
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**

Townsville Magistrates Court, 31 Walker St, Townsville.

Thursday, 21 July 2022

1 MS CAPPELLANO: Good morning, Commissioner. There are
2 three witnesses due to give evidence today, and each
3 witness will give evidence in person. Each witness has
4 provided a statement to the Commission, and they have been
5 provided to the parties. So I will begin by tendering as
6 bundle G the statement of Paul Taylor; a remuneration for
7 North Queensland incentive table; a statement of
8 Zak Holliday; and a statement of Jordan Theed.

9
10 COMMISSIONER: Tender bundle G will be exhibit 10.

11
12 **EXHIBIT #10 TENDER BUNDLE G**

13
14 MS CAPPELLANO: I'm now in a position to call Paul Taylor,
15 the first witness.

16
17 COMMISSIONER: Thank you.

18
19 **<PAUL TAYLOR, sworn:**

20
21 **<EXAMINATION BY MS CAPPELLANO:**

22
23 Q. Deputy Commissioner, do you have a copy of your
24 statement on the table with you?

25 A. Yes, I do.

26
27 Q. You can refer to that throughout the evidence if
28 needed. We can also place any of those items up on the
29 visualiser if needed?

30 A. Thank you.

31
32 Q. Deputy Commissioner, can I begin by asking you about
33 your service history briefly and your current role.
34 I understand you've been a member of the Queensland Police
35 Service for approximately 45 years?

36 A. That's correct.

37
38 Q. And since 2020 you've been the Deputy Commissioner of
39 the Queensland Police Service?

40 A. That's correct.

41
42 Q. Mr Operator, could I place an organisational structure
43 of the Queensland Police Service, document [COI.001.0001],
44 on the screen, please. While that's coming up,
45 Deputy Commissioner, I understand that your current
46 portfolio is that of regional Queensland?

47 A. Yes, that's correct.

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Q. We might just wait for that to come up. We can see that to the far left of the document?

A. Yes, that's correct. That's my portfolio. So there's both a geographic footprint and a couple of organisational commands which are predominantly placed in Brisbane but service the whole state.

Q. Those two organisational commands are Operations Support Command and the Road Policing and Regional Support Command. You deal with their role in your statement, and they're less relevant for today's purposes?

A. Yes.

Q. Then if we turn to the regions that are covered within your portfolio, it's the central region, the far northern region and the northern region?

A. That's correct.

Q. Mr Operator, could I place up the map of Queensland, document [COI.020.0001], on the screen, please. Deputy Commissioner, again you've outlined in a fair amount of detail in your statement the regions that are covered by your portfolio. The map up there is not a police map; it's a DATSIP map. But would you be able to identify just broadly the different regions that are covered by far northern Queensland, northern Queensland and central Queensland?

A. So basically to the top of the map or the north of the state which is depicted in the lighter colour blue is indicative of what's called the far north region. It's unique in that it only has one district, which is called the far north district, and it caters right up into what's referred to as Cape York, also the Peninsula at the top of the state, and also takes in the - the wedged-in box exploded to the right-hand side of the screen there, the Torres Strait Islands, which again are scattered across the northern tip of the country and separate Papua New Guinea from Australia, and in fact Saibai and Boigu, which are furthest north, are some several kilometres from the mainland of PNG.

The next depiction down there, if I could describe that as a slightly darker blue, is indicative of what is referred to as northern region. It has two police districts, that of Townsville, which we sit in at the moment, and that of Mt Isa. Mt Isa extends out to the

1 Northern Territory border and takes in what's referred to
2 as the Gulf country. If we come down to what I would
3 describe as a greenish type blue, that is reasonably
4 indicative of what is referred to as central region, and
5 basically it goes from the coast - it's based at
6 Rockhampton, then goes out and takes in the bottom corner
7 of South Australia and Northern Territory.

8
9 Q. So under that portfolio it covers the vast majority of
10 regional Queensland?

11 A. That's correct.

12
13 Q. Can you tell the Commission about the tenure,
14 different tenure, of police officers who are posted
15 throughout those regional - about your portfolio?

16 A. So typically tenures are a minimum of three years, but
17 in a number of those locations those tenures are two years.
18 So predominantly the tenure of two years relates to - what
19 we would describe as discrete Indigenous communities are
20 two years, and there are some locations where two years
21 exists - such as I believe the Torres Strait Islands is
22 also a two-year tenure.

23
24 In regards to commissioned officers, it's only been
25 recently implemented that there's a tenure period for them
26 which is consistent with non-commissioned officers. So
27 previously there was no tenure period for commissioned
28 officers, but as a result of a ruling recently the tenure
29 period has been introduced.

30
31 COMMISSIONER: What was the ruling?

32 A. So there was a judicial review in regards to
33 promotions of an individual, and it was ruled that the way
34 that we were promoting was inconsistent with the award or
35 the industrial instrument, and its individual location had
36 to be advertised and competed for on merit, and as a result
37 of that we introduced the same tenure period as what the
38 non-commissioned officers have.

39
40 COMMISSIONER: So what's that got to do with merit, the
41 tenure period?

42 A. So it was to align the consistency. So we were
43 inconsistent with non-commissioned officers. So we made
44 that consistent, so, when new positions were advertised on
45 a one-by-one basis and competed for on merit, the same
46 locations that have a two-year tenure were aligned to that
47 as well so there was no inconsistency between commissioned

1 officers and non-commissioned officers.

2

3 COMMISSIONER: So is that the - so all around the state?
4 So every commissioned officer is a three-year tenure except
5 for the two years?

6 A. Yes. Virtually everyone's three years minimum.
7 There's no maximum tenure, but there is a minimum tenure,
8 and I think that would probably apply to Weipa and to
9 Thursday Island in the Torres Straits.

10

11 COMMISSIONER: All right. So it just means when you apply
12 for those positions you have to stay for at least two
13 years?

14 A. Two years, yes.

15

16 COMMISSIONER: Okay. And before that there was no
17 minimum?

18 A. No.

19

20 COMMISSIONER: Okay. I understand.

21

22 MS CAPPELLANO: Does that have any practicable - have you
23 seen so far any practical difference?

24 A. No, sometimes with those remote postings people go
25 there - sometimes they separate from their family for the
26 duration, leave their - particularly those that have got
27 kids in education at an older age, and sometimes that
28 separation is not as easy as what they think. So there are
29 personal circumstances. In the past it's led them to try
30 and leave prior to what we would consider a reasonable time
31 there. So the tenure now - obviously we'd still consider
32 personal circumstances if such applied, but people go there
33 knowing that they're there for a minimum of two years or a
34 minimum of three years.

35

36 Q. Deputy Commissioner, one of the concerns that you
37 raise in your statement about the challenges in policing in
38 regional and remote Queensland is the recruitment and the
39 maintenance of staff in those postings. Is that fair?

40 A. Yes, that's fair.

41

42 Q. Because of that challenge is it the case that there's
43 a high number of relatively inexperienced officers who are
44 posted to regional and particularly remote Queensland?

45 A. Yes. Really, our only opportunity to really push
46 people into positions that they possibly don't want to go
47 to is when they're confirmed, are first-year constables.

1 So particularly a lot of confirmed first-year constables
2 get sent to those places where we're having challenges
3 recruiting.
4

5 Q. By "confirmed first-year constable", that means
6 somebody who has just confirmed their first-year constable
7 training; is that correct?

8 A. That's correct.
9

10 Q. You've provided a table which outlines entitlements
11 and incentives, and that talks about the monetary and leave
12 bonus-type incentives. Are there any incentives for people
13 in terms of career or promotion which would encourage
14 people undertaking remote or regional service?

15 A. So our promotional system relies on a merit-based
16 opportunity. So, having said that, an applicant for a
17 position has to demonstrate merit. So it relies on them to
18 draw together their experiences in regards to their
19 policing or other careers, including any academic
20 qualifications that they might have to demonstrate to a
21 panel against the job description that they're applying
22 for. So in certain circumstances because of the complexity
23 and the range of I suppose responses that typically they
24 may go to in a remote location it is possible for them to
25 demonstrate that they have potentially higher merit than
26 someone that perhaps is in an urban area that doesn't have
27 the broad range of experiences or exposures.
28

29 Q. Is it the case that when looking - I guess in your
30 experience when looking at promotion, is regional service,
31 is perhaps more remote service, is that given significant
32 weight, in your experience?

33 A. In my experience, no.
34

35 COMMISSIONER: Should it be?

36 A. It should be, but the system requires people to
37 demonstrate merit. I am aware that other agencies, in
38 particular Education, has a system where they achieve some
39 sort of point system which gives them greater recognition
40 for service at remote and isolated areas. We do not have
41 that, and in actual fact if you've got I suppose a
42 composition of a panel that is looking at applicants on a
43 merit basis and they themselves have never served in an
44 isolated or remote location potentially they don't
45 understand the complexity that's involved and they may in
46 fact - if the person hasn't well articulated their
47 experiences, may not recognise the fact that those people

1 have been exposed to a very broad range of policing
2 activities.

3
4 COMMISSIONER: I wonder if there is scope,
5 Deputy Commissioner, for something like assistance for
6 people in those regional areas to draft applications, job
7 applications, so that they could be better placed to
8 outline the nature of the duties that might put them in a
9 better position for merit?

10 A. There are various avenues that they can go to where
11 they can get assistance. So, from my personal experience,
12 I've assisted a number of people that I've mentored and
13 those who have come to me to - not that I'm an expert in
14 it, but I offer my thought in - and of course
15 drafting - it's a two-page resume that has to articulate a
16 range of requirements, and so it is quite tricky to
17 concisely put on two pages. It does take into account
18 recency, and it does take into account the role that you
19 are applying for.

20
21 So, for example, if you're applying for a position
22 where you had to supervise or demonstrate leadership
23 obviously the merit is considered from a leadership
24 perspective. So you need to demonstrate. And it's not
25 just leadership of the Police Service but we require people
26 to provide broader leadership. So someone that's in a one-
27 or two-person community we would expect that those people
28 are providing leadership to that community and support
29 other leaders in that community to achieve benefits for the
30 community.

31
32 COMMISSIONER: So that didn't really answer the question.
33 A. There is assistance, but we could certainly do that
34 better. But, again, some people don't reach out for the
35 support and assistance.

36
37 COMMISSIONER: I suppose it's not easy to reach out to a
38 Deputy Commissioner?
39 A. I gave myself as an example. But there are lots of
40 people in the service that provide mentorship, and there's
41 a leadership program out at the academy. So the whole way
42 along there's opportunities for people to reach out to
43 colleagues and seek assistance. But we could certainly do
44 that better, is probably the comment I would make.

45
46 COMMISSIONER: Just while I'm interrupting
47 Counsel Assisting, at the end of your two years as a

1 first-year constable or whatever-year constable at a remote
2 community, do you get to pick your next posting, or is that
3 something you have to apply for in the normal course?

4 A. Yes. So, again, it's very difficult. So, for
5 example, the north coast region, if you're talking around
6 Mooloolaba, Sunshine Coast and all that, everyone wants to
7 go there. So you end up with a surplus and a number of
8 people who want to go. It is sometimes difficult to get
9 them back to where they want to go. Most of them gravitate
10 back to the south-east. The mathematics tells you when
11 you're recruiting in the state of Queensland that the
12 population basis is in south-east Queensland. So therefore
13 predominantly you're recruiting from that basis. So
14 there's a range of reasons why people want to gravitate
15 back to where they're comfortable, whether there be family
16 or other activities. So it is difficult keeping people
17 past the two years, and in actual fact some people as soon
18 as they get there are looking for an exit strategy.

19
20 Q. Okay. So do they get to at least put their first
21 preference and if possible they go to their first
22 preference at the end?

23 A. Usually they look at a district that they'd go back
24 to, so a district might be Logan or it might be the
25 Gold Coast district, and where they actually get appointed
26 is around where the vacancies and that are. So it's a
27 constant moving, where people are in and out of different
28 positions all the time. So it's trying to rebalance things
29 as best we can. Again, a lot of those people that go to a
30 remote do have minimal service, and so they're not in a
31 position to compete for sergeants positions and that. So
32 usually they come back on rank to those locations.

