minimisation of 26 27 harm? 28 Α. Yes. 29 30 Q. Or a minimisation. What sort of things do you see 31 there? So there are a couple of examples in the submission. 32 Α. But I think one of the big ones is that a lot of women 33 34 report almost like a collusion with the perpetrator when 35 the police turn up. So she might be trying to explain 36 what's happened and they'll - I think in one of the examples there they'll take her story, but the attitude is 37 sort of along the lines of, "Well, you know, yeah, okay, 38 let's go and have a chat to him now." So a bit dismissive 39 40 of her story and what's happened to her. And then when they speak to the perpetrator, and there's an example of 41 this in our submissions, there's this collusion. 42 So 43 they'll call him mate, they'll be sort of chummy, and not 44 necessarily recognising or respecting what she is telling them that has just happened and again part of this is 45 because she might be upset because she's just been 46 47 assaulted, but she's dismissed because she can't adequately

1 I guess describe what's happened and there's just a 2 general - we know from study after study after study that 3 society as a whole and, you know, obviously the police are 4 just a microcosm of society, tend to disbelieve women when 5 they talk about violent sexual assault abuse, but again we also know because study after study after study has told us 6 7 and also from my experience and my lawyers' experience that women don't lie about these things. In our experience 8 women deny, they minimise, they explain, and they mutualise 9 10 the violence sometimes. So to be met with this attitude of questioning and not really believing what they're telling 11 the police can be really, really demoralising, and then 12 13 coupled with being labelled the perpetrator is even worse.

14 15 And how do these dynamics play out when there's Q. additional layers of I guess vulnerability, for example? 16 17 Can you talk to communication difficulties and give an example? Can you tell the Commission about how these 18 19 dynamics can apply when you're also dealing with somebody who's from a CALD background, for example? 20 So I think in our submission we talk about a 21 Α. Yes. 22 client that we had was a Chinese lady, and so when she 23 arrived in Australia there was significant domestic and 24 family violence perpetrated by her husband towards her. She didn't speak any English and he was the only one in the 25 household who did speak English. So every time she called 26 27 for the police or the neighbours called for the police or 28 her parents called for the police they would take up with She was the one that ended up with the protection 29 him. order against her because nobody had taken the time to 30 actually speak to her with an interpreter and to find out 31 exactly what was going on in the dynamics of that 32 relationship, and it was only many years later that she 33 found out that in every single report or attendance report 34 35 she was painted as the problem.

Q. You do give a number of examples of these dynamics.
I'm not going to ask you to go through all of them. But
perhaps if you could just talk to one or two of them. You
talk at page 6 about a client, Phoebe. Can you tell us
about that situation?

A. Yes, I can. So I guess this really highlights this
disbelieving. So in this scenario here Phoebe was only
very young and she had been strangled or was being
strangled by her partner, who was also young, and in trying
to get his hands off her she was scratching at him and then
later kneed him in the groin to get him away. When the

1 police attended they saw the scratches on him and believed 2 his story over her story and she - so through the use of 3 self defence to try and save herself from being strangled 4 her story was disbelieved and they actually made an application for a protection order against her on the basis 5 of those scratches and, as I said, this is something that 6 7 we see all the time. Women defending themselves, the scratches is a great one, because, you know, if he's got 8 9 his hands around your throat and you're trying to get away 10 you're likely going to scratch him, and it's this attitude of automatically believing him because he has a scratch on 11 him rather than her who might have some redness but again 12 13 doesn't leave the same physical marks as a scratch and then the women are the ones that are being labelled as the 14 15 perpetrators.

17 You also outline in a fair bit of detail the Q. experience of Jayla. Can you talk to her experience? 18 19 Α. Yes, I can. So Jayla was one - there were a lot of issues with Jayla. One thing, though, that I would say 20 with her, and I think it highlights really another big 21 22 issue, is that often police are tasked with, like, a keep 23 the peace when a respondent might be returning to the 24 property to get items of property, and in this case when he was doing that he actually undertook significant 25 destruction of her personal property and as you can see in 26 27 the story nothing was actually done about that and it was up to Jayla to say, "Surely this isn't acceptable. 28 Surely this is a breach of the protection order against him," and 29 30 it was only after that that they did end up breaching him. 31 But before that, to even get to that point, again it was just disbelief. Sorry, I'm just refreshing my memory of 32 33 Jayla's story.

34 35 Q. I think you talk about her towards the bottom of page 6? 36 Yes, so this is again where Jayla has sought 37 Α. Yes. help from the police as a victim of violence and they have 38 disbelieved her. Further, they - he had a long history of 39 40 it, of domestic violence against other partners as well. 41 And concerningly when they refused to apply for an order to protect her and she had to do her own application for an 42 43 order, and when she did go in and apply even though she was 44 seeking an urgent temporary order to give her immediate protection the police officer said that they would let him 45 know that she had privately applied for a protection order, 46 47 which obviously increased her risk of violence and

1 decreased her safety because they were still living under 2 the one roof at that time. So just a total - I think it 3 just demonstrates a total attitude of disbelieving her and 4 even then when she takes her own steps to protect herself 5 she's further undermined by the police, and that's another example where there was a lot of collusion with Jayla's 6 7 partner, lots of talk about motorbikes in the backyard, lots of, you know, mate, mate, mate, conversations which 8 9 is - you know, she has said that she would never call the 10 police again after her response.

And that's something I was going to ask. 12 Does these Q. negative experiences, do the clients that you represent 13 then talk to you about how that would affect future 14 15 interactions or their willingness to engage with police? Absolutely. We have heard many, many times clients 16 Α. 17 say they will not ever call the police for help again because, No.1, they're no help and, No.2, they're usually 18 19 on the end of a protection order afterwards. I think one of the big issues is if you have a perpetrator of violence 20 and the police attend and decide to believe his story over 21 hers it just further emboldens and empowers him and further 22 23 disempowers her. It can often increase her risk because 24 she doesn't have that protection but she's perhaps tried to sought the protection, and, yes, many of them say they 25 won't call the police again for help. 26

28 Q. Can I just ask you this about some of the language in terms of believing - the police believing one person over 29 the other person. Are there complexities I guess in that 30 in terms of whether it's ultimately the police do have to 31 make decisions but at the same time conduct an 32 investigation and keep to an extent an open mind? 33 34 Α. Yes.

Q. Firstly, do you acknowledge that there are sort of
complexities around that?
A. Absolutely. Domestic and family violence is probably
one of the most complex areas to try and sort out what's
going on.

Q. And in terms of talking about victims being believed,
and I understand that's language that's used a lot, is
that - when you say victims being believed does that refer
to that individual police officer forming his or her own
view or is that referring to police believing that there
could be a validity of a complaint here and then taking

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1 steps to properly investigate rather than forming their own 2 judgment at that point? 3 I think one of the biggest problems is I think it's Α. 4 that judgment at that point because they make that initial 5 judgment and then they act upon that. I think it actually highlights one of the real systemic issues within the 6 7 response to domestic and family violence, and that police are still responding on an incident-by-incident basis. 8 So, 9 in other words, they turn up to an incident, they look at 10 what's going on, they go, "Ah, really difficult," I'm not disputing that at all, it would be extremely difficult to 11 12 try and unpick what's going on, but that is why we need 13 this predominant aggressor framework. So what that does is it basically says that we need to look at the full history 14 15 and the context of that relationship to try and help inform those decisions so that we are getting it right more often, 16 17 because often we will see - and again there are examples in our submission - where there will have been a fairly long 18 19 relationship, there might be five or six previous protection orders against the man, he may have even been 20 charged and served time for domestic violence offences 21 against her, there's an incident, she calls for police, 22 23 everything I've said before she might be distressed, she 24 might be angry, she might have retaliated, if we just look at that incident and ignore all of that previous history 25 it's very likely that you'll come down on the side of the 26 27 bloke and say, "Well, she is acting a little bit crazy." 28 However, if we attend that incident with all of this history before and the context of that relationship it then 29 30 forces us as a society and the police as a system to go, 31 "Well, hang on, what's really going on here? Who really is in need of protection here? Who really is the aggressor in 32 33 this relationship, given this long extensive history of 34 abuse by him to her. Maybe we need to look at this a 35 little bit more and see if this is retaliatory or if this 36 is self defence and not actually an act of 37 domestic violence which is about power and control." 38 Now, you've talked about those attitudes that we've 39 Q. 40 just gone through and then in your statement you talk about 41 the capability, limitations and structural limitations within the QPS, and that's one of the first things that you 42 43 talk about, is looking at an incident-based response as 44 opposed to the dominant aggression approach? 45 Α. Yes. 46 47 Now, is again what is required in your view further Q.

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understanding - it comes back to this understanding the 1 2 dynamics of domestic and family violence? Yes, absolutely. Without a doubt I think 3 Α. 4 everything - it has to underpin any changes that are made. We need a police force that are trained in to properly 5 recognise domestic violence, respond to it appropriately, 6 7 and then make sure that that victim is referred into those support services that she needs and also we need those 8 perpetrators to be referred to get the - to be made 9 10 accountable for their actions. 11 The next point that you make in relation to capability 12 Q. 13 issues is the better use of the Domestic and Family Violence Protection Act. You talk a lot about - you talk 14 15 and provide a lot of detail about the use of ouster conditions. But I wanted to ask you about the other factor 16 17 that you raised in relation to the use of the Act, and that's what's said in your statement is that often when 18 19 police file applications for protection orders they seek minimum protection, only the mandatory conditions, when the 20 situation clearly calls for extra protections. 21 Do I understand correctly that at that time - at times your 22 23 view is that that's a failing in that there's only the 24 minimum protections and conditions sought? Yes 25 Α. 26 27 Q. Can I ask you about - again this is a complex area? 28 Α. Yes. 29 30 Q. The tension between only on one case there's a situation where more - I suggest more the minimum 31 conditions are required, but then the example that we 32 talked about earlier where there had been charging of a 33 34 breach or a contravention of a domestic and family violence 35 order in relation to a First Nations couple for a breach of 36 no contact? M'hmm. 37 Α. 38 Now, is there a tension there between --39 Q. 40 Α. There is. There is a tension, and I think probably - and this might sound really simplistic, but one 41 way I think to help address that tension is to be really 42 43 victim focused and place the victim at the centre, and 44 really respond to what her needs are. She is the expert in her own life. 45 She knows what condition she needs to keep herself safe. Sometimes from the outside we can look at it 46 and say, "Well, you know, we think she needs more 47

1 protection," but there might be a million reasons why she 2 just wants a mandatory order. Alternatively, you know, 3 from the outside we might be looking at it and thinking, 4 "Well, she doesn't really need that extra protection," but 5 again she knows her perpetrator and she knows her So I think if the victim is saying, "I need 6 circumstances. 7 more conditions," we need to listen to that. If she's saying, "I need less conditions because I have six children 8 9 at home. They all have disabilities. I don't have a car. 10 I'm financially reliant on him. I need him to help me get children to their appointments," we need to respect that 11 and that's when I think we need to look at other ways of 12 13 keeping her safe; i.e., trying to engage with that perpetrator to allow her to be safe but still have the 14 15 supports that she needs. 16

- 17 COMMISSIONER: But surely that can only operate to a
 18 certain extent. I mean, if she's being if criminal
 19 offences are being committed against her, surely the police
 20 have an obligation to act?
- I think often they don't act and that's 21 Α. Yes, they do. one of the themes that we speak about in our submission, is 22 23 that sometimes there are multiple criminal offences that 24 are actually committed during a domestic violence incident and police will take out a PPN. They will not pursue those 25 criminal charges, and I recognise that a lot of women don't 26 27 want their partner charged, a lot do, but the police aren't 28 even asking them or telling them that that's an option. So there's no communication around criminal charges. 29
- COMMISSIONER: Yes, but you're not suggesting the police shouldn't charge criminal charges where criminal charges are being committed?
- A. No, I'm not suggesting that. .
- MS CAPPELLANO: And is what you were talking about in terms of getting the victim's - asking what the victim wants not so much in terms of whether or not an application is taken out or charges but about the level of conditions within an application? A. Yes.
- 41 A. 42

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Q. And when you say when the situation clearly calls for
extra protections should that occur - is that the point
where there needs to have that victim centric approach and
the consultation with the aggrieved?
A. Yes.