33
34 MS CAPPELLANO: But would somebody who had been serving in
35 Doomadgee and then they wanted to go to the north coast -
36 I understand they might not be able to get into Mooloolaba,
37 but would their preferences be placed ahead of somebody who
38 had been serving in Brisbane South?

39 A. Not necessarily. Again, unfortunately a lot of police
40 can serve their whole career and never ever leave the
41 south-east corner. In fact, I frequently go to retirement
42 functions where people have never ever left the greater
43 Brisbane area. So it is a bit of a challenge to have, and,
44 again, we've moved to a central panel for some of the NCOs
45 positions. But there is not the general recognition right
46 across the organisation around the exposure that people get
47 in remote and isolated locations that they should be, and

1 it's obviously an area where we could do better.

2

3 Q. You talk about at paragraph 18 of your statement that
4 a selection of an officer in charge of remote locations
5 usually involves a local panel member from within the
6 community. Would there be any merit in, when looking at
7 selection panels, there being more representation from
8 people who have served - people such as yourself from
9 regional Queensland so that those challenges are
10 recognised, the greater challenges, and the merit that
11 might come from serving in regional or remote Queensland
12 would be recognised?

13 A. Certainly that would bring a balance, and on occasions
14 that does occur and you do get that balance. But, you
15 know, the system - if you want it balanced fairly, the
16 system needs to recognise on the panel what the policing
17 aspects are in those remote areas.

18

19 Q. You talk at paragraph 19 of your statement about the
20 isolation being challenging for many new police who go to
21 remote locations in Queensland but especially if they're
22 people drawn from an urban environment.

23

24 COMMISSIONER: Paragraph 19?

25

26 MS CAPPELLANO: Sorry, paragraph 19.

27

28

29 Q. Do you find that people who are from regional
30 Queensland already tend to cope better when they go to
31 remote or discrete Indigenous communities?

32

33 A. My answer would be generalised, but yes, and the
34 reason I say that is there are some people that their
35 exposure to, for example, First Nations people might be
36 limited or zero depending where - they could have gone to
37 schools where there are no First Nations students as
38 opposed to someone that was educated, say, in Cairns, where
39 predominantly they would have gone to school and interacted
40 with people from First Nations and had a greater rapport
41 and an understanding and probably been good friends. So
42 that's certainly a fair comment, I think.

42

43 Q. If we're just looking at general recruitment
44 throughout Queensland for the police, are there any
45 differences in how easy it is to recruit people from
46 south-east Queensland as opposed to regional Queensland?

47

A. Yes, so we've been challenged in recent years around a

1 number of issues. The economy and the growth in the
2 economy certainly has an impact on recruiting, and
3 currently at the moment with unemployment being at its
4 lowest for years is a challenge for us, and the skill set
5 that we're looking for is a challenge for us. Public
6 sentiment at the time can impact recruiting. So, for
7 example, if public sentiment regarding police is not overly
8 favourable, that has a negative impact on recruiting.
9 Going the other way, those periods of history where we've
10 had very high public sentiment you tend to see more people
11 come in. There are a range of factors. Mining in
12 particular has a huge impact on us in regional areas, not
13 only in regard to getting applicants from regional areas
14 but the poaching of existing staff, and Weipa being a point
15 where, you know, a police officer up there being challenged
16 daily keeping the community safe as opposed to driving a
17 truck at a mine. So there are those constant push-pull
18 factors around recruiting.

19
20 But we need to better focus on remote and rural areas,
21 even places like Mt Isa, which has everything there. It's
22 got a very efficient airport, sporting activities, so
23 forth. We at times struggle to get recruits coming into
24 Mt Isa, and in fact we have to send people to Mt Isa. So,
25 you know, recruiting more from Mt Isa - again, it's a large
26 mining town, and so you're competing with the mines with
27 the salary that they offer. So it's an ongoing problem.
28 But I think we have to continually look at better ways to
29 recruit from regional and remote areas.

30
31 Q. Is there anything in particular from your experience
32 that would assist to do that?

33 A. I think - we've been very successful with getting into
34 schools where we're at schools and forming good
35 relationships with kids at a younger age. Interestingly,
36 Adopt-a-Cops go into a primary school and they typically
37 get mobbed by the kids. We have positions in high schools.
38 When the police go into the high school all the kids
39 disappear. So there is a timeframe where I think it's cool
40 to be with police and then a timeframe when it's not cool
41 to be with police. I think we really need to take
42 advantage of that younger age, building relationships with
43 them and working on those opportunities where they can be
44 engaged in the Police Service, whether it be as a police
45 officer, an admin officer, a PSO now or a PLO, I think --

46
47 COMMISSIONER: Recruit from primary school?

1 A. Well, you would be surprised. I interact with a lot
2 of the inductees, as do a lot of the executives and senior
3 officers, as to why they joined the police, and you'll be
4 surprised how many will articulate a time when they were a
5 young kid where they had an interaction with the police
6 which was positive and as a result of that they decided at
7 that young age, "I want to be a police officer."
8

9 We know that's the same going the opposite way. We
10 know that kids that have an engagement which is less than
11 favourable, that can set them to disengage and not wanting
12 to associate with police. So I think there is an area
13 there that's worthwhile tapping into, and we do have a good
14 opportunity. The recent government election commitment to
15 put police school support services into those primary
16 schools and build relationships and work more with the
17 school community around a range of factors I think is
18 worthwhile exploring.
19

20 MS CAPPELLANO: What about the recruitment of
21 First Nations people? Is there anything that in your
22 position can be done better in terms of getting more
23 First Nations to be recruited into the police force
24 generally but also sworn officers?

25 A. Yes, look, there is. I suppose the challenge is if
26 you have a look at the cohort - and this is generalising
27 again. So PLOs, whether they be First Nations or
28 non-First Nations people, are typically selected because
29 they have a stature within the community. By that I mean
30 they're well respected. On occasions they're considered
31 Elders. So that straight away gives us that opportunity to
32 positively engage and to receive advice from that
33 individual in regards to those issues that police need to
34 take account of.
35

36 Having said that, and they do a great job, most,
37 because of their skill set, would not be suitable to become
38 police officers because they don't have the skill set, the
39 range of physical fitness and all those sorts of things.
40 So if you went the other way, which is what we've tried to
41 do a few times, if you're employing people and you use PLOs
42 or you use the PSOs as a stepping stone to becoming sworn
43 police, which I think is the vision that we should have
44 there and the roadmap that we should have there, you don't
45 have that purchase into the community that you otherwise
46 would have had with someone that's got established
47 credibility.

1
2 So at some point in time we need to decide do we want
3 to create a career pathway for First Nations people to be
4 mentored and supported in a role within policing to become
5 police, and if that's the case, the way that you recruit,
6 and that ultimately has to have some of the skill sets that
7 are prerequisites to become police. It's something that we
8 need to look at how we introduce it without diminishing the
9 role at the moment that we have because, you know, they
10 provide an excellent service for us as an organisation, but
11 they also make major contributions to the community in the
12 roles that they play. So it's getting that balance right.
13

14 And of course you're probably aware that we have had
15 programs where First Nations and non-English speaking
16 applicants or people from non-English speaking backgrounds
17 have been supported through a program to give them
18 prerequisite knowledge to then go on to become police.
19

20 Q. We've heard evidence about --

21 A. Yes. So those programs. But I think we need to lay
22 the footprint and everyone needs to see how they can go
23 about that and they can be supported so that the vision is
24 there for them to become police.
25

26 Q. So do I understand correctly that currently while -
27 although it might have been thought about in a general
28 sense, there's no structure in terms of pathways from
29 people being either a protective officer or a PLO then
30 transitioning to become a sworn officer?

31 A. It's been more talked about with the PSO because the
32 cohort of a PSO and the skill sets are more aligned to what
33 you would see in a recruit. The cohort that's getting the
34 PLO positions typically - and I'm not saying all, but most
35 of them are elderly to start with, are well established in
36 the community, and, like I said, are considered Elders or
37 whatever, they would not be in a position, in my view, to
38 undertake the training and become police officers.
39

40 Q. Of course. And likely not to particularly want to do
41 that either?

42 A. No, and that's the other thing. Some of them - even
43 some of the younger ones that have been spoken to around
44 opportunities and support too to make sure that they meet
45 the requirements are quite happy doing the role that they
46 do.
47

1 Q. Yes, of course. You've talked about PSOs and we've
2 heard some evidence about that. But, just to confirm, the
3 PSO is what you're referring to as a protective services
4 officer?

5 A. Yes.

6
7 Q. Is my understanding correct that there's protective
8 services officers throughout government buildings all
9 across Queensland, for example the people letting everyone
10 into court this morning, but what you're talking about is a
11 trial of having PSOs being identified positions and there's
12 been a trial of that on Palm Island; is that correct?

13 A. That's correct, yes.

14
15 Q. And what is your view on how that's gone so far?

16 A. That's been extremely successful.

17
18 Q. Why?

19 A. Well, first and foremost, it's provided a clear
20 pathway in regards to - so previously they would have been
21 contracted employees through a third party, so typically
22 Education and/or Health would have contracted a service
23 provider to provide security services. They could be
24 employees on the island, or indeed they could be employees
25 off the island. So straight away we've provided a
26 structure that provides not only employment opportunities
27 for people that reside on the island but a structured
28 pathway within government where they can see that they've
29 got the benefits of being a public servant, for example.
30 There's a structure that supports them, a direct link into,
31 as part of the Police Service. So better supervision,
32 better mentoring and all that.

33
34 So I think the PSOs, while they're limited in what
35 they can do under the arrangements because they are
36 contracted to deliver services to government buildings at
37 the moment, so we would need to have a look at that, and
38 the way they're funded at the moment is obviously through a
39 contractual arrangement from the government. So for them
40 to extend that broader we would have to look at funding
41 sources and so forth and change the role slightly. But
42 there's no reason why you couldn't recruit PSOs on the
43 basis that they understand that this could be a pathway for
44 them to become police, and then if they meet the
45 requirements along the way, they were supported and
46 mentored and that's what they choose to do, certainly that
47 is an avenue where you could have First Nations people

1 when you have a third party employed to do a task sometimes
2 the criteria for gathering information or data mightn't be
3 as valid as a government agency that's got the capacity to
4 do that better. But certainly the main stakeholders, so
5 the mayor, for example, and the acting CEO are very
6 praising of the trial and in fact would like to see it
7 extended more broadly and increased, the numbers.

8
9 The challenge for us is the way that the model is
10 funded at the moment. It's self-sufficient. So to move
11 away from that form of funding would take external funding
12 or additional funding. So they are things that need to be
13 worked through, so whether we can partner with other areas
14 of government, particularly federal government, to see what
15 opportunities --

16
17 MS CAPPELLANO: Sorry for that interruption. Was there
18 anything further that you were saying about that topic?
19 A. No, other than all the people that I speak to are very
20 positive about it. In particular, you know, there was one
21 individual there. They take a lot of pride in what they're
22 doing. So, apart from the benefits obviously around
23 community safety and security to those communities, there's
24 an economic benefit, but there's also a social benefit too
25 where these people are working side by side with police and
26 it brings again the community closer to the police and
27 gives us better understanding of the community values and
28 the issues within the community because of those
29 relationships. So, you know, I think it would be a very
30 successful program, and I believe we are very keen to see
31 it rolled out in other areas, and I'm sure our government
32 partners are very appreciative of the trial as well
33 because, again, they've got consistency around a
34 government-supplied resource as opposed to dealing with
35 third parties, which can be extremely problematic.

36
37 Q. In terms of any potential rollout, is that something
38 that has been thought out any further at this point in
39 time?

40 A. To my knowledge, there has been a system to roll out
41 to other areas, but that's outside of my portfolio. I have
42 heard the discussions, and I'm obviously very keen to see
43 where it goes because I think it's a positive attribute for
44 the reasons I've outlined.

45
46 Q. Just moving onto a slightly different topic, something
47 that you also talk about in your statement is relationships

1 and the importance of how it would be ideal to have a
2 hand-over of staff, particularly at an OIC level; is that
3 correct?

4 A. Yes.

5
6 Q. There are challenges and barriers that you've talked
7 about in relation to that, being the way in which staff are
8 put on and whether there's people in the leaving positions?

9 A. Yes.

10

11 Q. If that could be overcome - and also resourcing would
12 be a challenge, I anticipate; is that correct?

13 A. That's correct.

14

15 Q. In an ideal world, is that something that would be
16 useful?

17 A. Yes.

18

19 Q. Very useful or?

20 A. Look, at the end of the day, a lot of things are
21 around perspectives. You can't hand over relationships to
22 start with. So relationships need to be earned. A and B
23 might be able to form a relationship, and A and C might be
24 different because of personalities. But in regards to the
25 values of the community and those historic issues that an
26 incoming OIC needs to understand about the whole
27 environment - by the whole environment I mean the staff,
28 the assets, the building, the key leaders in the
29 community - I think they're important things to be handed
30 over and in an ideal world we should be doing that all the
31 time. But it becomes problematic for a number of reasons.

32

33 Q. And those reasons that you have identified is the
34 recruitment process itself?

35 A. Yes, sometimes it can take six months. So you might
36 have someone that may be promoted, they may be successful
37 in gaining a position elsewhere, they move on. So our
38 recruitment process isn't - doesn't anticipate those
39 movements, and it would be difficult to. So typically
40 there's a lag time between someone departing and someone
41 coming in. In some occasions we try to reunite those
42 people in some communities that might be particularly
43 challenging at that particular point of time. There are
44 opportunities where that could be done virtually. It
45 doesn't need to be done like it used to be in the old days
46 person to person. There's no reason why we couldn't try to
47 identify a suitable virtual hand-over. I think that could

1 be accommodated. Again, when you get hand-overs of people
2 you've got to put your own perspective on things as well.
3 But I think that is a valuable contributor to someone
4 that's taking over a location, particularly if it's a
5 challenging location.

6
7 Q. Do many of the locations in particularly remote
8 Queensland have administrative staff?

9 A. No, they don't.

10
11 Q. Is that a challenge?

12 A. Yes, it is. So, again, there are opportunities there
13 where employment locally could satisfy that, and on some
14 locations we do have administrators that are locally
15 employed. Yes, it's frustrating for me in that, you know,
16 look, even from a local government perspective, if I can
17 use Cairns as an example, a lot of the communities' council
18 officers are domiciled within the Cairns CBD or fringe of
19 Cairns CBD. So, you know, the opportunities for people
20 with experience within community around administrative
21 functions possibly is not the same as if you went to a
22 rural community where kids have been educated in the
23 community and pick up jobs within council or other areas of
24 government. There is only in most communities three
25 footprints on the ground in a lot of cases, and that is
26 police, Health and Education. So I think it is something
27 that is worthwhile. It has been raised in the mayoral
28 summit recently in regards to some locations where we have
29 a part-time admin role. So we're trying to make those
30 full-time employments.

31
32 Q. Are you able to articulate for the Commission why an
33 admin role particularly in remote or discrete locations
34 would be so useful?

35 A. Well, for a number of reasons. You know, it's no
36 secret that police over the years are required to do a
37 range of administrative functions if that resource is not
38 available or if the resource is not sufficient. So the
39 less onerous activities around administrative functions
40 that you can remove from sworn officers, the more time they
41 have to concentrate on the role that they were trained for.
42 So there's a benefit there.

43
44 Secondly, there's a benefit - much the same as what
45 I've said with the PSOs - where you're providing an
46 economic benefit to the location by employing someone
47 locally.

1
2 But, thirdly, much the same as what - the PSO and the
3 PLOs, there's an opportunity for an employee of the QPS to
4 interact with other police that's a member of the community
5 that can share their lived experiences around culture,
6 vision and all those types of things, and likewise have an
7 influence on the staff. So frequently you'll go to police
8 stations where there's been an administration officer there
9 longer than any of the police and everyone gravitates to
10 them as the point of knowledge. So, whilst they mightn't
11 wear a blue uniform, they're certainly valued and at some
12 stations they're regarded as the generals or whatever
13 because they're the ones that everyone goes to.
14

15 Q. You've identified a number of challenges in relation
16 to policing in regional and remote Queensland. Are you
17 able to articulate what in your view having this portfolio
18 is essential for good relationships or positive police
19 responses particularly throughout regional and remote
20 Queensland?

21 A. Yes, to me it's a two-way street. By that I mean, you
22 know, both - and I won't just throw police into that.
23 I strongly believe that all service providers, including
24 police, should have a sound understanding from a local
25 perspective in regards to cross-cultural competency, those
26 issues that are valued by those communities. You can write
27 as much as you like about it, but there's no better way
28 than interaction with the local community themselves. I've
29 been for years advocating and talking to community leaders
30 around, you know, the benefits of facilitating meetings
31 through local government where a simple thing like a
32 barbecue, inviting service providers that are new to the
33 area to come down and meet the leaders, meet the Elders,
34 talk about the community's experience, what their vision
35 is, what they value culturally and, likewise, who are those
36 people that are working in our community, expose themselves
37 to who they are, where they're from, what they do. That to
38 me is the basis of starting a more genuine engagement
39 strategy.
40

41 Meeting someone for the first time during a point of
42 friction is no way to engage. Engagement needs to be done
43 right at the start so that everyone gets off on the right
44 foot. Now, that takes certain individuals' ability to do
45 that if it's not an initiated activity that's part of a
46 system. So by that I mean, you know, twice a year, four
47 times a year let's put it on locally to bring people

1 together. But we know that those individuals that have
2 taken those steps and that have formed relationships and
3 taken the time to really get to know the community and the
4 values of the community and some of the language and all
5 that, they're the ones in my view that have been most
6 successful because they've led in a way where they've
7 ensured that their staff have better understanding and all
8 that. But, going the other way, it needs the community to
9 be wanting of that as well and to facilitate that as well.

10
11 Q. In your statement you talk about the importance of
12 cross-cultural capability, and one of the things that you
13 outline is a number of specific induction packages.
14 A concern - sorry, if I just ask you this to begin with.
15 Is it your evidence that any effective induction can't
16 simply be looking at a PowerPoint that's been prepared by
17 the police or reading locality profiles but also it's
18 critical to have that face-to-face interactions with
19 community leaders, with other stakeholders, other service
20 providers in community?

21 A. I believe so. You've got to build that trust, and you
22 can't build trust from a PowerPoint. Whilst I acknowledge
23 there's a couple of great packages there, Hope Vale in
24 particular - and, interestingly, the OIC from Hope Vale,
25 he's from a culture himself; I think he's a Fijian
26 national. So he has done a lot to facilitate what
27 I believe is a good package. But nothing beats meeting
28 face to face and that interaction to build a strong
29 rapport.

30
31 Q. Is the person who developed the Hope Vale package
32 Amit Singh?

33 A. I believe so.

34
35 Q. We've heard from Officer Singh. So those packages -
36 and I understand your evidence about the importance of
37 having the face-to-face contact as well. If I could just
38 focus on in terms of any packages by police. Is it the
39 case that a concern that we have that the Commission has
40 heard is that there can be a mixed response. There can be
41 locations where there are specific packages, such as
42 previously in Hope Vale, where new recruits come, they get
43 information in the form of a package, and then they get as
44 well a detailed introduction through PLOs or through
45 existing relationships with community stakeholders and
46 community leaders, and we hear places where that has
47 occurred. The Commission has also heard about concerns

1 from community and from service providers in community
2 about there being gaps in the awareness and the cultural
3 awareness of new recruits, particularly in discrete
4 communities and remote Queensland. Is that consistent with
5 your observations?

6 A. Yes, it is. I suppose if I could just explain my view
7 for a long time, and I've promoted this in a number of
8 forums, packages need to be discrete packages relating to
9 the specific location. So if I give you an example.
10 Wujul Wujul is not far away from Hope Vale. The package
11 could look quite different. It needs to have the local
12 content, and it needs to be an accepted package by the
13 broader community. One of the challenges we have had is
14 getting consistent agreement, I suppose, as to what the
15 package should do. We have been working with DATSIP, which
16 is Department of Aboriginal and --

17
18 Q. Torres Strait Islander Partnerships.

19 A. And I would like to see, you know, a package that's
20 not just for police; like I said, it's other entities that
21 are working within community, and it's a group package from
22 the community. It might start off as a PowerPoint to give
23 people a basic understanding. But I'm still a strong
24 believer that people need to meet with the community, have
25 that opportunity to engage with them. We know simple
26 things like playing touch football or basketball with
27 the kids and all those sorts of things that come around
28 engagement are critical. The sooner we get people in that,
29 the easier.

30
31 One of the issues which I believe I articulated in the
32 statement part is at short notice sometimes so you could
33 have people that are sick, that have had to go on urgent
34 leave or whatever, where we are taking people from a larger
35 location and putting them into a smaller location, the
36 practicality of having that discrete training is somewhat
37 challenging for us, because those people might come in,
38 only spend a day or two there, and then there they're out.
39 So there does need to be a broader, I suppose,
40 cross-cultural capability around the broader region and,
41 whilst it mightn't be specific to each individual location,
42 there are some issues which are consistent across
43 communities which I think a regional package could be
44 delivered to people to give them a broad understanding.

45
46 Q. And what you're talking about there is challenges
47 where there's an emergency or somebody has to come in in a

1 relieving capacity as opposed to being posted there for a
2 longer tenure.

3 A. Yes.

4

5 Q. Is it correct that currently there's not specific
6 cross-cultural packages for all discrete communities?

7 A. To my knowledge, yes.

8

9 Q. Is it also the case that some sort of formalised
10 induction process at this point in time is not mandatory
11 within the QPS once people are posted to a remote or
12 discrete community?

13 A. That's my understanding, yes.

14

15 Q. Would you agree that that is a current gap in cultural
16 capability that can have the effect of limiting an ability
17 for a police officer to effectively respond while policing
18 in a remote or discrete community?

19 A. Yes. It certainly exposes to risk. It needs to
20 be - the package needs to be recorded. Our system records
21 the training, and I would like to see that that is recorded
22 against officers, that they've completed package A, package
23 B, whatever, so we have an accurate record of that. So it
24 needs to be a systems approach, and in my view all those
25 need to be packages that are recognised both from the
26 community and meet the requirements we've got in regards to
27 the training regime.

28

29 Q. While we have seen, for example, the Hope Vale
30 situation and we've heard evidence about what else happens
31 in terms of face-to-face interactions when new people came
32 to Hope Vale, the Commissioner has seen examples of very
33 good both face-to-face and more formalised inductions, but
34 currently because it's not mandated would you agree that
35 that's more dependent on the individual officer in charge's
36 response?

37 A. Yes.

38

39 Q. Would you also agree that given your previous evidence
40 about the fact that often it is very new and inexperienced
41 officers being sent to discrete and remote communities, and
42 the fact that often they might be from the south-east
43 corner and have not had previous interactions with
44 First Nations people, those are reasons why having an
45 effective induction and a mandatory induction is even more
46 critical?

47 A. Yes. I should qualify that, too. I think there's an

1 acknowledgment that we need to do a lot better there, and
2 it's an ongoing body of work both from the learnings within
3 their first period of recruitment and the first-year
4 constable. So it's not something that we don't acknowledge
5 and we're not aware of. It's about how do we get it right
6 and how do we get that eye in from specifically the local
7 communities.

8
9 Q. Is it correct that currently there is work occurring
10 particularly with the First Nations and Multicultural
11 Affairs Unit in terms of developing and updating existing
12 packages?

13 A. Yes.

14
15 Q. Is it also the case that - I think you gave this
16 evidence before, but I just want to make sure I didn't
17 misunderstand - in your view it would be critical to have
18 input from community concerning the content of any
19 induction package?

20 A. Yes, it has to be locally owned, otherwise it has no
21 value, in my view.

22
23 Q. Was there anything else you wanted to say in relation
24 to the topic of inductions?

25 A. No, only I think that exploring who the individuals
26 are, those people who are working in the community, I think
27 the induction should include them exposing themselves as to
28 who and what they are. You can't ask someone to explain
29 their life experience and not - so I'm a strong believer
30 that to get that trust there has to be an opening up - you
31 know, "I was born in Sydney", "I did this", "I play
32 basketball", or whatever - so that people understand who
33 you are as well, and I think that's important.

34
35 COMMISSIONER: Can I ask something about the Townsville
36 district induction package, which is attachment 7 or 8?