2 Another issue that you refer to is the police Q. 3 providing family law advice. What are the types of things 4 that are heard of in this space? 5 Α. I think one of the big issues here is that it arises 6 particularly with children and also with property. So too 7 often women will call the police for assistance. particularly in the case of children, and they're told to 8 9 hand over the children because he's the father or he has 10 rights. We had a client who had a protection order against her ex, he had turned up at her house, he refused to leave, 11 12 she rang the police, in the course of her trying to get him 13 out of the door she did say she pushed him out, the police turned up, despite there being a protection order against 14 15 him, they took one out against her because she said that she had pushed him out of the house. They had a nine-month 16 She was primary carer. She said they wanted to 17 old child. take her into custody to process the protection order 18 19 application. She said - and she couldn't take her baby. She was in the middle of making arrangements, and they 20 said, "Well, he's the father. He's got rights. 21 He can have the child," and gave the child to the father. 22 It then 23 took her three or four days to try to get her nine-month 24 old baby back. We see this repeatedly where the police - the minute there's a sniff of a family law issue 25 26 they either step back or alternatively they give legal 27 advice, which they're not qualified to do, about his rights 28 to the children, and it does cause - it causes issues. I think as well the police have a position of power and 29 30 authority within our society. So when you have a police officer telling someone, "Well, he's got rights, he's the 31 He can take the child," even though that may not 32 father. 33 be, you know, the law, that carries huge implications and often these children are being handed over in unsafe 34 35 situations and that produces a huge ripple effect. 36 37 COMMISSIONER: Do you find that police are much less likely to take out an application where there's family law 38 proceedings? 39 40 Α. Yes. 41 MS CAPPELLANO: The next topic that you talk about is 42 43 female police officers and indication that some of your 44 clients indicate that women can respond better to a female officer. Is it the case that that is sort of the universal 45 feedback that you get? 46 47 No, it's not. So generally women do appreciate having Α.

1 a female person to talk to, not always. Some women have 2 reported that female officers are actually harsher. But 3 generally as a theme women do feel more comfortable 4 speaking to other women about their experiences and are more willing to open up about some forms of violence, 5 particularly sexual violence, to a female rather than a 6 7 male.

9 Q. There is as you would be aware a lot of literature 10 around the space of more female officers or perhaps female police stations and a very gendered response. Is there 11 from your experiences and what your clients tell you a 12 13 concern that if there is an increase or a recommendation that it is female officers who deal with and respond to 14 15 domestic and family violence exclusively that that could perpetuate a culture in which domestic and family violence 16 17 is seen as a woman's problem?

Absolutely, and I think that is already a massive 18 Α. 19 issue within society, that domestic and family violence is very much seen as a women's issue. Again we even call it 20 violence against women as if we're just sitting there as 21 women and suddenly there's violence against us. 22 No, it's 23 very clear this is male violence against women. So getting 24 back to your question it is. I think a mixed gendered response is the way to go for a number of reasons. 25 Number 1 is again we don't want to reinforce the issue that this 26 27 only affects half of the society, therefore it's that half that it affects to deal with it, that it's a women's issue. 28 We don't want to send that message. 29 I think also we need 30 men to stand up and take responsibility and to speak out and to protect women and to call out bad behaviour when 31 And perpetrators generally do not respect 32 they see it. So if you have two women officers turning up that 33 women. 34 is likely to have not as much impact as if a male officer 35 turns up as well and says, "Hey, mate, what you're doing is 36 So I think it's very important that we have wrong." females there to provide that support to the victim. 37 But I think we also need the men to show the perpetrator and to 38 send a message that this behaviour is not acceptable. 39

41 Q. One of the last things that you speak about in this 42 capability topic is getting breaches charged, and is that 43 related to some of the tensions that we were discussing 44 before between the anecdotal evidence about the E-scooter 45 matter and then an issue that you also see about breaches 46 not being charged? Do you accept that the police can't be 47 put in a situation where they would be told that they

8

1 shouldn't charge breaches if breaches are occurring? 2 I absolutely accept that, and I think again this comes Α. 3 back to being victim centred in our approach. So one of 4 the big issues that we find is that women will report 5 breaches, so, you know, they're obviously not feeling safe, and they will go to the police and they will report a 6 7 breach and they're told, "It's a technical breach" or, "Yes, he might have texted you, but it's not really - you 8 know, there's no violence in it, it's a technical breach." 9 10 The problem with that attitude is that if he gets away with one technical breach, he then breaches again and again and 11 12 again and you get this incremental escalation and 13 fundamentally that protection order is there to protect It is an order of the court, and if we allow breaches 14 her. 15 that she's saying he is breaching, please do something, and she's being dismissed, we're not holding perpetrators to 16 17 account and we're not keeping her safe. 18 19 Q. And they are not the only topics that you discuss in relation to that capacity, but they are outlined, other 20 topics are outlined in your statement. I want to move on 21 to one - the second last topic I want to ask you about, and 22 23 that's what you talk about in relation to the adequacy of 24 the current complaints handling process. Now, you said one of the issues that your clients experience is that they're 25

simply not aware of what the procedure is to make
complaints?
A. Yes.

29

- Q. Is that something you experience commonly? A. Absolutely. Often our clients are telling us stories about police behaviour and that they're not happy with the behaviour or the response, and we will say, "You do have the right to make a complaint," and most women are like, "Really?" They're not aware of that process.
- Q. And the other issue that you raise is that because of
 the negative experiences they had to make a further
 complaint, is that something that's a common experience as
 well?
 A. It is, yes. So as you said you know they've called
 the police for help, they haven't been of any assistance in
- the police for help, they haven't been of any assistance in
 their mind, they find themselves on the end of a protection
 order application, they're not happy about an element of
 the behaviour, and they take the view, "Well, why would
 I bother? Like, they didn't help me before. Why would
 I bother making a complaint? Nothing's going to change."

1 2 Q. In that you also indicate in your submission that in 3 circumstance where complaints have been managed by your 4 service for clients it has been a positive process? 5 Α. Yes, it has, and I think that is indicative that perhaps the complaint process is a good one and it does 6 7 The difficulty is making people aware of it and also work. trying to overcome this feeling of hopelessness and 8 powerlessness when dealing with the police. 9 10 You have indicated this at the start, but towards the Q. 11 end of your submission you also talk about what's working 12 with the police and you indicate that there is that close 13 relationship and that there are a lot of positive 14 15 experiences; is that correct? That is correct. 16 Α. 17 An example that you give as well is the positive way 18 Q. in which the high-risk team is working and the collective 19 action is working. Can I ask you now about the differences 20 that you see because from your service - I'm talking about 21 specialist domestic and family violence courts, because 22 23 your service is in the unique position of - it might not be 24 unique but it is certainly useful in that you operate in Cairns, which currently doesn't have a specialist court, 25 and in Townsville, where there is a specialist court? 26 27 Α. Yes. 28 Do you see stark differences in the way in which 29 Q. 30 domestic and family violence matters are dealt with? Yes, we do, in a number of areas. So I think one of 31 Α. the first issues is the physical space within the court. 32 In the specialist courts there is adequate safe rooms. 33 34 There are separate entrances for aggrieveds and respondents. There is a separate registry, and it's very -35 36 comparing Cairns and Townsville, domestic violence duty call overs, Townsville is very calm, it's sedate, it's 37 quiet, it's quiet because it's this separate specialist 38 In Cairns it's a cattle call. It is chaos. 39 court. There 40 are people everywhere, spilling - like, the safe room is 41 not big enough. 42 43 Q. So how many people fit in the safe room at Cairns? 44 Α. I think the capacity maybe about 10. During COVID that dropped to probably three plus a worker, and we 45 average between 50 and 70 matters a week in the Cairns 46 47 court.

2 Q. And by a week do you mean is that --3 A day. We have all our domestic violence listings on Α. 4 the one day. So about 50 to 70 matters in that one 5 morning. So the safe room is not adequate. There's not There's not enough space for our intake 6 enough space. 7 workers to get details from clients. So often we're standing in corridors surrounded by other people. 8 If the 9 safe room is full, the women are forced to sit out in the 10 corridor and be eyeballed by their perpetrator. So the physical upgrades are a big improvement and a big 11 12 difference. Additionally, as I said, we see a huge listing 13 that's dealt with one morning a week. In other specialist courts they're held on multiple days. So you get less 14 15 matters listed each day which means that there's less stress because you've got less people there. 16 Our duty 17 lawyers will see, you know, maybe three to five clients each in Townsville, whereas in Cairns we're seeing 10 to 18 19 15, sometimes more each. So that's a big difference, just the physical numbers of people there. Because there's so 20 many people, because of the time pressures we don't get to 21 22 spend adequate time with the women to provide them the 23 service they need, really. 24 What's the difference in terms of the resourcing 25 Q. of - like, the provision of legal services on a specialist 26 27 court day? 28 So in Cairns we have what's called an enhanced duty Α. lawyer model. So the actual number of duty lawyers present 29 So Townsville has two for males and two for 30 is the same. females, and we have two for males and two for females up 31 The difference in resourcing I think comes about 32 here. 33 with - particularly with the police prosecutors, in Townsville there is the police prosecutor in court and then 34 35 there is one outside of court who is available to undertake negotiations, which increases the - not just the resolution 36 of matters but it makes orders more appropriate, I guess, 37 So, as I was saying before that 38 for the circumstances. often orders are made where the conditions don't 39 40 necessarily reflect what is going to work in that 41 situation, being able to negotiate at court with the prosecutor around those conditions and for that victim's 42 43 voice to be heard really does achieve a quicker resolution, 44 a better resolution, and of course that stops this ongoing 45 adjournment after adjournment, after adjournment where they have to keep coming back to court. So that's a big 46 difference as well. 47

1 2 What about the levels of other non-legal support at Q. 3 courts in the different jurisdictions? 4 So my understanding is in Townsville and the other Α. 5 specialist courts there are many more services present at the court and embedded in that service delivery model to 6 7 ensure that victims have all the support that they need at court and can engage with those services at court, but also 8 perpetrators and that the - it's an opportunity to engage 9 10 with perpetrators and try to get them into programs and to provide them with services to decrease their use of 11 violence. 12 13 Is there any difference in terms of the 14 Q. 15 domestic violence awareness of magistrates who sit in the 16 different jurisdictions? 17 There is, I think. If you have a magistrate Α. constituting a court that has not had domestic and family 18 19 violence training or very, very limited again they are making decisions not being fully informed and aware of the 20 dynamics, and I guess the risks of some behaviours that on 21 paper may look, you know, not particularly threatening but 22 23 in a context of a domestic and family violence relationship 24 can be quite risky behaviours. I think we see better decisions made by magistrates that understand that. 25 It's definitely not perfect and a lot will depend on the 26 27 individual magistrate. But, given that the model says that 28 any magistrate constituting that court needs to have further and additional training, has to be a good thing. 29 30 31 Q. Were your lawyers pretty excited with the recent announcement of the Cairns specialist court? 32 33 Α. Yes, we were. 34 35 Q. They're the only questions - not the only, there were 36 quite a lot. They're the questions that I have, thank you, Commissioner. 37 38 COMMISSIONER: We're just going to adjourn for half 39 Okay. 40 an hour. 41 LUNCHEON ADJOURNMENT 42 43 44 COMMISSIONER: Yes, Ms Hillard. 45 <EXAMINATION BY MS HILLARD: 46 47

Ms Grainger, I'll just ask you a few discrete 1 Q. 2 questions. You've covered most of it already in your 3 evidence. You spoke about a perfect victim or an ideal 4 victim and you elaborated on the way that a person presents and they're meek and mild and the like is the perception 5 and they're more likely to be better received. Can I ask 6 7 you these questions. It's also a person in your experience who has no mental health history or no apparent mental 8 health issues at the time the police interact; is that 9 10 right? Α. That's correct. 11 12 13 Q. It's also someone who doesn't have a perceived drug or alcohol problem? 14 15 Α. That's correct. 16 17 It's also a person who doesn't have a criminal Q. history? 18 That's correct. 19 Α. 20 21 Q. It's also a person who has had no previous police contact of any description? 22 23 That's correct. Α. 24 Whether they might be an aggrieved or not or a 25 Q. respondent or not or any kind of contact; is that right? 26 27 Α. Yes. 28 And it also typically is a person who has no cultural 29 Q. background, whether they're CALD woman, culturally and 30 linguistically diverse, or a First Nations woman; is that 31 right? 32 33 Α. That's correct, yes. 34 35 Q. And in your experience when we're talking about police responses, when we are identifying what the victim is 36 perceived to have to behave as, is that something that is 37 lacking in your view in police responses? 38 Yes. 39 Α. 40 You spoke in your evidence about there being a 41 Q. 42 domestic violence informed and a trauma-informed approach. 43 I just wanted to ask you about overlaying both of those is 44 also a gender analysis or a gender-informed approach that affects both; isn't that right? 45 Absolutely, yes. 46 Α. 47