37 A. Yes.

38
39 COMMISSIONER: No, it's 7.

40 A. Seven, yes.

41
42 COMMISSIONER: It has a paragraph on Palm Island. It's a
43 very short induction package?

44 A. Yes.

45
46 COMMISSIONER: Is that the only induction for Palm Island,
47 that paragraph?

1 A. I believe - the OIC on Palm Island has been there for
2 a long while. I believe that, whilst I don't have anything
3 that I'm aware of here, I know that he is well regarded in
4 the community and he goes to some length to make sure that
5 his staff there are aware of things. But the package is
6 not described as is here, and obviously the Townsville one
7 is --

8
9 COMMISSIONER: Wanting?

10 A. Yes, wanting a lot. Look, you know, to be fair,
11 someone's had a go at putting this together and, really,
12 when you compare it to, say, the Hope Vale one, it should
13 be probably 40 pages, 50 pages long.

14
15 COMMISSIONER: As opposed to three?

16 A. Yes.

17
18 COMMISSIONER: So there's no written or PowerPoint
19 Palm Island induction, but the officer in charge who has
20 been there probably goes through a face-to-face, careful
21 induction; is that what you're saying?

22 A. Yes. So what I can say is - so recently on
23 Palm Island I travelled there, and I've travelled there
24 many times, but I was in a vehicle with him with several
25 other people and he went to great lengths to start
26 describing Palm Island's history to the people that were in
27 the car, who were quite interested and were only there for
28 a couple of hours. He talked about the language, talked
29 about the evolution of people that were there prior to the
30 current occupants. So I know that he's quite passionate
31 about imparting to individuals, whether they be police or
32 otherwise, some of the key aspects of life on Palm Island.
33 So I've got no doubt he does that. But he hasn't committed
34 it to paper. Again, as a large organisation from a risk
35 management perspective we should be able to present a
36 qualified package which is culturally appropriate,
37 supported locally and shows a system that ticks off all the
38 people who are currently there have undertaken --

39
40 COMMISSIONER: Yes, because, if you lose your officer in
41 charge who is there now, you've got problems?

42 A. Exactly.

43
44 COMMISSIONER: You've got a paragraph?

45 A. Yes.

46
47 COMMISSIONER: Just while we're on Palm Island can I ask

1 you this. Does he live on Palm Island?

2 A. Yes.

3

4 COMMISSIONER: How many police officers live on
5 Palm Island?

6 A. This is approximate. There would be probably 20-odd
7 there.

8

9 COMMISSIONER: That live there?

10 A. Yes.

11

12 COMMISSIONER: And do they have the same two-year tenure
13 because it's close to Townsville, isn't it?

14 A. Yes, they do. Palm Island is reasonably unique.
15 Palm Island was difficult for us to recruit to because
16 historically there's obviously been issues at Palm Island.
17 So, moving past that and trying to rebuild those
18 relationships, we did an interesting venture where we
19 partnered with QBANK, which is our old police credit union,
20 which is a financier, and the current police union to
21 market a financial strategy around couples moving to
22 Palm Island, looking at how an investment strategy on the
23 money that they earn there as a couple, with free housing
24 and so forth, invested elsewhere could create a portfolio
25 over years for them, just trying something different to
26 attract them. The beauty of attracting couples to any of
27 these locations is that our accommodation footprint is not
28 the ideal footprint for us, so the more we can accommodate
29 two people in a unit of accommodation the more - so ever
30 since we did that, strangely enough, we've been quite
31 successful in ensuring that people actually are applying
32 for Palm Island.

33

34 Prior to that what we had done in a couple of
35 locations is, if you want to use the term, "try before you
36 buy". So vacancies that we weren't able to fill we've
37 encouraged people to come up for a short stint and have a
38 look and see if they like that environment, and in some
39 cases it was pretty successful in the Torres Straits, where
40 we had a number of people that have come up from down
41 south, had a look and decided, "This is great. This is
42 where I want to be." So we've tried different strategies
43 to recruit, but the Palm Island was the first of those
44 where we've looked at, well, maybe we try to trigger
45 people's financial future and look at what they can do
46 there. So we haven't had any issues at Palm Island. The
47 relationship there is extremely good.

1
2 One thing I probably should have mentioned about
3 Townsville, it is a lot more of a challenge in those larger
4 urban areas to give the level of cross-cultural capability
5 than at a discrete community because --

6
7 COMMISSIONER: I understand that. Palm Island is a
8 discrete community,

9 A. Yes. But in Townsville itself they need a broader
10 brush, and even in Townsville and Cairns we have people
11 from the Northern Territory and all that which again is a
12 different culture.

13
14 COMMISSIONER: So you didn't quite answer my question,
15 Deputy Commissioner. Do they have the two-year tenure?

16 A. Yes.

17
18 COMMISSIONER: Okay. You have spoken before about trying
19 to work with the Department of Education and the Department
20 of Health where police officers, for example, are married
21 to a nurse or a teacher to get almost joint transfers
22 going. Can you explain the difficulties with that, because
23 if you could get a couple there presumably they would be
24 inclined to stay?

25 A. Yes, certainly. So in some locations the challenge
26 for recruiting is not just unique to police. It goes to
27 those other agencies, in particular Education and Health,
28 that have a footprint typically in those communities. So
29 I think there is scope there collectively to reach out to
30 couples, whether they be police/nurse, police/teacher,
31 teacher/nurse, because again there is limited accommodation
32 available for service providers.

33
34 But, from my view, the other benefit of that is you
35 get a cross-pollination in regards to the work that each
36 partner may be doing. It's clear to me in some locations
37 that the sharing of information does prevent a lot of
38 collaboration and benefits, particularly around the ability
39 to case manage challenging home environments. So, for
40 example, if the police aren't aware that person A is not at
41 school or struggling at school, that not being at school or
42 struggling at school or behaviour at school may be
43 indicative of a broader problem. So I think there's a lot
44 more benefits than just sharing accommodation, and I think
45 it brings agencies closer together.

46
47 COMMISSIONER: So are you trying to do that?

1 A. I had some futile attempts. With each agency, as you
2 could imagine, they have their own policies around
3 recruiting and that. So it does need them to think a bit
4 differently. That's us included, of course. And it's not
5 big numbers that you're talking about. One of the
6 challenges which I pointed out in the statement is
7 recruiting families into some of these communities is very,
8 very challenging, and again I would imagine a family that's
9 nurse/police, teacher/nurse, teacher/police officer that's
10 got a young family might consider going to some of these
11 locations if they both were employed and were able to work
12 closely together.

13

14 MS CAPPELLANO: Just in relation to the Palm Island
15 induction, you talked about the officer in charge there
16 having been there for 10 years. But is it correct to say
17 that you don't have actual direct knowledge of what goes on
18 in terms of the induction there?

19 A. No, only from my observations of his interaction with
20 people that are new to the island, the conversations that
21 he has.

22

23 Q. In relation to that, you were talking about the
24 conversation in the car before. I just wanted to clarify
25 were there new recruits in the car with you?

26 A. No. No, they were non-police.

27

28 Q. So that was more general comments about his knowledge
29 of the island and --

30 A. Yes. But it was obvious in my dealings with him
31 before he's very passionate about the culture in the way
32 that he discusses things.

33

34 Q. Yes. I just want to ask you about one final topic,
35 and that's coming back to the role of police liaison
36 officers, and the Commission has heard that in many ways -
37 or many different people saying that police liaison
38 officers or specifically as well Torres Strait Island
39 liaison officers are a quite vital role in regional
40 Queensland for policing. Would you agree with that?

41 A. Yes.

42

43 Q. We've also heard and you've also given evidence about
44 the other role of police - sorry, protective services
45 officers. You outlined that there are a number of
46 vacancies in your statement and outline that in a fair bit
47 of detail, including in the Torres Strait, where

1 I understand of the 38 positions available there's actually
2 17 vacancies. Is there anything that you're aware of which
3 is creating a barrier for filling those positions, either
4 on the mainland and in the Torres Strait?

5 A. Yes. So some of the barriers have been I suppose the
6 process for making applications. So wherever practical we
7 try to work with the local community to identify potential
8 prospective applicants, and there's been numerous occasions
9 where police have supported them do their applications,
10 because it can be quite daunting applying for a position
11 within government. So we've done that to try to mitigate
12 people that would like but aren't prepared to go through
13 that.

14
15 There are occasions where some communities because of
16 recent events or circumstances involving family members
17 where that might have a negative impact. There are some
18 communities that are screaming for police liaison officers
19 but don't have them, and, sadly, there are some communities
20 that have got vacant positions that have been vacant for a
21 number of years and we've been unable to successfully fill
22 those positions. So even on occasions attempts to move the
23 vacant positions from a community where there's no appetite
24 for the people to apply to another location sometimes
25 creates a lot of resistance because it would appear we're
26 taking jobs away from community A to give it to
27 community B.

28
29 Yes, so there are those challenges for us. But we're
30 constantly - and this is where I've said we should be more
31 embedded into the schools, where we know that we're
32 engaging the kids very positively on a lot of occasions,
33 where we should be embedding in those people opportunities
34 to consider policing in whatever aspect as a career for
35 them, and I think that's an area where we can do a lot
36 better.

37
38 Q. I want to ask you now about Torres Strait Islander
39 police liaison officers, and am I correct in my
40 understanding that the role of Torres Strait Islander
41 police liaison officers is different or there is additional
42 duties than a police liaison officer on the mainland?

43 A. Yes, so the main difference is particularly with the
44 outer islands, so with the exception of Horn Island and
45 Torres Strait the remaining islands, they're the only
46 footprint on the island that we have. We don't have police
47 on the island. Whilst we have a program of visitation,

1 that is where police from predominantly Thursday Island
2 will visit the outer islands, whether it be by boat or by
3 aircraft, the main difference is they are there and they
4 are somewhat isolated, whereas the only location that
5 I know of where we have a PLO presence and no police
6 presence is Mapoon.

7
8 Q. I was going to ask you that: is there anywhere on the
9 mainland where a similar situation occurs? It's just
10 Mapoon?

11 A. Mapoon, which is in effect depending on the weather
12 conditions potentially an hour, an hour and a quarter from
13 Weipa.

14
15 Q. In terms of the - there's the fact that Torres Strait
16 Islander police liaison officers and probably the police
17 liaison officer at Mapoon, they're not supervised, they're
18 the only police presence in their location and they also
19 have an intelligence-gathering role, which isn't usual for
20 an ordinary police liaison officer; is that correct?

21 A. Yes, so in particular because of the proximity of PNG
22 and I suppose potential foreign movements in the
23 Torres Straits as a means of reaching the mainland, so it
24 is a fairly unique location and unique position. It's
25 probably not right to say they're unsupervised. They are
26 supervised through a range of strategies, but they don't
27 actually have a sworn member living on the island at the
28 same location they're at, with the exception of Thursday
29 and Horn.

30
31 Q. And I guess by "unsupervised" I meant they're alone on
32 an outer island of the Torres Strait?

33 A. Yes, predominantly, unless there's visitations
34 occurring.

35
36 Q. I understand that previously in the Torres Strait -
37 and the polices experience is different there because of
38 the history of that location - the QATSIP officers had
39 limited powers; is that correct?

40 A. Yes. QATSIPS had limited powers. My recollection of
41 the Torres Strait was that the QATSIPS were only at
42 Horn Island and Thursday Island. That's from my
43 recollection. I don't have that information in front of
44 me.

45
46 Q. Do you have a sense from your interactions with Torres
47 Strait Islander PLOs about whether they consider that they

1 have enough powers or whether they would want to return to
2 having limited powers given their different role?

3 A. There's no doubt that - and this has been - so I think
4 from memory the PLOs transitioned across around 2013,
5 I think from recollection, where they were employed by
6 council. There has been discussions over the years around
7 their powers, and there's also been community leaders that
8 have raised issues around the powers, and we've tried to
9 explain the difference between their current situation and
10 what's involved in giving them powers and whether - and the
11 other thing is the suitability. So, you know, providing
12 sworn police with powers requires an assessment and a
13 recruitment of certain skill sets and then training regime
14 to make sure they're qualified and so forth and so forth,
15 and then the requirements of them to understand and meet
16 the legislative framework to use the powers, and we know
17 historically there has been occasions when sworn police
18 have misused powers.

19
20 Again, I go back to the employment of the PLOs in
21 Torres Strait Island in particular. If I can use the word
22 we inherited an existing workforce. That workforce has
23 transitioned to what it is today. There were a number of
24 people which were unable to remain with us for a variety of
25 reasons, and we've recruited what we see today. My view is
26 that - and I've had this view for some time - we can
27 empower the police liaison officers in the Torres Strait
28 through processes, and we have purchased 35 body-worn
29 cameras which they can utilise the same as sworn officers.
30 We can provide them with the skills and understanding in
31 regards to how they communicate with people that may be at
32 a heightened level of activity, how they can use methods of
33 concealment and so forth to observe, and we're working
34 through how they can record those activities and
35 interactions for the purpose of the sworn police following
36 up as soon as practical to take action against the
37 individuals.

38
39 So, if I could use an example, they observed someone
40 that they believed that requires typically some form of
41 enforcement action, they interact with that individual in a
42 way that maximises their safety, they record - their
43 conversation is recorded, it's done in a way that's
44 consistent with being able to prove whatever the elements
45 of that offence are, and that the state police come in
46 behind them and prosecute where practical those
47 individuals. That to me is empowering them. That's

1 something that I have wanted them to do for a while. Now
2 that they've got the body-worn cameras they're in a better
3 position to do that, and that is step I think that we can
4 take that may take a lot of the fuel away from them having
5 use of force powers, because the use of force powers is not
6 just, you know, providing a set of handcuffs or a baton or
7 a taser or a gun, but it's, if you take someone into
8 custody, the storage, the transport and all those. So
9 it's --

10
11 Q. And I guess there's a very big difference in terms of
12 what level of powers could be given. There's two things
13 I wanted to ask that stem from the answer that you gave.
14 The first is that you've talked about building and
15 assisting through building processes and the body-worn
16 camera. The other things that you've talked about in terms
17 of training and helping people communicate and all those
18 sorts of things, that would depend on quite significant
19 investment in the training of Torres Strait Islander police
20 liaison officers. Would you accept that aside from last
21 week there's been no continuing education for Torres Strait
22 Islander police liaison officers other than the two weeks
23 that they would do at the start of their - when employed?

24 A. No. So I have personally attended a week's session
25 some years ago which was in the Torres Straits.

26
27 Q. When was that?

28 A. Since the current Commissioner come back to Queensland
29 police. So she's been in for three years. So it's in the
30 last three years.

31
32 Q. Who was that run by?

33 A. That was run by the then coordinator out of the
34 Torres Strait. So it would have been Thursday Island, so
35 they were all brought into Thursday Island and they were
36 gathered there and there were a range of activities to
37 build on the training that they already had.

38
39 Q. So that was an initiative of the officer in charge of
40 Thursday Island?

41 A. Yes. So we had a sergeant that was a coordinator -
42 for they were then called the TSIPSOs, not the TSIPOs. So
43 a slightly different name.

44
45 Q. Yes.

46 A. We provided them the opportunity around the branding,
47 because they never had any say in the name to start with.

1 The name was just --

2

3 Q. Yes.

4 A. So it wasn't widely embraced. So there were
5 opportunities there for them to influence what the name
6 would be into the future, and also the dress. So you would
7 note if you've seen their dress that their dress is
8 slightly different to what a PLO dress is.

9

10 Q. Yes.

11 A. So it takes into account obviously the Torres Strait
12 Island culture, and it's depicted the same. But there was
13 training.

14

15 Q. How long was that training for?

16 A. I was only there for a day, but I understand that that
17 was for a week.

18

19 Q. Was that offered to all the Torres Strait Islander
20 PLOs at that point in time?

21 A. It would have been there ones at that point in time
22 that were able - well, those that were available to attend.
23 I'm not quite sure if there's people on holidays or
24 whatever. But there was certainly a large number of them
25 there.

26

27 Q. In terms of the other question I was going to ask you
28 arising out of that previous answer, is that - I understand
29 what you're saying about there being a very big difference
30 between the training given to a sworn police officer in
31 terms of being able to understand powers, safely use powers
32 and those sorts of things. There is limited powers given
33 to protective services officers, for example?

34 A. Yes.

35

36 Q. Would similar sorts of more limited powers be - are
37 there barriers that the Commission might not be aware for
38 giving that sort of training/those sort of powers to people
39 who are the only footprint for the QPS in remote locations?

40 A. Yes, so if I can go back to in regard to the sworn, so
41 you've got to remember that the sworn were recruited and
42 assessed around a different set of parameters than how we
43 recruit PLOs or indeed Torres Strait Island PLOs. So if at
44 some point the decision was made that we're going to
45 provide powers to - limited or otherwise, powers to the
46 TSIPLOs you would have to come back then to what does that
47 look like as far as applications, recruiting assessment and

1 all that goes --

2

3 Q. Certainly.

4 A. And, again generalising, it may be the case that some
5 of the current cohort certainly wouldn't fit into what that
6 could look like. The PSOs were recruited on the basis that
7 they have limited powers. The PSOs' footprint is the same
8 footprint where state police are available. So Palm Island
9 being a classic example where the PSOs are working - the
10 state police are within a few hundred metres, at the most
11 probably a kilometre away, station wise from where they're
12 actually working. So whilst they have limited powers they
13 were recruited knowing that they were being given limited
14 powers, but they were also supported because of the
15 footprint. So the missing ingredient for the Torres Strait
16 Island is that the footprint of the state police to support
17 those limited powers if they have problems is not there.

18

19 Q. And, conversely, it's probably because of the lack of
20 footprint that limited powers might - some people be seen
21 as deemed necessary?

22 A. Yes. But certainly over the years there was a
23 criticism of how we delivered policing services in the
24 Torres Strait. For example, the perspective from
25 the community was that "the police only come here when bad
26 things happen"; so someone does something wrong, the police
27 come along, the police detain, arrest or take enforcement
28 action. So we're quite conscious of that, and we have
29 strived to make sure - and that's why we've moved to a
30 strategy where people - a visitation in - not there to
31 arrest or detain or respond but to build a positive
32 engagement with the community, to listen to the community,
33 to talk to the community about problems, to engage with the
34 kids, you know, Blue Light discos, which the kids there
35 never ever had an opportunity before but if you go to a
36 school here in Townsville you probably get exposed to it.
37 So we've tried to make sure that we were delivering
38 services that weren't just a response, and the Commissioner
39 since her time of appointment has been very forthcoming in
40 regards to making sure that we're an organisation that
41 predominantly prevents crime from occurring and builds
42 relationships. So we have shifted our model. Certainly we
43 can do a lot more there. Our investments up there in
44 regards to those air assets and water assets are directly
45 to support that type of model. So we want the community to
46 see that we're a true partnership. But that isolation when
47 things go wrong is certainly a challenge for us and

1 obviously a challenge for the community.
2

3 Q. And what in a perfect world would an improved response
4 look like?

5 A. Yes, so when you have a look at the statistics and the
6 number of people that are there, the Torres Strait Islands,
7 and again generalising, are not challenged to the extent
8 community safety and security wise than a lot of urban and
9 rural towns on the mainland are. That's the statistics.
10 Now, I'm not saying the statistics are a true reflection of
11 everything that occurs there, and the whole Commission of
12 Inquiry is in fact - you know, domestic and family violence
13 is something that we still don't have a true understanding
14 of how endemic it is, not only across the state and the
15 nation, but more specifically in individual communities.
16

17 But the statistics that we do have - and we have
18 looked at it over a number of years around where we should
19 be investing, and the reason we invested in the assets to
20 give us more mobility was that we could service the whole
21 of the Torres Strait more equitably, with the exception of
22 obviously Thursday Island and Horn Island, as opposed to a
23 significant investment in one location that would mean that
24 the rest of the locations would not get the same type of
25 service.
26

27 Q. Thank you, Commissioner. They're the questions that
28 I have for the Deputy Commissioner.
29

30 COMMISSIONER: Deputy Commissioner, how old were you when
31 you started in the police force?

32 A. Eighteen years.
33

34 COMMISSIONER: Okay. So they're just about to bring
35 recruits back down to 18. Is that too young?

36 A. Again, this is the challenge for us. We believe that
37 a lot of people that potentially could have a career in
38 policing potentially go on to do other things, the trades
39 or whatever, and then become connected not only through the
40 occupation but socially with college, and then
41 disconnecting from that to join the police is somewhat of a
42 blockage for us. Much the same as what I have suggested we
43 could do better in the primary schools to I suppose put a
44 vision in young kids' head what are they going to do into
45 the future, likewise the suggestion is that we would try
46 and get 17-year-olds in but they wouldn't become police
47 until they - and they can't obviously carry weapons and so

1 forth until they become 18. But it is more or less trying
2 to get them starting on that pathway, because it's a very
3 competitive environment. You not only have Queensland
4 police recruiting but across the nation they're recruiting,
5 overseas, the military is recruiting. So the cohort of
6 suitable people that we're chasing others are chasing as
7 well. So I think as an organisation we've got to try
8 different ways of recruiting.

9
10 COMMISSIONER: It's difficult, but it's also seems - 18
11 seems young to be going to some of these domestic violence
12 callouts?

13 A. Exactly. Exactly, and I suppose one of the benefits,
14 going the other way, someone that may be in their 40s or
15 50s that has experienced life may have experienced those
16 sorts of fragmented relationships, all those types of
17 things, so I wonder whether there's occasions where more
18 older or experienced people may have experiences in their
19 own personal lives that may have an impact on them, so --

20
21 COMMISSIONER: It might colour their reactions?

22 A. I think so. I think it would be naive to think that
23 those things don't occur. So I think if you're exposing
24 people when they're younger you could potentially with
25 scenarios and all that not give them the real sensation
26 that they personally get in their own life as a 40-,
27 50-year-old, but I think you could certainly prepare them
28 better. That's an interesting thing that I observe with
29 young people going into challenging discrete communities
30 that have never experienced life other than, say, in an
31 urban environment, where they might have gone to a private
32 school and lived a - their parents are successful or
33 whatever, it is a culture shock from what they're used to
34 when they go into some communities because some of them can
35 be quite challenging, and of course they don't have the
36 luxuries that they might be used to, like I like my coffee
37 every morning so I know --

38
39 COMMISSIONER: Yes. There's not a lot of coffee shops in
40 Bamaga?

41 A. No. I know if I'm going up into the cape I've got to
42 be prepared to not have coffee, or not the coffee I like.
43 So, yes, they're little things. But on the plus side, you
44 know, years ago there was no internet in those communities,
45 there was no telephones in those communities. So we've got
46 people that are in these communities, if they go in with
47 the right mindset, they come out with degrees in whatever

1 because they can study online, they can interface with
2 people and all that.

3
4 So, you know, we've come a long way than where we were
5 but we've still got that challenge of getting people that
6 want to go there for the right reasons. The awards as they
7 are at the moment have certainly provided incentives for
8 people that are in remote and isolated areas, but you've
9 got to be careful that the incentives aren't drawing people
10 for the wrong reason. We need to draw people that want to
11 experience and commit and be part of a community and leave
12 a legacy of their work, not people that are just going
13 there counting how many dollars they're going to make.

14
15 COMMISSIONER: Yes. Just on that subject of 40- and
16 50-year-olds who might have had perhaps shattered
17 relationships, is it a good idea for people on domestic
18 violence orders who are respondents to be prosecutors and
19 watchhouse people?

20 A. Well, I suppose it's hard to generalise, you know,
21 but --

22
23 COMMISSIONER: It's not ideal?

24 A. -- it's something that needs to be considered. You
25 know, years gone by, people that were problematic probably
26 put into places where they're not exposed to the community,
27 they might be placed in communications or something, and of
28 course people are ringing up - so there are things I think
29 where we need to really think about where we place people
30 that might have personal issues that might impact on their
31 ability. I know that we certainly consider that a lot more
32 in recent years than what we did when I was younger in the
33 police. I don't think there was any consideration when
34 I was young in the police where you went. Now we're a lot
35 more aware of that.

36
37 COMMISSIONER: Just on a completely different topic,
38 perhaps less controversial topic, aviation capability;
39 that's you?

40 A. Yes.

41
42 COMMISSIONER: How many planes, do you know?