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1 You were asked a lot of questions about the gendered Q. 2 police officers and you spoke quite frankly about positives 3 and negatives associated with that. Do you have a view and would you like to tell us about that, about the 4 5 availability of offering an aggrieved the option to talk to a female officer if they wish? 6 7 Α. I do have a view on that. I think it is something that should be offered if possible. I understand that the 8 9 resourcing requirements may mean that that is not 10 necessarily achievable. However, I believe that as I said many of our clients have expressed a view that they would 11 have preferred to speak to a female police officer, 12 13 particularly when they are talking about, you know, some quite distressing incidents of violence. 14 15 When you gave your evidence earlier on you spoke about 16 Q. 17 female officers particularly when disclosing sexual abuse or sexual violence that the women have experienced. 18 In the 19 matters that you have seen have you observed a difference in response by police when a woman discloses sexual 20 violence in a relationship compared to when they're 21 22 disclosing sexual violence by a stranger? 23 Yes, I think there is still a pervading attitude that Α. 24 if a woman is in an intimate relationship with her abuser that it's almost the man's right to be able to still have 25 sex whenever he feels like and the fact that she may have 26 27 said "no"; I think rape in marriage or rape in a 28 relationship is still quite a foreign concept to a lot of people, particularly I would say male police officers, 29 particularly as well if the woman says that this has been 30 going on for some time and it feeds into that idea that 31 they may not believe that that's really an issue because 32 33 despite these apparent, you know, continuing rapes and 34 sexual assaults she remains in that relationship. 35 36 One of the issues that is commonly reported to the Q. women who engage with Women's Legal Service is that they'll 37 attend a police station and they'll often be sent away 38 without their details being taken. Is that something that 39 40 you can comment on? So, yes, I would say that 41 Α. We also see that up here. is also something that happens. 42 43 44 Q. In respect of the high-risk team you were asked a few questions about that and you spoke very positively about 45 how the high-risk team works up here. 46 In respect of 47 referrals into the high-risk team from your perspective the

1 woman has to be rated as a high-level risk or an extreme 2 risk in order to be referred into that team; is that right? 3 Α. That's correct. 4 5 Q. Typically that risk assessment can be done in advance 6 of that, the CRASF. Is that something that your service 7 administers? 8 Α. We have made referrals using that system. It is a 9 clunky system. I find that it takes a long time and the 10 level of detail, I guess, required is significant. But. yes, we have used that system. 11 12 13 Q. It's got very specific criteria in the - I'll use the word checklist, but in the table of having to ask for 14 information in order to refer through to the high-risk 15 team; is that right? 16 17 That's correct. Α. 18 19 Q. And that's independent of the CRASF? 20 Α. Yes, yes. 21 22 In terms of the high-risk team and its effectiveness Q. 23 do you have a view about their case management of a 24 particular client? Is it long-term case management or is it more to deal with the immediate risk and then the case 25 is closed at that level? 26 27 My understanding is and from the feedback I've had is Α. it is that immediate risk and then once that immediate risk 28 has been dealt with or there's nothing further that they 29 can add to the service systems responses it's de-escalated 30 or the case is closed and it's removed from the team. 31 32 33 Q. In your experience in the women that you see that engage with your service you would no doubt see many women 34 35 who would be that high risk or extreme risk who never go 36 through the high-risk team? Yes. 37 Α. 38 Is there a view or can you comment on why that is? 39 Q. 40 Perhaps they're not being referred or sometimes the Α. high-risk team might be at capacity or they have just not 41 engaged with the service that, as I said, has referred them 42 43 or alternatively they don't consent. I know there is a mechanism to refer clients to the high-risk team without 44 their consent. However, obviously the preferred approach 45 46 is to get consent. 47

1 Q. I think one of the witnesses who may be giving 2 evidence might speak about their perception that at times 3 it's often only people with a particular vulnerability that 4 go through the high-risk team. They might have a 5 particular health issue or they might have a disability or 6 they might have homelessness issues, those types of things. 7 Can you comment on that? I don't think I'm in a position to comment on that, 8 Α. 9 sorry. 10 In respect of the reactive responses by women that 11 Q. often result in them being misidentified as respondents you 12 13 spoke about the fingernails in the examples there. In terms of your many clients that you have seen through the 14 service over the years and your experience, the police view 15 of weapons, do you see in those cases where a woman is 16 17 alleged to have had a weapon of any description that they end up being named as the respondent? 18 19 Α. Yes. 20 21 Q. And when I say "weapon" it could be a knife? 22 Α. Yes. 23 24 Q. Or it could be something physical like a bat or a stick; is that right? 25 That's correct. 26 Α. 27 28 One of the examples of a woman involved with the Q. Women's Legal Service had been that she was alleged to have 29 30 wielded some pliers and she had a weapon in that sense. Have you seen any of that sort of lower level kind of 31 weapons, if I can describe it that way? 32 33 Α. Yes. 34 35 Q. And they still get named as respondent? 36 I can think of an example straight off the top Α. Yes. of my head where we had a client who was in the kitchen 37 using a bread and butter knife making sandwiches for her 38 children for school. The perpetrator came in, there was an 39 40 incident, she turned around like that with the knife in her hand, and the police came, and when they realised that she 41 had the bread and butter knife and had turned to him like 42 43 that she was named as the respondent in the application. 44 45 So you've given one example there. But that's off the Q. top of your head. Is that a common experience? 46 47 We do see that a fair bit, yes; guite inane items or Α.

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1 something that just happens to be nearby or that they might 2 already have in their hand or be holding when, you know, an 3 incident occurs, yes. 4 5 Q. One of the witnesses this morning gave some evidence 6 about their Indigenous women often having a Department of 7 Child Safety trigger, being notified to the Department of Child Safety when they engage with police. If I could just 8 ask you about your experience and your Indigenous women. 9 10 Have you first of all experienced that where there is a Department of Child Safety trigger that happens when an 11 Indigenous woman is involved with the police? 12 13 Α. Yes. 14 15 Can you say, noting that you had 20 to 30 per cent of Q. Indigenous clients and the rest would be mixed or from 16 17 Caucasian backgrounds, can you see a disparity in your work and your clients between that Department of Child Safety 18 19 trigger compared to those other people? Yes, I would say that most of our First Nations 20 Α. clients have current or have had previous involvement with 21 Child Safety, often due to domestic violence incidents. 22 23 24 And are you able to say whether or not, though, the Q. Queensland Police Service are the ones that notify the 25 Department of Child Safety or does it come from other 26 27 sources? 28 Α. I couldn't answer that, I'm sorry. 29 In respect of systems abuse, one area of systems abuse 30 Q. can be a perpetrator of violence to notify the Department 31 of Child Safety, and it can also involve other systems 32 Are you able to add anything or inform 33 abuses. 34 the Commission about the use of the police protection 35 notice and the domestic violence process itself as being a 36 systems abuse? So we see that I guess on a number of 37 Α. Yes, I can. One that jumps straight to mind is if the police 38 levels. attend an incident and they do take out a police protection 39 40 notice against the male, or the perpetrator, we often see a 41 retaliatory cross-application filed by the respondent to the police application, and that brings with it a whole 42 43 range of issues and complications for the woman; and one of them is that, although the police may be prosecuting that 44 domestic violence order against him, when he cross-files 45 against her and often those applications are quite baseless 46 47 because it's done in retaliation, the police up here anyway our experience is and in Townsville, they will not assist
that aggrieved to respond to his application against her.
So they'll assist in the prosecution but not with defending
that cross-application.

The other way that we see, I guess, systems abuse in the DV sphere specifically is taking out applications or calling the police and making, you know, false allegations so that she is entirely - so she's having to engage all the time in defending herself through one court system or another.

Q. I just want to be clear when you're saying about
cross-applications. Usually under the Act when we talk
about those they're concurrent cross-applications. Is that
what you mean?
A. Yes.

17 A. 18

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Q. In respect of the complaints as well, and you said that the aggrieved isn't often represented or assisted, can you comment or give any evidence about some of your clients about the perpetrator who is the actual abuser being more willing to make complaints about criminal charges that contribute to the systems abuse?

Yes, absolutely. So one - and this is one of I guess 25 Α. the real impacts of a true victim of domestic violence 26 27 ending up as a named respondent in an order because once 28 that order is made obviously then there is the potential for her to be opened up to breaches, and we find that that 29 is an ongoing threat. So it's a further tool of control. 30 "You do this or I will call the police and say you've 31 breached the order." We see it a lot in conjunction with 32 visa threats as well, so particularly women who are on 33 temporary visas, and it might be their sponsor. Once they 34 35 have that domestic violence order it gives another level of As we said, if the true perpetrator of the 36 control. violence in the relationship is an aggrieved it gives them 37 an incredibly powerful tool to further perpetrate 38 domestic violence. 39

Q. You mentioned there in respect of the visas is it your
experience or have you had any experience with your clients
concerning the police responses and lack of understanding
about the impact of making an order if someone has a
partner visa or a visa just generally?
A. Yes, I think there is a general lack of understanding

46 A. Yes, I think there is a general lack of understanding 47 of the impacts that that can have on a victim of violence,

1 definitely. 2 One of those things could be that they have to - they 3 Q. 4 might end up with their visa being cancelled; is that 5 riaht? Yes, that's correct. 6 Α. 7 One of those things could be that they're unable to 8 Q. 9 re-apply for a new visa; is that right? 10 Α. That's correct, yes. 11 12 Q. And these are women-specific issues? Generally, yes, because we know that, you know, DV is 13 Α. a gendered phenomenon. 14 15 In relation to your evidence that you gave about 16 Q. 17 victim blaming and the reference that you make in the submission that was attached to your statement, I canvassed 18 19 this a little bit already, but would you agree that this really demonstrates the need for there to be that gender 20 analysis, domestic violence analysis and trauma-informed 21 22 analysis? 23 Α. Yes. 24 One of the things that you also speak about is the use 25 Q. of language and you said, "Oh, the police officers 26 27 sometimes come out and say the word 'mate'." If I could 28 just talk about that. It might seem quite innocuous but it does engender favouritism when the police use things like 29 30 that? 31 Α. Yes, I would say so. 32 33 Q. And are these types of issues, just simple things like language or any of the other issues that you've spoken 34 35 about today, have you tried to engage with the local police 36 about that? 37 Α. Probably not directly, no. No. 38 Can you think of any occasions where the local police 39 Q. 40 have sought to engage your organisation to be consulted 41 about matters or to deliver training, either or both? No, never. 42 Α. 43 44 And when we are talking about the issues that you were Q. speaking about about the perpetrator identification and the 45 word that you used, sorry, I'll just refer to it, in your 46 47 statement, the dominant aggressor approach, is it your

1 experience that the framing of the issue by the perpetrator 2 is really influential to police in the way that they 3 approach matters? 4 Yes, definitely. Α. 5 6 How do you think that can be overcome? Q. 7 Perhaps by speaking to the victim first. So the Α. person who perhaps has called for help or speaking to the 8 distressed person first so that they can get her side of 9 10 the story before the narrative is handed over to him to construct, I guess, one that suits his purposes. 11 12 13 Q. And has it been your experience in the many clients that you've serviced over the years and your personal 14 experience perhaps, either of those, that once something is 15 framed as "a person is a perpetrator and should be a 16 17 respondent" that it's very difficult to change the mind of the approach from there on? 18 19 Α. Yes, I would agree. 20 And what sort of pushback or resistance, if any, have 21 Q. you experienced in trying to communicate that to people in 22 23 Cairns - sorry, offices in the Cairns and Townsville areas? 24 So we do engage with police guite often when we have Α. clients that are named as respondents and to try and, like 25 you said, address that. Mixed results, I guess. 26 Often. 27 though, the response is, you know, "No, we stand by who's the respondent in that application or in those 28 circumstances." 29 30 Do you see in those two regions, Cairns and 31 Q. Townsville, that you work a resistance to withdrawing 32 police applications? 33 34 Α. Yes, absolutely. 35 36 And in terms of the misidentification of women as Q. respondents do you want to say anything or add anything 37 further about the fact that they have to go through and 38 fill out an affidavit, they have to relate their 39 40 experiences, the impact that that has on them? 41 Α. Absolutely, and this is why a lot of them don't do it, to be honest, because, as I said, you know, often 42 43 particularly if they're identified as a respondent in a police application they're up against the State. 44 So they're already disempowered because they've been a victim 45 of violence often for a very long time. They may have 46 additional vulnerabilities, First Nations, disabilities, 47

1 heaps of caring responsibilities, not speak English 2 properly. 3

4 So then, yes, they need to in defending the application, they often need to put forward their entire 5 So they're not just responding to those specific 6 historv. 7 allegations but putting context around them and, in an attempt to paint the picture that he is the predominant 8 9 aggressor, they need to absolutely go through and itemise 10 with specific detail too, mind you, their experiences and their history, and that can be really, really triggering 11 emotionally, and also a lot of them do not have the 12 13 capacity to do that. So they're reliant upon free legal services to assist, which we know that, you know, we don't 14 15 have the capacity to assist or to provide the level of assistance that all these women require. 16

18 Q. Have you had any experience where a woman has been the 19 in fact actual aggrieved and gone to a police station to make a complaint and an actual statement and been 20 disbelieved? 21 22

Α. Yes.