43 A. How many planes? So we have seven, I think, planes.

44
45 COMMISSIONER: And one services the Torres Strait; is that
46 right?

47 A. So one at Horn Island, which is a Caravan, which

1 again we had a --

2

3 COMMISSIONER: Is that a type of plane?

4 A. Yes, that's a type - yes. Yes, so Torres Strait is
5 unique for the reasons I've said, but it also is very
6 challenging climatically, wind conditions and so forth.
7 We're very fortunate to - the federal government some years
8 ago provided us funding to support runway upgrades. So all
9 but one or two of the islands we're capable of landing with
10 a fixed-wing. The fixed-wing aircraft that we've got has
11 got an upgraded engine in it, so that allows for a quicker
12 takeoff on a shorter runway. So that Caravan, which is the
13 type of plane, is unique in that it has what's called a
14 Black Hawk engine, which is the same as what's in the Black
15 Hawk helicopters. So it's a bigger, faster engine, and
16 that's to enable them to land and take off.

17

18 COMMISSIONER: So there's a pilot on Horn Island, I take
19 it?

20 A. Yes. Yes, and there's a house there, yes. But planes
21 are problematic assets. So, whilst you have a pilot and
22 you have a fixed-wing asset, that doesn't mean that they're
23 available all the time, for a range of things: the
24 maintenance, the pilot's hours. So CASA - we don't have
25 exemptions around CASA except in certain emergency
26 situations, and they're very limited. There is a rotary
27 wing capability up there, which we don't own, which is
28 contracted through Queensland Health.

29

30 COMMISSIONER: Would it be good to have a helicopter up
31 there?

32 A. We're currently submitted for a - that contract's up
33 at the moment, so the Aviation Capability Group has
34 submitted a submission for that contract. So if that
35 submission was successful that would put two more of our
36 assets on Horn Island.

37

38 COMMISSIONER: So two more helicopters?

39 A. Two more helicopters, yes.

40

41 COMMISSIONER: Would you have to have then two more
42 pilots?

43 A. Yes, yes. So the capability would be supported. So
44 it would have obviously the aircrew to support that.
45 Helicopters are less reliable than fixed-wing. So my
46 experience with helicopters over the years has been if you
47 want two you probably order three because of the

1 maintenance and all those sorts of things. Unlike -
2 they're not as a reliable asset as what the fixed-wing is.

3
4 COMMISSIONER: And I suppose it's a pretty harsh
5 environment with all the salt?

6 A. Yes. So the beauty of the helicopters - again, we're
7 very fortunate in the Torres Strait in that the
8 collaboration that occurs on the Torres Strait across
9 entities, whether they be local, state or federal agencies,
10 is extremely well, and I describe it as a little bit of
11 Canberra without the politics in that everyone seems to get
12 on through necessity. So we're very fortunate. We have an
13 excellent relationship with our federal partners. So the
14 main players up there in the past have been - the navy's
15 got a - used to have a large asset there, there's an army
16 base there, the ABF, which is Border Force. So there's a
17 bit of cross-pollination there and opportunities to share,
18 and in fact the asset that was delivered up on
19 Saibai Island, that was money which Nigel Scully, in at the
20 time, was the federal Minister for Indigenous Affairs, he
21 provided I think it was around \$14 million for us -
22 originally it was for a police facility, but we made it a
23 community safety facility, just broadens the scope of it,
24 gets better buy-in from the community. They see it as
25 their facility, not our facility.

26
27 COMMISSIONER: So what is that asset? A building?

28 A. Yes. But that's a building that can accommodate
29 eight - that has eight separate rooms which - they've got
30 their own shower and toilets. So the whole idea of that
31 was to have an agency have a footprint. So we've used that
32 predominantly through COVID, so working with our federal
33 partners around - the traditional movements from PNG have
34 been paused during COVID because of the risk. So it's an
35 excellent facility, and it's where our police liaison
36 officers work out of, and, yes, it's the prominent building
37 on Saibai Island.

38
39 COMMISSIONER: All right. Ms Hillard.

40
41 **<EXAMINATION BY MS HILLARD:**

42
43 Q. Deputy Commissioner, in respect of the helicopter you
44 mentioned a contract. Would that be a contract to a third
45 party provider for the helicopter or a contract to purchase
46 the helicopter owned by police?

47 A. So currently the company that provides the air medical

1 services to Queensland Health, that contract is up for
2 renewal. So we are one of the tenders for that contract,
3 as a state entity, so as to where that's progressed to and
4 when it's going to be finalised but we would be one of
5 several. I would say that the existing contractors would
6 also be in for that as well.

7
8 Q. Do you have a timeframe on that process for that
9 contract negotiation, or is it a bit of how long is a piece
10 of string?

11 A. My understanding is the contract is closed as to that
12 procurement process of - that's not in our hands.
13 Actually, we are bidding for that contract. So that's in
14 the Queensland government - perhaps Health would have that
15 answer. I could possibly find out and get back to
16 the Commission if that's something that you need to know.

17
18 Q. I'll leave that to the Commissioner and
19 Counsel Assisting to ask you. It's not my role. But just
20 in respect of the helicopter itself you mentioned that
21 there is a Caravan fixed-wing plane that is owned by the
22 Queensland police?

23 A. Yes.

24
25 Q. But there's no moves at this point in time, subject to
26 that contract, to purchase a helicopter owned by the
27 Queensland police?

28 A. No. So the demands for just police wouldn't stack up
29 in regards to the investment. It's a considerable
30 investment. So in a lot of those locations, whilst the
31 aviation group have ownership of what used to be the rescue
32 helicopters, it's not feasible to just have them as a
33 service just for police. So there's a range of entities
34 that use that. Predominantly it's aeromedical, search and
35 rescue, and whilst the police access it for a range of
36 activities we're a small end user. So there has been a lot
37 of conversation over the years around POLAIR, for example.
38 So in your larger populations you have - POLAIR exists here
39 in Brisbane and also the Gold Coast. So that contract has
40 just been renewed recently, so that it will see the
41 contract through to past the Olympics, and that's for a
42 third aircraft, but that's for down here. Basically
43 they'll supply two, and a third can be brought in at an
44 additional cost.

45
46 There's never been a feasibility study that I'm aware
47 of that stacked up to show that just for a policing

1 activity it would be viable. Certainly that's why we've
2 maintained the fixed-wing, because we believe that the
3 fixed-wing delivers better public value than what a
4 helicopter would, and we access the current - I should say
5 we access the current contracted helicopter from time to
6 time.

7
8 Q. In respect of some evidence that the Commission has
9 heard earlier this week from an officer who worked up in
10 the Torres Strait Island area, there was evidence about it
11 taking six hours in good weather to go out to some of the
12 islands and, you know, four or five to Badu Island -
13 forgive me if I'm not pronouncing it correctly - four to
14 five hours not to Badu, to Boigu, or one of the outer
15 islands in good weather, compared to a helicopter trip that
16 might take 30 minutes, for example, to go that six hours by
17 boat otherwise. Is there not perhaps a need for helicopter
18 service in those regional communities to service those
19 communities for safety?

20 A. Yes, so even if we had a helicopter there, the
21 climatic weather conditions there need to be suitable for
22 the helicopter. So you really need a range of assets to
23 better guarantee a delivery of service, and I'm not
24 familiar with those timeframes that you've stated, but on
25 some occasions there are opportunities where we could be
26 more efficient in our delivery. One of the reasons why
27 we've garnished all the aviation assets under one command
28 is to get better synergies out of it and to refocus that
29 capability to delivering - safety and security of
30 communities is front and centre, as opposed to it working
31 in a fragmented way. So I'm confident that our service as
32 far as aviation services go has improved immensely, but I'd
33 be silly if I ever said that we're going to be able to get
34 to a certain location in a certain time. There are
35 challenges with some of those islands we're aware of.
36 That's why we've tried to promote, like I said, the
37 visitations to make sure that we're preventative in a lot
38 occasions, but there are sometimes - and they should be
39 looking at whatever is the quickest way of getting there.

40
41 Q. One of the issues that the Commission has heard
42 evidence about about getting to some of these islands is
43 that the fixed-winged planes can only land in the daytime
44 at most of the strips on those islands. Can I compare that
45 to perhaps a helicopter. It has a smaller footprint on
46 which to land, and it is more readily able to land in the
47 dark, is it not?

1 A. Yes.

2

3 Q. In respect of policing up and around the Torres Strait
4 Island area and the resources around that, there isn't a
5 police presence on Badu Island at the moment; that's
6 correct, isn't it?

7 A. Yes. There's --

8

9 Q. When I say "police presence", I mean there are police
10 that can attend there but there's not a permanent police
11 presence?

12 A. No. No.

13

14 Q. On Badu Island, for example, there's a health centre
15 that has a nurse, a generalist health practitioner, health
16 workers, senior health, reception, security officer, and
17 there's a health centre already on Badu Island. As
18 I understand it, there was some talk at one point in time
19 of putting a police presence, a physical police presence,
20 on Badu Island; isn't that right?

21 A. Yes.

22

23 Q. It was quite expensive from a perspective, and a
24 decision was made to base instead at Thursday Island; is
25 that correct?

26 A. Sorry, what was the last one?

27

28 Q. The decision was made to base it at Thursday Island
29 instead?

30 A. No, so I was involved in - so Badu Island was
31 certainly a planned activity. From memory, it was several
32 governments ago. There was a fair bit of planning. I was
33 directly involved in that, so I'm very familiar with what
34 went on.

35

36 Q. If it was several governments ago, is that something
37 that is still being - or open to consideration about
38 policing and presence of police on some of those islands to
39 service communities?

40 A. So Saibai was the first time that we've had the
41 opportunity to do what we're doing on Saibai through
42 federal government funding. My recollection of Badu was
43 around 23, 25 million, and that was a fair few years ago.
44 So that would have been a considerable investment. What we
45 did, we put a greater investment into Thursday Island. We
46 invested in the assets to, as I said, deliver a more
47 equitable capability right across the Torres Straits as

1 opposed to the one building at Badu.

2
3 When consideration in Badu was going on we tried to
4 partner with Justice because - well, I certainly saw that
5 Badu could be a hub for a range of activities. That never
6 got any traction. There was land there that was available.
7 The problem that we had at the time was capital outlay for
8 that, there were already other islands that were asking the
9 question where is their police station going to come. So
10 obviously we have limitations in regards to capital, those
11 types of things. There was a change in the political
12 environment and Badu was no longer on the table, and we
13 invested across the whole of the Torres Strait, both in
14 additional resources, additional assets and a different
15 type of strategy.

16
17 It was not long after that, I think around 2013, that
18 we absorbed the police liaison officers up there from
19 council. So we saw that as a great asset for us to build
20 relationships there and get I suppose better synergies out
21 of the roles that they provided. But, yes, that's --

22
23 Q. If I can just move onto a different topic in respect
24 of the promotions and, the retention of staff. You were
25 asked some questions about incentives and you made the
26 point about monetary incentives may not necessarily attract
27 the right people for the right reasons. But if I can just
28 refer to the table that's been tendered, and just for
29 everyone's reference it's just on page 2 at the top. It's
30 the rural locality insensitive allowance.

31 A. Yes.

32
33 Q. I can see there that there's annual payment amounts
34 that are incrementally increased for people being there
35 over a period of years?

36 A. Yes.

37
38 Q. There was some evidence that the Commission's heard -
39 and precise figures weren't given, but there was evidence
40 from an officer on Monday who works up in that area about
41 how the locality allowance really doesn't do a great deal
42 when you consider the increased cost of living of living on
43 those islands. Taking that into account --

44
45 COMMISSIONER: Sorry, what document is this that you're
46 referring to?

47

1 MS HILLARD: This is - I thought it had been tendered,
2 Commissioner - the remuneration for North Queensland
3 incentives. It can also go up on the screen, I am told,
4 Commissioner.

5
6 COMMISSIONER: Okay, I've found it now.

7
8 MS HILLARD: It's on the screen there. So we can see the
9 incentives and how they increase by incremental amounts.
10 Back to my question about the locality allowance not really
11 necessarily doing anything other than compensating for the
12 increased costs, perhaps, is there some scope for
13 reconsideration of those locality allowances?

14 A. Yes, so that's an industrial - well, some of those are
15 an industrial instrument within QPS. That's EB9, and
16 there's an EB negotiation going on at the moment. So the
17 Queensland Police Union of Employees, they cover not only
18 the sworn police but they cover the PLOs, be they Torres
19 Strait Island PLOs or PLOs normally. So there are
20 opportunities for that to be raised through those EB
21 negotiations. But, you're right, sometimes the locality
22 allowance, particularly now even the locality allowance for
23 people working in Townsville and Cairns, probably doesn't
24 equate to the higher costs that are being experienced.

25
26 Q. Just in terms of the higher cost, while there is talk
27 in the media and at a political level about increased cost
28 of living, when we're talking about living in these
29 islands, everything - staples, food, milk, bread, fuel - is
30 exponentially higher because of the cost of travel to get
31 it there; that is right, isn't it?

32 A. Yes.

33
34 Q. In respect of that table as well, I can see there, if
35 that can be pulled back up, the third line down we've got a
36 20 per cent of the base officer salary for the TSIPSO, they
37 get a benefit or a bonus. It's the third line down, if
38 that can be pulled up on the screen - sorry, the third box
39 down. We see that there's a benefit there for some roles
40 but not others. Is that perhaps something that might
41 benefit from being looked at and considered in terms of
42 equity across different roles, for example, the PLOs that
43 we've been talking about and the TSIPLOs?

44 A. Yes. Yes, so that position there is a sergeant
45 position, which is the coordinator of the PLOs in the
46 Torres Strait. But there was also a position that was
47 created as a supervisor for the PLOs as well, and that was

1 instigated at - when that was commenced that was instigated
2 at level 5.1, if you look at the pay scale for the PLOs.
3 So that person's being compensated over and above their
4 counterparts for the role that they're performing as far as
5 the supervision.

6
7 So the history of the PLOs' wage progression, when
8 they come to us they were on a level 3.1, I think it was
9 from memory, and since they've been in the union my
10 observations have been that the union has pushed their
11 position, and I understand that they start now at level 4.1
12 and their progression is similar to what first-year
13 constable's are in regards to having to attain 100 points
14 in regards to their training and have a satisfactory PDA,
15 and then they progress to the next point.

16
17 My understanding is a majority of them are at
18 level 4.3 at the moment, and in November they'll move to
19 4.4. A 4.4 wage annually for them would be 71,787, which,
20 if I have a look at a constable, with a third year, so one
21 less year, is at 70,746. So their wages have come
22 along - I'm not saying their wages are perfect, nor am
23 I saying that the police wage is perfect either, but they
24 have come a long way from when they were employed
25 previously by the council to since they've been employed by
26 the QPS.

27
28 Q. When we talk about the PLOs and the TSIPLOs, when they
29 get paid, if I can just focus in on the PLOs specifically,
30 the police liaison officers, they're not just limited to
31 being on the islands; they can also be on the mainland,
32 can't they? So you have PLOs, for example --

33 A. Yes, yes.

34
35 Q. Who cover mainland communities?

36 A. Yes.

37
38 Q. The pay for each of those is the same, isn't it,
39 despite the ones being on the island having that increased
40 costs of getting around and the like; isn't that right?

41 A. Yes, so locality - it was only recently, in the EB9
42 I believe, no PLOs were - received locality allowance
43 because they were recruited from within community or in,
44 say, broader community here. Then there were some shifts
45 in PLOs where they moved to locations that weren't where
46 they were recruited from. So as a result of that
47 I understand that the union pushed for a locality allowance

1 for the PLOs on the mainland. But in regards to the
2 Torres Straits my understanding is they're recruited from
3 the islands and work on the islands, and if they go off the
4 island for courses or anything obviously they attract
5 whatever those allowances are for the time for travelling
6 and so forth, the same as what any other government
7 employee would.

8
9 Q. You were asked some questions about the roles of the
10 PLOs by Counsel Assisting and you've also explained to me
11 as well again about the historical way that they have come
12 about. Can I just ask you about something a witness said
13 earlier this week. She's from one of the islands up in the
14 Strait area, and she described feeling like she has a
15 police station sign on her house as a result of the level
16 of work that she has to do; it's more than simply being a
17 liaison. In respect of the roles, is that something that's
18 going to be looked at or reviewed or considered? And
19 I acknowledge what you've said about some of those pathways
20 that are being looked at.

21 A. Yes, look, there's no doubt that the smaller the
22 community the more evident those people that work for us,
23 where they live, what they do and all that. Interestingly,
24 part of the package of some of the training around the
25 cross-cultural competency is around individual's behaviours
26 and awareness that they are highly visible within the
27 community. So there's no doubt particularly in those
28 smaller places everyone knows where everyone lives and,
29 sadly - and we see that in a lot of discrete communities
30 that service providers and particularly police can be open
31 to be victimised at their place of residence - you know,
32 windows smashed, rocks thrown, whatever - when people are
33 frustrated with circumstances. So that's a problem.

34
35 There's no doubt in the smaller areas the PLOs do more
36 of that engagement during points of tension. So, you know,
37 a PLO in an urban environment might be engaging people that
38 they don't know, whereas every engagement that happens in
39 those small communities they probably have intimate
40 knowledge of the other person; they're either related or
41 know who they are and have known them for some years. So,
42 again, it is a challenge around that working environment
43 and the engagement, and it does create some friction
44 sometimes when police are taking action against an
45 individual where obviously the family relationships and all
46 that, it can be quite challenging.

47

1 Q. If we are talking about the PLOs and the recruitment
2 and the ability to attract them, is there not perhaps some
3 room for scope about revisiting their role and what they're
4 expected to do, particularly if there is a meaningful move
5 towards recruiting First Nations people into the police
6 force?

7 A. Yes, certainly. We're always open to opportunities to
8 improve. You know, if there are areas where we can do
9 better, engage better, provide better pathways for people
10 to realise their goal, and if their goal is becoming a
11 sworn police officer, and if their community's goal for
12 them is to become, you know, that's what we want to do.
13 But, if I go back to the recruiting situation, some of the
14 problems may exist where individuals don't meet the
15 requirements to become a sworn police officer and --

16
17 Q. I mention you mentioned - sorry, I don't mean to cut
18 you off, but I think you mentioned that some of the PLOs
19 are elderly and they may not be able to meet the physical
20 requirements that a recruit that may not be as elderly
21 would be able to meet?

22 A. Yes. That's generalising, but I think that's a
23 reasonable comment to make.

24
25 Q. It's the case, though, that not everyone within the
26 Queensland Police Service needs to meet those physical
27 requirements. It's the operational police. I'm using that
28 word. That might not be technically correct. That's the
29 case, isn't it?

30 A. It may be the case some years ago. But with I suppose
31 changing environments the idea of anyone that's being paid
32 as a sworn police officer needs to be able to deliver as a
33 sworn police officer. So, you know, our expectations
34 are - well, even myself, you know, in my role the
35 expectations are that you're able to deliver around those
36 skill sets. So, the fact that you're getting older, it's
37 about making sure that we've got a work-ready workforce.
38 So our expectations would be that the police prosecutors
39 that work here would maintain their operational skills so
40 that they would be able to adequately use a firearm and
41 arrest people. So it's about maintaining those skill sets
42 all the way through their career. So I think we've changed
43 a lot in recent years and that's our expectations, and
44 those people that aren't able to meet those expectations
45 medically or physically, we do take steps to see them -
46 whether they're suitable to progress to a non-sworn
47 position or whether they're not suitable to remain in the

1 service.

2

3 Q. Given that a PLO is expected or - not expected but it
4 falls to them to manage a crisis situation until police can
5 attend the scene - sometimes that could be a couple of
6 hours, sometimes it could be six or more hours - is there
7 not a benefit for either a quicker police response or a
8 better police presence in those sort of scenarios instead
9 of relying purely on the PLO?

10 A. Certainly. I wouldn't argue with you that we need to
11 make sure that we maximise the response that we have. But
12 going the other way too, you know, my observations over the
13 years - when I was younger very few police carried guns,
14 and I can distinctly remember a number of people going to
15 quite volatile situations and having extremely good
16 communication skills. Now everyone's armed and they're
17 well trained and all those sorts of things. You know, the
18 art of communications is still front and foremost in our
19 response. So part of the training this week is about how
20 they can de-escalate, how they can preserve their wellbeing
21 and safety, how they can assess situations as far as what
22 the circumstances are. So, you know, we need to be
23 continually looking at how we respond better, but at the
24 same time we need to make sure that those people that are
25 working up there are given the skill set that we can give
26 them to make sure that they're able to manage with what
27 they've got.

28

29 It's not a perfect world, but I think that - you know,
30 they do a fantastic job up there. I can't recall in recent
31 years any of them being victims of assault that can come to
32 mind, or if they were it wasn't - I don't see every little
33 thing that happens, but I cannot recall any Torres Strait
34 Island police liaison officer being the victim of a serious
35 assault as a result of them responding to an incident.
36 That's not to say that it can't happen, but - I don't
37 disagree with what you're saying, but I would like too sort
38 of say we've come a long way from where we were, say, five
39 or six years ago.

40

41 Q. If I can change topic just over to the attracting of
42 police officers into regional areas, and you were asked a
43 number of questions around the experience level of police
44 officers and incentives and promotions and the like. You
45 were asked some questions about mentoring essentially and
46 helping people with applications. There's been a lot of
47 evidence about OLPs, online products, that are training.

1 Is there an OLP for a recruitment process for officers to
2 access and how to apply and the like?

3 A. I can't say - not that I'm aware of. There may be
4 one, but I'm not aware of it if there is.

5
6 Q. When we're talking about preferencing or giving some
7 other incentives of perhaps working in regional areas,
8 acknowledging what was said, attracting people for all the
9 right reasons, is there not perhaps some level of benefit
10 to adjusting position descriptions to simply have that
11 people with regional experience and leadership regional
12 experience would be preferred, something like that in
13 position descriptions?

14 A. Yes, they're all things that could be taken into
15 account. But I'll go back to square one. If we're
16 recruiting - so the mathematics - let's just say there's
17 a thousand people that are suitable applicants for
18 recruitment to start at the academy. The mathematics will
19 tell me the majority of them will be from the south-east
20 corner. You know, perhaps there's an opportunity to better
21 weight if there's - person A and person B are both suitable
22 to start, person B is from Mt Isa, Mt Isa is a place that
23 is less attractive around recruiting, in my view what's
24 wrong with giving a preference to - and we're upfront when
25 we are recruiting that preferences will be given to places
26 A, B, C, D, E, F, G. I personally see nothing wrong with
27 that, and perhaps that's something that we should be doing,
28 and our people that are in the south-east, they might
29 complain about the equity with that, but I'm sure that
30 there's some way of overcoming the equity issues based on
31 the demand of the service.

32
33 Q. It's perhaps for this time-honoured concept that
34 sometimes this appearance of merit can be illusory because
35 people don't understand the differences between trying to
36 achieve merit when you've got different situations for
37 individuals, when it becomes gender, First Nations or
38 regional experiences, that's perhaps something that can
39 form part of any kind of training or understanding in the
40 advertising of those jobs?

41 A. Yes, I would certainly like to see - and I know years
42 ago we had an area that just concentrated on supporting
43 people in regards to personal development around - because
44 it is a certain skill set, the same as I'm sure in your
45 vocation the ability to articulate your experiences and
46 that to be successful in attaining employment, it's no
47 different in the police. So I think there is an area

1 there. I see - I have sat on panels for very senior
2 appointments, and of course the longer you're in the job
3 the more you know everyone. So it's not a case you've
4 never seen the applicant before, and of course you have
5 personal experience of the applicant. You may have worked
6 with them or near them or watched their career. Some of
7 them when you read their resumes do not do themselves any
8 justice whatsoever in selling themselves as an individual
9 to be competitive for that job. So it is a skill set, so
10 that there is an area there where we can certainly assist
11 not only First Nations people but other people that are
12 interested that may not have had the experience to
13 articulate who and what they are in the way that's needed.
14

15 Q. In respect of some of the questions that you were
16 asked about the training packages and the hand-overs, you
17 very frankly gave evidence about how there is room for
18 improvement in that process and the like. Can I just ask
19 about some of the packages themselves --

20 A. Yes.

21

22 Q. -- and you were asked some questions about the
23 Palm Island. What I might do is just ask for page 87 of
24 your statement perhaps come up. This is one of the
25 packages that is annexed to your statement.