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When I say "disbelieved" they haven't had a complaint Q. taken or the officers have refused to take a statement from her?

Α. Yes. Yes.

Do you have anything that you want to say about 29 Q. affidavits in domestic and family violence matters that 30 might disclose offences but whether or not you see charges 31 being coupled at the same time as a protective laver? 32 Like I said, we often encounter situations where 33 Α. 34 criminal charges could be laid and probably should be laid 35 but aren't.

And you spoke about breaches and sometimes the 37 Q. difficulty in getting breaches charged. Can you say 38 or - sorry, and you said in your evidence that there was -39 40 often there would have to be repeat breaches by a respondent and then they just keep on re-offending. 41 Are you able to say whether or not there has been any attempts 42 43 to get the police to charge stalking, for example, in those 44 cases? 45 Our experience has been that stalking is extremely Α.

difficult to get charged by women. We have had some 46 47 success in if a woman has presented to the police and tried

1 to make a complaint and have the perpetrator breached, and 2 she's been dismissed and a statement hasn't even been taken 3 from her, we have had some success in attending with that 4 woman and, you know, accompanying her to make that 5 statement and basically insisting that, you know, the 6 statement needs to be made. But, yes, unfortunately we 7 don't see an adequate response a lot of the time to women 8 reporting breaches. 9 10 MS HILLARD: Commissioner, I think that they are all of my auestions. Thank you. 11 12 13 COMMISSIONER: Thank you. 14 15 MR McCAFFERTY: Nothing, thank you. 16 17 COMMISSIONER: Mr Hunter? 18 Thank you, Your Honour. 19 MR HUNTER: 20 <EXAMINATION BY MR HUNTER: 21 22 23 Can I ask you about the HRT, because I notice in your Q. 24 statement you talk about how well that appears to be What is it about the HRT that's so effective? 25 working. I think it's the integrated response. I think it's 26 Α. 27 the exposure of non-domestic violence specialist services 28 to, you know, increased domestic violence awareness and understanding and training. I think the wrap-around 29 support can be really useful. 30 Sometimes as services we find it difficult to get an adequate response, say, from 31 police or from housing or, you know, whatever, whereas 32 through the HRT often those responses are - they're part of 33 that response, so it can actually be a really effective way 34 35 of getting proper support for those most at risk. 36 37 Q. Are you familiar with the vulnerable persons unit? Α. Yes. 38 39 40 And do you have a view about the effectiveness of the Q. vulnerable persons unit? I understand that there are 41 coordinators in Cairns, Mareeba and Innisfail? 42 43 Α. Yes. 44 45 Can I ask you for your views about that? Q. I think that as a concept I think that they are a good 46 Α. 47 concept. We have had some success with reaching out

1 directly to those officers and we actually had a really 2 good response for one client. It was the police acted 3 really promptly, appropriately and probably exceeded our 4 expectations. Other times, however, we've had responses that they don't have capacity, they can't respond the way 5 that perhaps is required because that person is on leave. 6 7 So I think as a concept and as a unit some of those individual officers are really good and have some good 8 I think, though, often as I said there's 9 responses. 10 probably not enough of them or it needs to be more general. 11 12 That's what I was going to ask you. Is it a Q. resourcing issue that, given the scale of the problem, 13 there needs to be more officers? 14 15 Absolutely, yes. Α. 16 17 Not only more training but more properly trained Q. officers? 18 19 Α. Yes, yes. 20 Is it dependent on who you're speaking to 21 COMMISSIONER: 22 in those units as well? 23 Yes, it does, absolutely. Α. 24 Are you aware of a thing called high-risk 25 MR HUNTER: high-harm dashboard that the police themselves use? 26 27 Α. I've heard of it. I'm not fully across it, though. 28 What about a thing called the protective assessment 29 Q. 30 framework or the PAF? Again, I've seen that and I've seen references to it 31 Α. in the operational - the OPM. But I'm definitely not an 32 33 expert on that. 34 35 Q. You understand, though, that it is a checklist, if you 36 like? Yes. 37 Α. 38 That police can use in an operational sense to quickly 39 Q. 40 determine the level of risk to which a person might be 41 subject? Α. Yes. 42 43 44 And have you actually seen the little card with the Q. various risk factors on it? 45 Α. No. 46 47

1 Q. But you say you've used the CRASF, I think it is? 2 Α. Yes. 3 4 Q. It's quite a cumbersome process? 5 Α. It is. 6 7 It's certainly not something that a police officer who Q. was a first responder could possibly use? 8 9 Α. No. 10 Q. But the use of something like that by police who are 11 first responders has got to be a promising development, 12 13 wouldn't you agree? I would absolutely agree. I think it also needs to be 14 Α. 15 accompanied, though, with a lot more training --16 17 I'm not suggesting that it simply be deployed as a Q. standalone device. 18 19 Α. Yes. 20 I'm not suggesting that police carry around a piece of 21 Q. cardboard and that that's going to solve the problem. 22 What 23 I'm saying is that as part of a holistic package, training 24 package, that police are required when they attend a domestic violence call for service to make a structured 25 assessment of risk? 26 27 Yes, I can see the benefits in that, as long as there Α. 28 is that domestic and family violence awareness. 29 30 Q. And when I say "required" I mean it's mandatory; they must do it? 31 M'hmm. 32 Α. 33 34 Do you agree with the proposition that in trying to Q. 35 achieve reform in this area or progress in this area that 36 the use of generalisations can be unhelpful? 37 Α. Yes. 38 And so, for example, to talk about the Police Service 39 Q. 40 in terms of entrenched racism, for example, is an unhelpful 41 approach? Α. Yes. 42 43 44 Q. Because it immediately is likely to put the police on 45 the defensive? 46 Α. I agree. However, if there is entrenched racism --47

1 I am not suggesting that there are not police officers Q. 2 who have racist attitudes and I'm not suggesting that there 3 aren't police officers who have misogynistic attitudes. 4 But my question is really whether it's unhelpful when we're having a discussion about this to talk about in terms of a 5 generalisation like that? 6 7 Yes, I agree. Α. 8 9 Q. And that what's required really is for people in this 10 space to attempt to see the problem from the perspective of others? 11 12 Α. Yes, absolutely. 13 And so you would agree, I assume, that police would 14 Q. need to be or - those that aren't need to be more 15 trauma-informed? 16 17 Absolutely. Α. 18 19 Q. They need to be more domestic and family violence informed? 20 21 Α. Absolutely. 22 23 Q. They need to be more culturally aware? 24 Α. Yes. 25 But at the same time there needs to be a 26 Q. recognition --27 28 COMMISSIONER: Gender-informed I think you should probably 29 30 add to that list. 31 MR HUNTER: 32 Sorry? 33 34 COMMISSIONER: Gender-informed. 35 36 MR HUNTER: Yes, right. At the same time you would agree that to be called to the same address multiple times only 37 to have an uncooperative aggrieved is likely to be a deeply 38 frustrating experience? 39 40 Α. Absolutely. 41 And when wrong decisions are made about who's the 42 Q. 43 respondent - there might be very bad reasons as to why that's done, but it also might occur simply because you've 44 got an inexperienced, poorly trained officer who's trying 45 to work out what happened at a domestic incident at Aurukun 46 at 3 o'clock in the morning? You're nodding. Sorry, the 47

1 microphone won't pick up your answer. 2 Sorry, yes, I totally agree, and that's why we Α. 3 shouldn't have inexperienced officers --4 5 Q. As you say, it can be incredibly difficult in those 6 instances to work out who's done what to whom? 7 Α. Yes, I agree. 8 9 Q. And do you agree that once the decision has been made, 10 even if it's a wrong one, you can understand why other police will be cautious about second-guessing that initial 11 decision? 12 13 Α. Yes. 14 15 Because anyone, for example, who abandons an Q. application for a protection order will know that if they 16 do that and then something dreadful happens then they're 17 going to be the subject of a lot of scrutiny? 18 19 Α. Yes. 20 21 Q. And there's been a couple of very recent inquests where mistakes have been made and the officers involved 22 were subject to a great deal of scrutiny? 23 24 Α. Yes. 25 26 MS HILLARD: Your Honour, I don't think either of those 27 inquests involved a withdrawal of a PPN or a 28 domestic violence order. 29 30 MR HUNTER: I wasn't suggesting that it did. 31 32 COMMISSIONER: It's okay. I've read the inquests. Thank 33 you. 34 35 MR HUNTER: Now, coming back to the issue of the HRTs, obviously they're a resource intensive thing? 36 37 Α. Yes. 38 And, whilst they might be able to be cost effectively 39 Q. 40 deployed here in a place like Cairns, there are limitations 41 when it comes to remote areas? Α. Yes. 42 43 44 Q. So what's the solution? If you can't have an HRT in Aurukun, for example, what's the alternative? 45 That's a very difficult question to answer. 46 I quess Α. 47 my initial response is that we need DV-aware,

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1 trauma-informed, gender-aware trained police officers and 2 other services to provide that integrated service response. 3 So Cairns had an integrated service response for many, many 4 years before we had an HRT, and it's that integration 5 I think that goes to the core of the good response more than the title or the --6 7 8 Q. Sure. So what does an integrated response look like in somewhere like Aurukun or Pormpuraaw? 9 10 Α. I couldn't tell you, obviously, but I guess again you need to have the properly trained police and they need to 11 12 be --13 Q. 14 Let's assume that's a given. 15 Α. Okay. 16 17 Q. Let's assume that's a requirement. What else? I think there needs to be police. 18 What else? There Α. 19 needs to be adequate resourcing of safe places for women to There needs to be available and culturally appropriate 20 go. perpetrator programs for the perpetrators to engage with. 21 And there needs to be I guess - I think the big issue is 22 23 all of those services and those service providers need to 24 be based in community, which I understand is really expensive and it's really challenging. But when you have 25 external providers flying in and out and different people 26 27 all the time that becomes really difficult to establish 28 that level of trust and to adequately provide an integrated response that's going to actually increase safety and 29 30 increase accountability. 31 32 So you need to have these appropriately resourced Q. co-responders based in these centres? 33 34 Α. Yes. 35 36 Long-term? Q. 37 Α. Yes. 38 That's all I have, thank you. 39 MR HUNTER: 40 41 MS CAPPELLANO: I just have one quick question, please, Commissioner. 42 43 <EXAMINATION BY MS CAPPELLANO: 44 45 46 Q. I just wanted to check. You were asked some questions 47 about inexperienced officers, and I thought that you had a

1 continued answer but another question might have been 2 I may have been wrong there, but was there anything asked. 3 further you were wanting to say in relation to - I think 4 you were asked about mistakes having been made potentially 5 because of the inexperience of officers, and I just wanted to check there wasn't anything further you were wanting to 6 7 say in relation to that? I guess the only thing that I would add to that or 8 Α. would say is that I think that goes to the heart of the 9 10 problem, that we should not be sending out inexperienced officers that aren't adequately equipped to deal with a 11 domestic violence incident. They should be offered or they 12 13 should have that training and they should be offered that support, like, buddied up with an experienced officer so we 14 15 don't have inexperienced officers making decisions that are potentially, you know, life and death sometimes. 16 17 18 Q. And would that be particularly the case in the more 19 challenging environments where there are less services and they are more isolated? 20 Yes, I agree. 21 Α. 22 Thank you. 23 MS CAPPELLANO: I have no further questions. 24 COMMISSIONER: 25 Thanks. Thanks very much, Ms Grainger. Thanks very much for coming in. 26 You're free to leave. 27 28 <THE WITNESS WITHDREW 29 Commissioner, I call Witness B. 30 MS CAPPELLANO: 31 32 <WITNESS B, sworn: 33 34 <EXAMINATION BY MS CAPPELLANO: 35 Witness B, you're the CEO of the Cairns Regional 36 Q. Domestic Violence Service? 37 Α. Yes. 38 39 40 Q. And you've been in this position since July 2020? 41 Α. Yes. 42 43 Q. But you've been working at the service since 2005? 44 Α. Yes. 45 46 Q. Part of the role of the Cairns Regional 47 Domestic Violence Service is as the lead agency in the

Cairns HRT? 1 2 Α. Yes, we are. 3 4 And can you also tell the Commission what other work Q. 5 or what's the core work of the service? 6 So our core work is primarily steeped in crisis Α. Sure. 7 response, but we also offer ongoing counselling. The verv base of what we do is around risk assessment, safety 8 planning. We also provide court support in Cairns, Mossman 9 10 and Mareeba as well as having child and youth workers, community education, professional development, information 11 and referral, so a fairly wide variety of services. We're 12 a victim only service. So we don't have any programs for 13 perpetrators or anything along those lines. 14 15 And I understand you operate out of four 16 Q. 17 regions: Cairns, Atherton, Mareeba and Mossman? Yes. 18 Α. 19 Q. And how many staff do you have? 20 So roughly around 24 at the moment. 21 Α. 22 23 Q. And the service operates - I'm just going to call it 24 the service. if that makes sense? Yes, of course. 25 Α. 26 27 Q. The acronym is tricky. 28 Α. It's quite the acronym. 29 30 Q. It operates in Cairns? Yes. 31 Α. 32 And has a lot of involvement in interagency 33 Q. collaboration within Cairns in the domestic and family 34 35 violence space; is that the case? 36 Yes, so part of our role is also in supporting Α. integrated service response. So we have the Cairns 37 collective impact on domestic and family violence, and then 38 a collective impact you often have a backbone organisation 39 40 which does a lot of the administration, the secretariat 41 type roles. So the collective is a group of organisations that come together and are looking at different ways to 42 43 improve responses to domestic and family violence, any 44 issues that come up. It's been around for over 10 years in different iterations, but the collective is the most 45 46 recent. 47

1 Q. And one of the agencies involved in the collective is the QPS? 2 3 Α. Yes, absolutely. 4 5 Q. And there's a lot of other government agencies 6 involved? 7 Yes, so we have courts, we have Corrective Service, Α. Department of Child Safety. There's a fairly wide number 8 of services. We've got up to 19 services that are actually 9 member organisations of the collective. 10 11 12 And are some of those services specifically Q. 13 First Nations organisations? Yes, so we have Warringu, which is the local 14 Α. identified shelter, and we also have the member from ATSIP. 15 So the ATSIP HRT core member also sits on the integrated 16 17 service response. 18 19 Q. And there's a number of government roles and agencies? Α. 20 Yes. 21 22 But it's a big representation as well from Q. the non-government sector as well; is that correct? 23 24 Α. Yes. So it's that combination. 25 26 Such as yourself? Q. 27 Yes, so services like ourselves, the North Queensland Α. 28 Women's Legal Service, the Women's Centre, Ruth's, the women's shelter as well. 29 30 31 And in many ways - correct me if this is too Q. simplistic. 32 Sure. 33 Α. 34 We've heard about the Cairns HRT as well? 35 Q. 36 Α. M'hmm. 37 And is the interagency work being done by the 38 Q. collective I guess similar to but a more non-government led 39 40 interagency service that does similar work to the high 41 response team? So in some ways I guess it is that integrated service 42 Α. 43 response but not in the same way. So we're not necessarily looking at individual cases in the same way that the HRT 44 But we're looking more at the systems and the 45 might. pathways and how those systems interact. Because we have 46 the HRT we're less likely to look at individual cases. But 47

1 the sector has had a very strong and skilled response for a 2 really long time around high risk. So that integrated service response has been working quite well for a really 3 4 long time, especially with those core services who have 5 specific funding around domestic and family violence and 6 how they respond. 7 8 Q. And prior to the invention of a high-risk team was there a more case managed focus of the integrated service 9 10 response in Cairns, even if it did have a different name at that point of time? 11 So the integrated service response actually had 12 Yes. Α. 13 a subgroup which was the Cairns Serious and Imminent Threat So that was a non-government led equivalent to the 14 Panel. 15 HRT, but when the HRT came to Cairns there was some really clear direction that that was not the role of CSIT anymore. 16 17 18 Q. Are there any benefits or drawbacks from having a 19 government led interagency model or a non-government led interagency model from your perspective? 20 I think probably the biggest challenge is who's at the 21 Α. So if I'm thinking of something like the HRT, which 22 table. 23 is predominantly government led despite the fact that we're 24 the lead organisation, you have some very fabulous people at the table but they're not necessarily people who can 25 make decisions about organisational change or change in 26 27 policy, whereas the integrated service response, because we 28 had the CEOs, regional managers, directors at the table they could commit their organisation to change. 29 So I think 30 that's probably one of the biggest challenges when we're looking at the HRT being government led versus perhaps a 31 32 non-government led integrated service response. 33 34 So, for example, in the HRT in Cairns - I'm not asking Q. 35 for individuals' names but just in terms of the rank, I guess, if we're looking at the people who are on the 36 high-risk team from a police perspective? 37 Α. 38 Yes. 39 40 Q. Where do they sit, I guess, in the hierarchy of the 41 police? So my understanding is that some of the funded 42 Α. 43 positions is AO4; so not necessarily in a space for 44 significant decision making. 45 46 Q. And are they not a sworn officer? So some have been sworn officers. At the start of the 47 Α.

1 HRT we did not have any sworn officers until we were able 2 to get some onboard. 3 4 Q. And there might be different answers for both, I don't 5 know, but if we're talking about interagency models, whether it be the non-government led or the HRT, can you 6 7 make any comment on what effect that has, firstly, with the relations between the different agencies? 8 Around who's at the table? 9 Α. 10 Q. Around improving otherwise the relationships? 11 I think it's good at improving relationships across 12 Α. 13 the agencies. I would hesitate to say that it's a big cultural shift across all of the agencies, but often what 14 15 it does is it gives you a safe pathway or someone that you can actually reach out to within those specific agencies. 16 So it improves those relationships with individuals. 17 I'm not really sure that I could say that it improves 18 19 relationships across organisations, if that makes sense. 20 21 Q. Is what you're saying, and I might have misunderstood this, that the particular - the individuals, if we're 22 taking the police example, the individual officers who are 23 24 part - or staff members who are part of the HRT in your experience might adopt a trauma-informed, a 25 domestic violence informed, a gender-informed way of 26 27 operating or responding at an individual level; is that the 28 case? Yes. 29 Α. 30 31 And do you have any - are you able to make any Q. observations about whether that awareness or those 32 33 attitudes then translate back to the other people at that particular station or in that particular district within 34 35 the police? I think it has limited impact in that broader sense. 36 Α. 37 They do really great work and they often I think are working really hard to try and bring about some cultural 38 change within their organisations. But I think the sheer 39 40 workforce size of QPS and the diversity of that workforce 41 can make that incredibly difficult to get that broader So they work very hard and what you end up having 42 change. 43 is perhaps small pockets or sections of QPS who provide 44 really appropriate good response, but that may not be the 45 experience of victims who call the general duties police. 46 47 Q. Now, can I ask you a little bit more generally about

1 your service and, if we're talking about the last financial 2 year, is it the case that the service dealt with just over 3 1,000 new adult clients? 4 Yes, we did. Α. 5 And how many existing clients would you have carried 6 Q. 7 through that financial year? So probably cumulative around 1,600, so around three 8 Α. 9 to 400 each quarter we tend to carry forward. 10 And is it the case that that year your service 11 Q. received 1,392 Redbourne referrals from the police? 12 13 Α. Yes. 14 15 And that was I think your statement - in your Q. statement you say that was a 42 per cent increase on the 16 previous year? 17 Yes, and we've seen that consistently, even when the 18 Α. 19 system was Supportlink, a year on year increase. 20 21 Q. And the most recent financial year you talk about 22 there being about 1,600 of the Redbourne referrals? Yes. 23 Α. 24 Q. That's the increase that you're talking about? 25 Α. Yes. 26 27 28 Q. Although you're an organisation that deals with victims, do you deal with men and women? 29 30 Α. We can, yes, absolutely. 31 32 Q. Did I ask you at the start do you have your statement? 33 Α. I do have my statement. 34 35 Q. If you do, feel free to refer to it. Thank you. Α. 36 37 You give quite specific - as a result of the Redbourne 38 Q. referrals I understand you've analysed those referrals? 39 40 Α. Yes. 41 And done some statistics on the number of - breaking 42 Q. 43 those referrals down into gender and Indigenous identification, and you do that from paragraphs 8 and 9 of 44 45 your statement. At paragraph 11 I think there are two main things that you refer to coming out of that statistical 46 47 analysis. The first is that you indicated that

1 29.5 per cent of the aggrieved referrals in the last year 2 were men?

3 A. Yes. 4

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5 Q. Now, you say that's not statistically consistent with 6 the literature surrounding domestic and family violence? 7 So those statistics aren't really borne out No. Α. anywhere else other than our Redbourne platform, it would 8 So when we look at things like Vic Health, when we 9 seem. 10 look at the Australian Bureau of Statistics, ANROWS, all of those really credible spaces around the research of men as 11 victims of domestic and family violence their estimate is 12 somewhere between 5 and 7 per cent, and that also includes 13 a cohort where they've been perhaps perpetrated against 14 15 another man, so not heterosexual relationships, or family So there's a small portion within that that are 16 violence. male victims of female perpetrators. So it's interesting 17 that we have an almost 30 per cent of referrals men as 18 19 aggrieved, but actually what we know in reality when we think about who commits violent crimes, when we think about 20 assault rates, when we think about hospitalisations, that's 21 22 not reflected in those spaces. So there's something I would suggest not quite right around how we're assessing 23 24 those referrals.

Q. The other issue that you identify in relation to those
statistics are the overrepresentation of First Nations
women being named as respondents in the referrals?
A. Yes.

And I am not holding you to the precision as a 31 Q. statistician, I guess, of the raw numbers that you looked 32 at, but do I understand that having a look at the 33 population, the percentage of population of First Nations 34 35 people and women in Cairns and then comparing it to the number of referrals, you came to the figure that 36 extrapolating those figures that on the face of it it could 37 be extrapolated that 4.56 per cent of the Cairns population 38 is generating just over 46 per cent of the referrals for 39 40 females as respondents? 41 Α. Yes, yes, absolutely. So in unpacking that we had 260

female respondents referred to us, and we will respond to female respondents because there's very few services that can provide assistance for them, but also we know from the research that quite often women are using resistive or retaliatory violence. So if we're to provide the predominant aggressor framework our conclusion may be that

1 in fact they're not the predominant aggressor but the 2 primary victim. So in unpacking that it's really 3 significant that we actually have quite a small population 4 of First Nations women across Australia but certainly 5 within Cairns it's around 9 per cent of First Nations across the board and about 50 per cent of that are women. 6 7 So that is around that kind of 4.6 per cent generating a really strong, almost half of the referrals for female 8 9 respondents. 10

- And you say in the literature there's a recognition of Q. females being misidentified as a perpetrator? Α. Yes.
- 15 Q. Is that just in the literature or is that something you see in your experience through the service as well? 16 17 Sure, it's something that we see really regularly. Α. Some of that kind of buys into what a good victim looks 18 19 like as well. But that resistive or retaliatory violence I think also sometimes when we talk about is quite common. 20 domestic and family violence we seem to talk about it as 21 22 though it's something that bubbles over and perhaps not 23 calculated decisions made by a perpetrator.
- So if we look at the work of people like Ken McMaster, 25 Dobash and Dobash, what we know from those sources is 26 27 actually quite often perpetrators will have very specific 28 decision making in how they escalate things, and one of the things that they do talk about is actually setting the 29 victim up for a fight; so, you know, pushing her and 30 cornering her to the point where she does perhaps behave in 31 a way that she wouldn't typically, and then it's at that 32 point that they might call the police. 33 34
- 35 And I'll get you to explain a little further about Q. 36 that narrative around what a good victim or a deserving victim as opposed to an undeserving victim looks like. But 37 can I just ask you this first. These attitudes that you 38 talk about in terms of the perfect victim or a deserving 39 40 victim, is that something that is limited to the police or 41 is that something that's also broader than the police? Yes, it's broader than the police. It's not unique to 42 Α. 43 It's a fairly widely held community attitude QPS. sometimes where there's an expectation around how a victim 44 might present and, you know, it's that stuff where, "Well, 45 it's okay to cry a little bit. If you cry too much you're 46 obviously hysterical." It's looking at if you fight back 47

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what does that mean. So often there are really strong
expectations around how it is that you might behave, and
often women who are cooperative, who are perhaps not using
unhelpful coping strategies, who are willing to take
direction will sometimes receive a better service across
the board from all of our systems actually.

I think it's really easy for our systems to forget 8 that often when someone is in domestic and family violence 9 10 not only have they experienced trauma but often numerous traumas. So they're often operating in what I would call a 11 12 trauma world where they're experiencing new traumas and still having flashbacks of old traumas. 13 So when we think about situations and when people think about what a 14 15 reasonable person looks like I would suggest that's still probably someone who's white, middle-aged and has 16 17 resources, and perhaps hasn't been traumatised numerous times by someone who purports to love them. 18 So it can be 19 very easy to forget that for all of our systems, actually, when we're responding. 20

- Q. Is there a dynamic of a person who is responding being
 able to relate to the victim as, "Oh, that could be my
 sister or that could be" is that an aspect of that or
 not?
- 26 Α. Yes, sometimes people will recognise, you know, if 27 they're a good victim, sometimes there is that, "That could 28 be my sister. That could be my mum," which on the surface of it can sound actually really supportive but has the 29 30 potential sometimes to be a little bit patronising and 31 mothering, and I think there's a real difficulty when we require victims to wear someone else's face to have empathy 32 for them. 33

35 Q. We began this conversation talking about the percentages involving First Nations women and that there 36 was an overrepresentation in terms of being a respondent, 37 this dynamic of the perfect victim or a deserving victim. 38 Does that just affect negatively First Nations women? 39 40 No, it is across the board, but I think sometimes Α. 41 there's a lot of complexities and a number of things that our First Nations women are navigating that sometimes may 42 43 have them presenting in ways that are not necessarily 44 helpful. 45

46 Q. And what other - sorry, I'll just ask this first. 47 I'll start again. Is the First Nations - are First Nations

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1 women overrepresented when in this dynamic of not 2 presenting as a perfect victim? 3 I would suggest so, and especially if I think about Α. 4 some of our young First Nations women who sometimes may 5 have a history of trauma, may have a history of already being engaged with our systems like Child Safety, Youth 6 7 Justice. So sometimes what that can equate to is they may be loud, they may be angry. So when police arrive 8 sometimes that's how they are presenting. 9 10 Q. And what are the consequences of this dynamic? 11 12 Α. Often what we see is them being named as respondents 13 in protection orders and then what we sometimes see flow on from that is the criminalisation of those First Nations 14 15 It's not unusual for perpetrators to set their women. victims up, and certainly are very skilled at painting 16 their partners as mad or bad. If they are in a heightened 17 state that is a very easy narrative to believe. 18 19 As well as the naming of a woman as a perpetrator in 20 Q. that context is there also a dynamic in terms of the 21 22 charging of the criminalisation in terms of them charging 23 with criminal offences arising out of those interactions? 24 It becomes a power play then. Once there's that Α. protection order in place often there is a sense of power. 25 Like, it empowers quite often the perpetrator to call the 26 27 police and have her charged. So it absolutely becomes - it's a weaponisation of a DVO, I would suggest. 28 29 30 Q. Do you see women who call the police getting charged not just as a perpetrator - not just as being a named 31 person having an order taken out against them but then 32 being charged with criminal offences? 33 Yes, so we had that not so long ago and it wouldn't be 34 Α. 35 the first time that we've had that where a particularly young woman had actually rung our service and spoke to our 36 37 worker who could hear the assault. So she was being assaulted by her partner whilst speaking to the worker. 38 The worker was really clear that, "I'm going to call the 39 40 police," and she did that. Police did arrive and when we 41 spoke to police next they had actually arrested and charged her with three different charges. I'm not sure what they 42 43 were charging her with. It wasn't until our worker kind of 44 unpacked that and was talking with them a little bit around 45 her behaviour perhaps being steeped in a trauma response or resistive violence, which we know from speaking to her was 46 47 typically how she would react from time to time, the police

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began to consider charging the perpetrator that we had 1 2 heard assaulting her over the phone. At that point the client didn't want to make a complaint with police. 3 So 4 then it fell to our worker giving a statement to have any 5 accountability for the perpetrator. 6 7 And what about the three matters that she was charged Q. with? 8 9 Α. So my understanding is, and this is I guess feedback 10 from another organisation, that there was some want to access a relative of hers and perhaps some bargaining 11 12 around the dropping of those charges --13 Q. But you didn't represent her, of course? 14 15 Α. No. 16 17 Q. In relation to the criminal matters? 18 Α. No. 19 You outline a number of examples in the submission 20 Q. attached to your statement. Can I just get you to talk 21 22 about example (f), which is at page 5, which is case 6. Now, that is a matter involving the HRT and how - that's a 23 24 useful example in that it can demonstrate the way in which the HRT can operate in some of those pathways but also some 25 of the attitudes. Can you just outline that briefly for 26 27 the Commission? 28 Sure. So we had a matter at the HRT. There was some Α. very extreme violence that this particular client had 29 30 experienced. We had a really clear safety plan with her around if we couldn't actually contact her for a number of 31 days that we would contact QPS to seek a welfare check. 32 33 That was a plan that was established with the client that she was agreeable too. It was also a plan that had been 34 35 agreed to by QPS. 36 We reached out to QPS via email, because that was the 37 most reliable form of contact with the call member at the 38 time, asking for that welfare check to be conducted. 39 The 40 QPS member made contact with our service, was not a fan, can I say, of doing a welfare check and did refer to the 41 client and kind of talked about the waste of resources and 42 43 referred to the client as a druggo. 44 45 We then had the HRT meeting. The QPS member was very aggressive and agitated actually in the meeting, was still 46 really mad. It did create some tension between our service 47

1 and the QPS member at the time. But for me and I guess my 2 resolution to it was actually above all else survivor 3 safety trumps everything else. So I understand why you may 4 not be that inclined to do a welfare check, but actually 5 what it did was reassure the client that her safety plan that had been discussed and agreed to worked and that 6 7 hopefully she would never be in a situation again where she was locked in a room with the perpetrator for days being 8 sexually assaulted, which is something that had happened to 9 10 her more than once in the past. 11 And was that the reason the safety plan was put in 12 Q. 13 place? Α. Yes. 14 15 I guess that example shows both difficulties and some 16 Q. 17 positive things coming out of that interagency collaboration in that you were able to work through that 18 situation because of the HRT? 19 Α. Yes. 20 21 22 But also that there was quite a negative attitude Q. 23 towards that by that individual? 24 Α. Yes. 25 26 Q. Is that fair? 27 Α. Yes, yes. 28 Is it the case as well, and I'm talking now about 29 Q. 30 paragraph (h) on the same page, that there can be extra complexities where a victim might have additional 31 vulnerabilities, and you give an example of a woman from a 32 CALD background and the difficulties surrounding her 33 34 interactions? Are you able to briefly outline that 35 example? 36 So we had a client who had been engaged with us Α. Yes. over a period of time from a CALD background. 37 She had separated from her partner. Geographically there was some 38 But from time to time she would distance between them. 39 40 still do some work. She also was someone who held some 41 genuine hope that perhaps the relationship could be reconciled, but that became increasingly obvious that that 42 43 wasn't the case. 44 45 So we were actually helping her through the Migration Regulations Act around the domestic and family violence 46 47 provision to be able to seek to remain in Australia despite the breakdown of the relationship. Her ex-partner accessed her emails through his computer and printed out the letter of evidence that we had written in support of her application, which is one of the evidentiary requirements, and presented not at his local police station but presented at the Cairns Police Station with the letter; I can only assume looking at pursuing defamation or he was mad.

9 Police actually contacted the client. They had her 10 come into the station. She was spoken to for about three hours with no interpreter. So she was really distressed 11 and concerned that actually she hadn't been fully 12 understood, and then presented at our service the verv 13 first thing the next day very distressed because 14 essentially the messaging she had gotten from the police 15 officers she had interacted with was that what she had done 16 was not okay, it was illegal, and that what CRDVS had done 17 in writing the letter was both illegal and unethical. 18

Then I received or the service received a phone call 20 later that day from a police officer. I was in a meeting, 21 22 so it was taken by a staff member, essentially again stating that what we had done was illegal and unethical and 23 24 essentially a bit of a, "Can you explain yourselves, please" and also, "Why haven't you done these things around 25 So I then spent about two hours responding this client?" 26 27 via email providing links for the Migration Regulations Act 28 but also some context for the decision making around whether or not we had referred to the HRT when actually her 29 30 imminent safety was not at risk.

Q. And again that's another story which shows some of the
complexities surrounding particularly where you have added
vulnerabilities like the background?
A. Yes.

Q. Are there other challenges arising for young people, in particular is that sort of a vulnerability that can have some unique issues?

40 Yes, absolutely. So I think what we're seeing and Α. what we've been seeing for a little while now is a cohort 41 of very young, very vulnerable women, and sometimes they're 42 43 in relationships with young boys and men of a comparative 44 age. Sometimes they're not. Sometimes they're older, more 45 predatory men. I guess one of the sticking points, and this isn't necessarily - this isn't the fault of QPS, but 46 47 there's some real difficulty in the fact that actually the

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expectation is that they make statements against their
 abuser.

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So, you know, the 16-year-old girl who's pregnant to the 30-something-year-old man and no-one's actually raising 5 an eyebrow about that or they're kind of saying, "Oh, well, 6 7 she's consenting," or the 14-year-old girl who is in a relationship with a much older man, or even a 17-year-old 8 partner; like, the power dynamic that comes in that age 9 10 difference is really fundamental. But there's still sometimes that question around, "Oh, but she's consenting," 11 and no real conversation or unpacking around the fact that 12 13 this 16-year-old young woman or 14-year-old young girl may be engaging in survival sex because that person is also 14 15 offering a safe space or what is perceived as a safe space. For some, not all, there's the provision of drugs. 16 There's 17 all sorts of reasons why these young girls and women are in these positions. 18

But we have a system that relies on them making a 20 complaint and a statement about the very person who's 21 perhaps keeping them "safe" or who may be a really big 22 23 threat to them and the fear of repercussions. There's a 24 couple of instances I can think of where, you know, we've had workers who have witnessed - at another organisation 25 who have witnessed an incident between two young people. 26 There were cross-applications. It was a fairly significant 27 28 physical incident. They were all prepared to do But because the 14-year-old girl did not want 29 statements. 30 to do a statement or pursue anything there was no accountability for her partner. 31

We've had another one where there was CCTV of 33 34 strangulation, and again that's a Regina offence, but you need her statement to make out the elements, and she didn't 35 36 want to give a statement. So it's a very stuck place and, you know, there's no perpetrator accountability in those 37 spaces, and sometimes a number of services holding 38 information about what's happening for this young person 39 40 and no capacity to act, and I feel like that's something 41 that needs to change. 42

Q. In terms of change, something that you talk about at
paragraph 16 of your statements is that in recent years
there has been strong rhetoric from the QPS regarding
improving response to domestic and family violence and
there has been an implementation of specific teams and

1 units and, in the people that you're aware of and that you 2 work with, does that include vulnerable persons units and 3 domestic and family violence liaison officers and 4 coordinators? 5 Α. Yes. So since 2005, since I've been at the service, there has been quite often those identified kind of 6 7 specialised officers or those teams and units. We're always very, very excited when that happens because it 8 9 becomes or feels like a safe pathway into QPS to talk 10 perhaps around some of those not helpful or harmful responses that have occurred. 11 12 13 I think quite often, though, what we see is they're underresourced and they're guite often overwhelmed. 14 So 15 when we come to them sometimes that pathway gets cut off or they narrow the scope of what it is that they can do 16 17 because they actually don't have the capacity to kind of deal with CRDVS going, "Oh, hi, can you follow up on this 18 19 for me," because there's perhaps been poor service response. 20 21 22 Q. And what happens in those circumstances? 23 So they narrow the scope or - so you don't have that Α. 24 pathway anymore. So you don't have that link into QPS in the same way that you might have had. So if I think back 25 to 2005 when I first started and our very first kind of 26 27 DVLO that we had, he was very proactive in that we could ring and say, "Look, an incident occurred last night. 28 Police did attend but they didn't take out an order. 29 This is what happened," and he would very proactively say, 30 "That's no problem. Send her down to me and I'll do the 31 order." He would do things like help her retrieve property 32 33 and those kind of things. 34 35 Over time that position became more of an auditory position where they were kind of auditing the call-outs and 36 I think referrals into Redbourne and Supportlink before 37 So it's kind of moved to a much more hands-off 38 that. The difficulty is because of the hierarchical 39 space. 40 nature but also the autonomy that QPS officers have often they can suggest and give feedback but there's no 41 obligation for an officer to comply with that feedback or 42 43 suggestion. 44 45 So if you rang, for example, one of the DFV Q. coordinators or liaison officers or someone from the VPU 46 47 that you had connections with and made that same complaint,

1 what would happen now, I guess, if you made that phone 2 call? 3 Α. I think sometimes what happens then is the onus gets 4 pushed back on to our survivors. So often it's like, 5 "Well, no, no, she needs to go back to police and she needs to talk to them about this," and they'll almost - and it 6 has been said, "Well, they'll never learn until she kind of 7 goes back to them. " But I think there's some real 8 9 difficulty in relying on our women to teach the police how 10 to police. 11 Do you have any feedback from the domestic and family 12 Q. 13 violence coordinators about how their feedback is regarded if they go to an applicant officer or an investigating 14 15 officer with your feedback? Sometimes that's had positive results, but 16 Α. Yes. 17 I also know quite often for officers in those positions or in those specialised teams I think we've wanted to talk 18 19 about some of those bigger cultural issues, I think you need only have a conversation with them about how they're 20 treated by the greater police community and some of their 21 Like, I know for me the feedback - and again since 22 peers. 23 around 2005 - has been that their position isn't valued, 24 that they're perhaps not seen as doing real police work; sometimes, like, outright hostile attitudes toward them. 25 So that's an exhausting position for those police to be in. 26 27 28 And has there been changes in that? You talk about Q. sort of having these conversations in 2005. 29 Has there been 30 changes in the attitudes that you hear about since? 31 No. So some of the more recent iterations I would Α. suggest some of the experiences of those officers has still 32 33 been that they're not valued by other police and sometimes other police are outright hostile towards them. 34 35 36 In terms of the training of police a lot of the things Q. that you have discussed seem to relate to there being 37 attitudes which aren't perhaps trauma-informed, 38 domestic violence informed, gender-informed, but if you're 39 40 looking at training of police in the Cairns region do you 41 have any involvement with recruit training or new officer training? 42 43 So we have had in the past. So again like when Α. 44 I first started at the service our CEO at the time would 45 have three days of training with new recruits, and that was organised by the local police officer who was arranging the 46 47 training at the time. Over time QPS developed their own

1 package and were delivering that and would invite us in to 2 talk about the service and what we do, how we do it, why we 3 do it and maybe we're not so scary. That's something that 4 we still do on the tablelands because of the particular QPS 5 member was still getting us in to do that with the first 6 But actually it hasn't happened in Cairns year recruits. 7 for a really long time. 8 9 Q. What's a really long time? 10 Α. That would be years. So I'm thinking back to - it would probably be about 10 years, in all honesty, if I'm 11 thinking about when we moved locations and the last time 12 13 I actually did one of those sessions. 14 15 When you said it was a three-day training and you went Q. to the three-day training would a member of your service be 16 17 delivering domestic and family violence training or part of a team? 18 19 Α. So that first kind of initial training that we were doing that was facilitated by our CEO, and QPS members 20 would come to our service and did the training there. 21 Then 22 when QPS delivered their own training package that's when 23 we would go and have about half an hour, sometimes up to an 24 hour, to talk about the service throughout their training or just whenever they could fit me in. Sometimes the 25 26 difficulty with that is nuance can be lost around domestic 27 and family violence. So it was always good because we were 28 there for curly questions. 29 And in your opinion, because of the nuance issues, is 30 Q. 31 it preferable for people in the service support sector or 32 who are specialists in domestic and family violence to be 33 delivering components of the training? Absolutely. I think one of the examples I can think 34 Α. 35 of is one of the last sessions that I went to with QPS delivering training was they were talking to the different 36 types of domestic and family violence and kind of listing 37 some of those different things. One of the things that was 38 listed was reproductive control, and the facilitator was 39 40 kind of like, "Oh, reproductive control, I don't really know what they mean by that," and then moved on to the next 41 form of behaviour. So when I was invited to speak about 42 43 the service I did start by saying, "Actually, would you 44 like to know a little bit about reproductive control 45 because I totes know stuff and I'm really happy to share?" 46

So that was well received and we talked about that. But that's I think just a really basic example of sometimes

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1 that nuance being lost when you have general trainers or 2 it's okay to have a general trainer but it's probably good 3 to have a specialist service provider co-facilitating or 4 contributing to that so that those curly questions and that 5 nuance doesn't get lost. 6 7 And the curly questions and your explanation was well Q. 8 received by the --Yes, they were great. And when I said what it was it 9 Α. 10 all made perfect sense. But I think it's sometimes new information and people aren't always guite understanding 11 12 what it means. 13 You talk about the importance of trauma-informed 14 Q. 15 practice as being a key element in improving response, and you also make a point about police understanding their own 16 17 trauma response. Can you explain what you mean by that? I think certainly there is that stuff around 18 Yes. Α. 19 being DV-informed and trauma-informed when we're responding to survivors. But I think also what we don't talk about 20 very much is actually the trauma response for police in 21 what they are exposed to and what they experience. 22 I think 23 the very quick example I gave in my statement was a QPS 24 officer quite literally yelling at an aggrieved, "I'm here to help you." So I think sometimes not understanding how 25 they're responding to their trauma can make it very 26 27 difficult to - and that escalates her and then, yes, it 28 becomes a thing. 29 30 Q. Something that you say in your statement is that there are very positive relationships you have. Is that the 31 32 case? 33 Α. Yes, absolutely. So we've got some really strong and 34 positive relationships with some police here in Cairns, and 35 I know certainly local leadership of QPS has been talking 36 really strongly about improving response and officers doing better in how they respond, and we do have some really 37 positive relationships. Some of those broader spaces, so 38 the kind of more broader general duties, that's probably a 39 40 little bit more of a mixed bag. 41 So can you in your position - I guess because you 42 Q. 43 have - you are in a good position to comment on this 44 because you have those relationships with specialist police or police who would have some understanding of being 45 trauma-informed and domestic violence and gender-informed, 46 47 and then also the stories that you hear and the things that

1 you observe from your clients where there is a mixed bag 2 response of general duties or first responding officers. 3 Is there anything that you are aware of that can help the 4 positive initiatives or the buy-in from individual police 5 filter out more broadly within the QPS so that that spreads 6 to the more general duties officers? 7 I think it's a big challenge in that it's such a big Α. workforce, I think is probably first and foremost the 8 I think a lot of the police have been 9 biggest challenge. 10 working hard at trying to shift and change those attitudes and beliefs where they can. But I think, you know, the 11 12 most important thing that any of us ever bring to our 13 workplace is ourselves, and if we're not having conversations with ourselves around our attitudes and 14 15 beliefs and why we might believe that it takes two to tango or that women are just as violent as men or if the alcohol 16 17 and drugs stopped then the DV would stopped, if we're not engaging in those conversations and perhaps providing some 18 19 of that gentle pushback around why those are perhaps myths around domestic and family violence, it can be really hard 20 to engage some of that cultural change. 21 22

23 MS CAPPELLANO: Thank you, Witness B. They're the 24 questions that I have for you, but the Commissioner or 25 other lawyers might have some questions now.

27 COMMISSIONER: Yes, Ms Hillard.

29 **<EXAMINATION BY MS HILLARD**:

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Just in respect of the last question Counsel Assisting 31 Q. asked you about the pushback and why things might be 32 missed, one of the things that has been talked about at 33 the Commission and in other forums is about a co-responder 34 35 or a co-locator or a multi-disciplinary model. So we'll go through each of those separately. Do you see a value in 36 having a specialist domestic and family violence worker or 37 a social worker attending with police in order to assist 38 with the initial response? 39 I think that one of the biggest questions around that Α.

40 41 is the time to be trying to have those conversations. So we know - so if I think to the Duluth Model where they do 42 43 have often shelter workers who attend with police, that can 44 ease pathways into services such as those. So, you know, 45 they will help kind of get her and the children and get them into shelter. But those I would suggest are responses 46 47 that would need to be fully resourced and funded to be able

1 But I think the big question is whether that's to provide. 2 the time to intervene. I think a lot of co-responder 3 models look at going maybe in the days following an 4 incident, and sometimes that's given people time and space 5 to breathe and think about what it is that they might want 6 to do next. 7 You mentioned about the co-responder model there about 8 Q. whether it's an appropriate time to respond in a crisis 9 10 situation, if we describe it that way. Α. Yes. 11 12 13 Does that also apply for police, do you think, in the Q. experiences of the women that you have seen in the work 14 15 that you do about them making an immediate or a quick response and then not going away thinking about it, 16 17 investigating it a little bit more, to get the most optimal outcome? 18 19 Α. Yes. So with the introduction of the body-cam stuff, and I think we've seen a lot of that evidence in some of 20 the bigger cases that have been talked about, I guess my 21 22 question around some of that being used as evidence or 23 perhaps as statements potentially is whether - sometimes 24 when women have an opportunity to make a written statement and they have time to think and consider, I guess, their 25 words and how they may phrase things, they may phrase it in 26 27 a particular way that they may not be doing in the immediate aftermath of an incident, if that makes any sense 28 Sorry, that was a complicated answer. 29 at all. 30 31 If I can perhaps articulate it in this way. There is Q. perhaps a value to having what's sometimes referred to as a 32 tiered response; the police might respond and then there is 33 some work done with a social worker and then the statement 34 35 is taken? Yes, that would make sense to me. 36 Α. 37 I asked you about the co-locate model. So that's one 38 Q. of the things that arose out of the Langham and the Clarke 39 40 inquests earlier - sorry, they are referred to as 41 multi-disciplinary, the multi-disciplinary model that arose from that, and that involved having someone from police, 42 43 Department of Child Safety, a lawyer there to assist as 44 well, someone from Queensland Health, and other engaged services there at the time. Have you got a view about 45 that? And put aside the regional difficulties. 46 I'll come back to those in a moment. 47

1 Sure. Look, I think there's - you know, with things Α. 2 like the HRT, that multi-agency response can be really 3 I think there's a balance of that with not helpful. 4 overwhelming people or sometimes people then feeling like, "Actually, this is the course of action that I need to 5 take." So what I would hate to see is perhaps survivors 6 7 pressured into something that they were maybe not quite ready to do or decisions that they're perhaps not quite 8 9 ready to make. Sometimes we see that where, you know, 10 women leave and sometimes they access the VAQ payment, and that helps them leave and try and re-establish perhaps 11 their lives somewhere. But sometimes what we find is 12 13 that's not a sustainable change at that point because perhaps it wasn't necessarily their agenda. 14 15

So sometimes there's a capacity for services, even 16 17 with Redbourne referrals, some of those that come through with consent, when we actually talk with the aggrieved it 18 19 felt safer to say "yes" to the referral; they didn't feel like they could say "no" when it was offered. So I guess 20 I would have some concern around whether she then gets 21 swept up in a system, and being victim led and victim 22 23 centred gets lost.

I suppose if everyone is adequately trauma-informed, 25 Q. DV-informed and gender-informed then perhaps she would be 26 27 looked after? 28

Α. Yes, I would hope, yes.

30 Q. You gave some evidence about the HRT in Cairns and you were asked about what is paragraph 19 of your statement 31 about the officer perhaps suggesting matters and charges 32 that might be laid? 33 Yes.

34 Α. 35

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Can I ask you this: in your experience while that's 36 Q. all well and good it's an engagement at a higher level to 37 correct something, it really does depend on how the 38 frontline responding officers gather the information in the 39 40 first place?

41 Α. Absolutely. 42

43 Is that something that based on certainly your Q. 44 examples that needs a lot more work from the Queensland Police Service? 45 I would suggest so, and even that QPS officer was well 46 Α. 47 aware that actually it was really hard for inexperienced

1 officers to attend and know what it is that they could 2 actually do and act on. 3 4 One of the things that you also mention in your Q. 5 statement, and you were asked questions about paragraph 18 6 about the key elements and improving response about being 7 trauma-informed, I think it goes without saying that you would also accept that it has to be gender-informed and 8 9 there needs to be a gender analysis? 10 Α. Absolutely. 11 In one of the things that you spoke about in your 12 Q. evidence is that power imbalance and societal power 13 imbalance as that often exists between men and women? 14 15 Α. Yes. 16 17 Is that something you think is important to be added Q. to any training or responses by Queensland Police Service? 18 19 Α. Absolutely. It gives I think a greater context to the dynamics, but also domestic and family violence is all 20 about power and control. So we sometimes also need to be 21 22 able to recognise when our systems are being engaged in 23 that or being used as a weapon as part of that power and 24 control; so that broader space. And I know I've done some sessions with QPS and talked about the fact that we would 25 offer referrals or kind of were open to female respondents 26 27 being referred to us through Redbourne and was really 28 challenged by some officers around, "Well, how is that equality?" And my response to that is it's not about 29 30 equality, it's actually about equity, and it's also around it's steeped in the research and we know that women will 31 use violence for different reasons. 32 33 34 Just speaking about the Redbourne referrals, based on Q. 35 the experience and the many examples that you've given and your engagement with the Police Service over the years, do 36 you have a view about whether or not the referral pathway 37 is viewed by police as maybe that's sort of the end of 38 their job? 39 40 Α. I think often when I look at the quality of referrals that come through from Redbourne I think guite often that 41 is the case and I think quite often it's a tick, "Yes, I've 42 43 referred that on." I would suggest that we're not getting 44 considered referrals. We're getting referrals, yes, we're But a number of those are not 45 getting 1,600 of them. There's no discernment around actually who 46 considered. 47 might need the service, no looking at the right service at

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1 the right time for that person. 2 3 Q. And perhaps an absence of consideration in a more 4 informed way of charges as a protective layer or other methods or other things that might need to be in place for 5 6 a protective layer; would you agree? 7 Yes, absolutely. Α. 8 9 Q. If we just focus on the charges and the side of the 10 charges, have you had - you've spoken about difficulty in getting police to charge for many of the women that you 11 12 represent. M'hmm. 13 Α. 14 15 In terms of them going to a police station you said, Q. "It shouldn't be the responsibility of our women to talk to 16 17 police or teach police by going." Have you still had experiences or can you comment on if they've been 18 19 encouraged to go and make a complaint and they still don't get received well? 20 So sometimes that doesn't go any further. 21 Α. Yes. So sometimes - so typically our understanding is that they 22 23 will go to the OIC in the first instance to perhaps have a 24 conversation around their experience, and that has not always gone well. It 's a very difficult space for our 25 women to sit in and, well, challenging to try and have 26 27 those conversations and the power dynamic that exists 28 inherently in trying to have those conversations. It's really significant. 29 30 31 And when they don't get that receptive or that Q. positive response from the officers who they might be 32 engaging with does that result in them disengaging? 33 34 Α. M'hmm. 35 And when I say "disengaging" in your experience does 36 Q. that result in them not contacting the police for further 37 help in the future? 38 Absolutely. I've worked with a number of women across 39 Α. 40 my career who are really clear that actually they won't be calling the police for a number of reasons which, you know, 41 they need to. They need to be safe. 42 But it's a 43 really - it's a struggle, and the response has had them 44 completely disengaging. 45 46 Q. One of the common complaints made to Women's Legal 47 Service via their clients is that they will attend a police

1 station and their details won't even be taken and they'll 2 just be referred off straightaway. Can you comment on 3 that? 4 Yes, that happens a fair bit. We sometimes talk about Α. 5 front counter roulette and sometimes it really depends on the officer who's responding at the time. So sometimes 6 7 they'll get a really empathetic, positive response and other times it's much more, "This is not - this is not what 8 I'm dealing with today," or I've had women who have gone 9 10 and they've had death threats on their mobile phone and police officers have literally shrugged at her and gone, 11 "What do you want me to do about it?" So, you know, I've 12 got a 17-year history in the sector. So there's a 17-year 13 history of incidents where some of the response hasn't been 14 15 very helpful and in many ways harmful. 16 17 And can I also just focus in on the provision of Q. 18 details in those scenarios. Are you aware of the women not 19 even having their name and details being taken so the police will make a DV occurrence log like they're meant to? 20 Yes, so sometimes it will be - even if we try to 21 Α. 22 follow up there's no record. 23 24 And in respect of your experience you talk about Q. you've had 17 years. We're not talking about things 25 from - they might have been 17 years ago, but they're 26 27 ongoing and they're current now? 28 So I would suggest that, you know, while there's Α. Yes. those pockets and the effort for change, actually still a 29 30 lot of the issues with police are the same as what they were in 2005. 31 32 33 Q. At paragraph sub (e) of 13 is one of your case examples, case number 5. This was working at the Mareeba 34 35 office and the lady that had to come - the First Nations I don't want to rehash what you've got in your 36 ladv. I just want to ask specifically about the 37 statement. LGBTI+ status. Are there any sort of challenges that you 38 observe specifically for people in the LGBTI+ community 39 when they're involved in domestic and family violence? 40 41 Α. Absolutely. Again it depends a little bit on the individual officer response. We have some really great 42 43 police who respond. But then I have also worked with men 44 who have had police kind of respond in that, "Well, it's just two blokes just having a go at each other," not 45 understanding that actually quite often the dynamics are 46 47 very similar to what it would be for a female aggrieved and

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1 that there's that really significant power imbalance. 2 3 Certainly in the example I gave there's some really 4 physical differences and very physical violence that that 5 woman experienced at the hands of her partner, and sometimes that real difficulty in, "Well, you know, when 6 7 everyone's kind of equal it's really hard to discern who's who," but actually when you take the time to unpack, you 8 know, who's afraid of who, and the pattern of the 9 10 relationship, and who's constantly being torn down, it can become really quickly obvious who the most vulnerable 11 12 person is in that relationship. So there are some good 13 police around that, but there are some police who still genuinely struggle in unpacking that and unpacking some of 14 15 the stereotypes too. 16 And that perhaps is an experience thing but also a 17 Q. 18 training thing? 19 Α. Yes. 20 21 Q. And in respect of some of the evidence you gave about - your words were what a good victim might look like and 22 23 you've mentioned about unhelpful coping strategies? 24 Yes. So it's not unusual - I alluded to the trauma Α. and the complexity sometimes of the trauma that our 25 survivors are experiencing, and so sometimes they will 26 27 engage in drug and alcohol abuse. Sometimes their coping 28 skills will be unhelpful. Sometimes when police arrive that's when she feels safe to have a go at him, and so she 29 30 does, and the difficulty - and I acknowledge it - for 31 police in that instance is, you know, they may well be bearing witness to her kind of resistance or her 32 retaliatory violence, which doesn't make it okay, but is a 33 very different context to why a male perpetrator may be 34 35 using violence. 36 And there's perhaps a difference between being charged 37 Q. criminally for a violent action to then being made a 38 respondent and being misidentified in an overall 39 40 relationship that is domestically violent? 41 Α. Absolutely. And I think that's some of the challenge in that policing at the moment is retrospective and 42 43 incident based predominantly. So I think certainly if 44 we're thinking about the introduction of coercive control legislation I have long held some really significant 45 concerns about what that might mean for survivors if we're 46 47 not looking at that kind of future protection, but also

looking at who's afraid of who, who's being torn down 1 2 regularly. What we often know is male perpetrators who experience violence from their partners, often they're 3 4 known to sometimes laugh at their wives' attempts or their partners' attempts at violence, but also they're fearful 5 6 for the moment that she may or may not have a weapon. 7 So typically women don't have the physicality to fight 8 9 back in the same way that a man might. So they do tend to 10 grab a weapon. He might be momentarily afraid of her, but once that weapon has gone often that fear isn't there. So 11 I think one of the cruxes around domestic and family 12 13 violence is it's always attached to that fear for physical and sexual safety. In heterosexual relationships I haven't 14 15 seen quite the same level of fear when we've had male aggrieved present. 16 17 You mention in your statement about the Redbourne 18 Q. referrals and when you can identify when someone has been 19 misidentified difficulty with engaging with police in order 20 to change that when clearly there is a mistake? 21 M'hmm. 22 Α. 23 24 Are you involved in the process of assisting the Q. correct aggrieved, the woman usually statistically, through 25 26 the court process? 27 Yes. We don't have any representative role like Α. 28 perhaps one of the legal services, but if our assessment is that that person isn't the predominant aggressor, despite 29 30 the assessment that might come through Redbourne, we will provide the supports that are needed. 31 32 33 Q. And in following through that process with the woman aggrieved who's wrongly identified at what stage of the 34 35 process, if any, will the protection notice be withdrawn or 36 the application be withdrawn despite representations being made to prosecutions? 37 That is very, very rare that that would occur, and 38 Α. I think sometimes there's an element of risk aversion, 39 40 I think, from time to time around that in that they 41 don't - police may be reluctant to take a protection away from an aggrieved. So it's been very rare that we've seen 42 43 that happen. What I have experienced throughout my 17 years is most often women do not have the time, the 44 energy or the resources to fight DVO applications, and so 45 most often will end up consenting without admissions. 46 47

1 And if we focus in on the women as respondents as Q. 2 well, often being a single incident base? 3 Α. Yes. 4 5 Q. On the flip side in your experience have you often seen or can you say whether you see the same pattern with 6 7 men as respondents? Are they being named respondents for one incident or are women more likely to be named as a 8 9 respondent for one incident? It does seem to only take one incident for that to 10 Α. shift and change. So they could come to my house and I'll 11 be the aggrieved three times but then I pull a butter knife 12 13 and say some swears and then that fourth incident I end up with an order against me. There can be some real 14 15 challenges, I think, in holding perpetrators accountable and certainly seeing charges or breaches being pursued or 16 17 being successful. So I think there is a difference. 18 19 Q. Do you think that there is a difference between the response to men on that incident holding up the butter 20 knife compared to the woman? 21 I think there is often a credibility that is gifted to 22 Α. 23 men's stories that isn't gifted to women. So my sense has 24 always been that there is a very strong interrogation of women in their stories and what's happened to them. 25 My 26 experience has been that men can present to the front 27 counter of QPS and get a very different response to what 28 some of our survivors have, and that's still fairly recent. 29 30 MS HILLARD: Commissioner. Thank you. Those are my 31 questions. 32 33 MR McCAFFERTY: No thank you, Commissioner. 34 35 MR HUNTER: No thank you, Commissioner. 36 MS CAPPELLANO: 37 No further questions, thank you. 38 COMMISSIONER: Thanks very much, Witness B. 39 Thank you. 40 You're free to leave. Thank you for coming in. 41 <THE WITNESS WITHDREW 42 43 44 MS CAPPELLANO: We have no further witnesses for today. 45 AT 3.31PM THE COMMISSION WAS ADJOURNED UNTIL THURSDAY, 46 21 JULY 2022 IN TOWNSVILLE 47

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