26 A. Can I ask which annexure?

27

28 Q. I've got it as 001.0087. So it's page 87. If we pull
29 that up on the screen perhaps.

30

31 COMMISSIONER: Do you want to tell us what package it is?

32

33 MS HILLARD: It's the one that's on the screen right now,
34 Commissioner.

35

36 COMMISSIONER: Yes, but what package is it?

37

38 MS HILLARD: I have it as 001. I'm sorry, Commissioner,
39 I printed my items out and package - Doomadgee, sorry. The
40 Doomadgee package is here --

41 A. Yes.

42

43 Q. -- if we can just go down and zoom in on the
44 domestic violence section there. I appreciate that there
45 were some differences across the packages about
46 domestic violence, but you would agree with me that there
47 was not much information about domestic and family violence

1 in any of the packages or the products? Sorry, you're
2 still looking for it. I'm happy to give the witness my
3 copy if he's unable to see the screen that's up there.

4 A. Yes, sorry, I can look at the screen. Sorry.
5

6 Q. That's quite all right. So we see there the
7 domestic violence, and this is a few paragraphs for this
8 specific package for the Doomadgee area. I appreciate that
9 there will be some variations between the packages but
10 they're generally similar. There's not a great deal of
11 information in any of these hand-overs for the domestic and
12 family violence, is there?

13 A. No.
14

15 Q. Aside from improving inductions and improving cultural
16 issues, would you agree that there really needs to be some
17 domestic and family violence hand-overs as well,
18 particularly for the individual communities?

19 A. Yes. So, if you're talking about the cross-cultural
20 competency package, I was talking about a package that's
21 embraced locally as well and derived locally. So working
22 locally you may not get a great lot of detail because in
23 some communities - and this is one of the challenges I'm
24 sure that the Commissioner has seen. In some communities
25 domestic violence is not talked about the way that it could
26 and should be, and it's not talked about the way it could
27 and should be in urban towns. You know, it's not out on
28 the table, in my view. Certainly my experience in some
29 communities is that it's a very challenging topic. But,
30 going the other way, there's no reason why police hand-over
31 shouldn't be a lot more comprehensive around issues around
32 domestic violence, particularly risks around vulnerability
33 and risks around perpetrators. There's no doubt that that
34 could be a lot better.
35

36 Q. And, for example, when we're looking at these packages
37 there's no oversight of these packages, is there? No-one
38 at a higher level looks at it; it's only the officer doing
39 the induction has a hand-over; is that right?

40 A. A lot of these packages that have been presented have
41 been developed because of individual's commitment. It
42 should be an organisational commitment, we recognise that,
43 and it should be developed in partnership with other
44 agencies, DATSIP including, to make sure it's a wholesome
45 package and it should be reviewed annually. There may be
46 some issues that are culturally sensitive for the community
47 to be party to or commit to that may form a police-specific

1 brief. But my view is that it should be part of a system
2 and people that are exposed to and undertake it should be
3 ticked off and that should be recorded and it should be
4 annually reviewed.

5
6 COMMISSIONER: This was last updated in 2015, this
7 Doomadgee one. So probably before the "Not Now, Not Ever"
8 report?

9 A. I would suspect possibly the person that developed the
10 Hope Vale package may have been involved in developing the
11 Doomadgee package, because he was at Doomadgee for some
12 time.

13
14 COMMISSIONER: Yes, his name is not on it, but --

15 A. Okay.

16
17 MS HILLARD: I'm happy to refer to the other matters,
18 Commissioner, if you would like, the other pages of this
19 document. But they're essentially the same type of level
20 of brevity. But if the Commissioner would like them
21 they're at pages 69, 43 and 50. I just mention that for
22 the Commissioner's reference if you wanted to look at them.

23
24 COMMISSIONER: Thank you.

25
26 MS HILLARD: So back to you. In respect of the domestic
27 and family violence one of the key issues for Indigenous
28 communities and in particular for Indigenous women is the
29 misidentification of Indigenous women as respondents on
30 domestic and family violence orders. This may be something
31 that you can answer or it might be something that's still
32 being looked at. But when you're doing these packages and
33 part of the review how is education of the police officers
34 to understand that issue going to be addressed?

35 A. That's something that needs to be done and it needs to
36 be - if it's being done in any fashion whatsoever at the
37 moment it needs to be improved on greatly, because, you
38 know, one of the challenges specific to some of
39 the communities, particularly those that suffer from other
40 social issues, so when police go to complex family
41 environments, sometimes the situation can be quite intense,
42 so there needs to be - particularly with the younger police
43 that haven't experienced that before - a really good
44 understanding of victims' vulnerability and their
45 disposition because of circumstances. I don't think that's
46 well understood by young police in particular.

47

1 If I go the other way, I've got no doubt that those
2 more experienced police that have invested in engagement
3 and invested in understanding the community and the
4 dynamics of that particular community would probably better
5 understand those sorts of circumstances.
6

7 Q. If we look, though, at the statistics, and there's
8 been different evidence from different people about that,
9 Indigenous women are more likely to be named as a
10 respondent. If we're relying on officers to educate the
11 other officers coming in and those statistics still exist,
12 then it's just perpetuating the same problem, would you
13 agree, first of all, and then, secondly, what would be the
14 circuit breaker for that that's going to be address this
15 issue?

16 A. I think one of the circuit breakers is, which
17 I've discussed earlier, I think that our training needs to
18 be a lot better in the preparation of people in regards to
19 the circumstances that exist in communities. You know, if
20 you're from a mainstream community and even if you've
21 worked in a mainstream community and typically you would go
22 to an incident which possibly the victim has called for
23 police or someone else in that family has called for
24 police, and invariably when you go to that incident it's
25 quite easy to see who the perpetrator is in regards to
26 behaviours. You know, when you go into an environment
27 where there are many social challenges, and they can
28 include a range of issues - alcohol dependency, a range of
29 things - where you have a volatile environment, you may
30 have all occupants engaged in what appears to be highly
31 volatile activities, if you are not well prepared for that
32 and you haven't been trained to articulate the
33 circumstances that might be involved there, it may be
34 difficult to identify who the victim is and who the
35 perpetrator is.
36

37 So I'm not defending what obviously the Commission has
38 heard, but I'm saying that it is very challenging. Every
39 day of the week police are out there trying to do good
40 stuff. I don't think they purposely go there and not try
41 to identify the victim and have empathy for the victim and
42 work with them to get a good outcome. I think that the
43 gravity of the situation sometimes is very difficult for
44 inexperienced people that haven't had sufficient training
45 to delineate who is the victim and who is the perpetrator.
46

47 Q. Would you agree with me perhaps that there is perhaps

1 a gap in the delivery of policing service of the
2 understanding about how the Police Service can itself be
3 used as a systems abuse by an actual perpetrator of
4 domestic and family violence?

5 A. Sorry, could you re-ask that, please?
6

7 Q. Misidentification of Indigenous women occurs where
8 there is a perpetrator who is the actual aggressor and the
9 actual perpetrator that makes a complaint, presses charges,
10 persists with an application and the like; they're using
11 the Police Service as a systems abuse to perpetuate and
12 continue the domestic and family violence, to perpetuate
13 and continue to have coercive control. Would you think
14 that perhaps there is a space for a better understanding
15 across certainly these Indigenous communities and perhaps
16 across North Queensland, which is your area, to address
17 those issues?

18 A. Yes, I don't know that I agree with the proposition
19 that the perpetrators are using the system to perpetuate
20 the situation. I think there are occasions when I would
21 see that the victim is missing out on occasions of getting
22 the support that they should be getting because of those
23 circumstances and misunderstanding. So, for example, if
24 I can outline a practical experience, not an experience but
25 just I'm generalising again, if police turn up to a house -
26 and predominantly in these communities they're going to
27 these - to domestic situations not because people are
28 ringing them, it's because of injuries that have occurred,
29 typically, because of the level of damage that's been done
30 and so forth, and everyone is volatile there. So it's a
31 very dangerous situation in some circumstances for police
32 attending because their safety and wellbeing can be
33 jeopardised by others in the environment, the immediate
34 environment. So it is difficult for them to understand
35 what the circumstances are and who the victim is. I don't
36 think that that system is enabling the perpetrator
37 to - I think it's more that we're not delivering what we
38 could or should to the victim in some circumstances because
39 of how we're interpreting the whole environment. Certainly
40 that point around hand-overs, around understanding of who
41 perpetrators are and the vulnerabilities in the community,
42 I think that that would be a big step to understand the
43 dynamics in different family environments. I don't know if
44 that answers your question or not.
45

46 Q. That's all right. In respect of women in the police
47 force there's been evidence and it's broadly accepted that

1 often women are the victims of domestic and family violence
2 and they feel more comfortable speaking to police officers
3 who are female. While there needs to be male and female,
4 is there anything being done in the North Queensland area
5 to actively recruit and retain female officers generally?
6 A. So the proportion of female to male certainly has
7 increased over the years, and I'm sure that others have
8 given evidence to that fact. So the challenge for us
9 again, it becomes more complicated in remote communities in
10 that the experience for female officers historically has
11 not always been good in that even recently, two weeks ago,
12 we had a police woman who has been sent to a location that
13 was seriously assaulted with rocks. Her side of her head
14 in effect caved in through rocks going to - responding to
15 an incident where she's flown out. So if you're a young
16 police woman I think there would be some locations where
17 you would feel jeopardised, I think, because of the
18 circumstances at that location. So we don't have anywhere
19 near the ratio of police women in communities that we
20 should have, but getting to that point is a challenge and
21 again it's a two-way street. You know, that particular
22 police woman, she was injured, I haven't heard anyone from
23 within the community ask how she is or enquire as to her
24 ongoing welfare. So I'm just trying to say it is
25 challenging, and we should have more women in the
26 communities but it's challenging.

27
28 Q. I suppose what you're describing, though, is something
29 that could equally happen to a male or a First Nations or
30 any other police officer, not specifically because it's a
31 woman?

32 A. Yes, but it has a greater impact on women. That's not
33 just in police. My experience has been other service
34 providers, it's a challenge. That's a reality. I'm not
35 trying to lessen the fact that, you're 100 per cent right,
36 it could happen to anyone. But I'm just saying the reality
37 is it has a huge impact.

38
39 Q. In respect of overcoming some of those barriers then
40 why is there any problem with deploying more than one
41 officer?

42 A. Sorry?

43
44 Q. Can you deploy more than one officer, or is there
45 situations where one officer gets deployed only or is there
46 a tandem team or a three team?

47 A. So typically at least two would go, depending on the

1 location. In some cases there might be three or four go
2 because of the circumstances. If you have a look at the
3 police ratio to population, there are some that might view
4 that we over-police certain locations when you look at the
5 numbers that are there and the population in comparison to
6 other areas. I'm a big believer in sometimes you can have
7 too many police at a particular location, you're trying to
8 get the balance right, particularly in areas where there's
9 alcohol management plans because it creates an ebb and flow
10 in movements of people.

11

12 Q. In relation to the community involvement and the
13 community engagement perhaps, picking up on your example
14 before where you said the community hadn't asked about the
15 police who was injured, if we can talk about the engagement
16 process with the communities, you mentioned things like
17 Blue Light discos, you mentioned things about the barbecue,
18 the meets and the greets and the talks and what-not, going
19 into the schools for younger children, going into high
20 schools, they're perhaps less interested; those were the
21 examples that you gave in your evidence. Whilst those
22 things are important and they contribute, would you accept
23 that there is much more that can be done to engage in a
24 meaningful way, for example, with the community justice
25 groups?

26 A. Yes, there's always more that can be done. You know,
27 we're a long way from getting a tick in the box, I think,
28 the way that we engage. There are some excellent examples,
29 but a lot of those are personality driven, personality
30 driven by both on the police side of things and obviously
31 on the community side of things. I've seen situations
32 where we've had really engaging community leaders and the
33 police officer hasn't matched that expectation, and I've
34 seen it vice versa. I've seen where we've had extremely
35 engaging police and the community leadership less engaging.
36 So that's an area where we can always do a lot better.

37

38 I didn't mention the PCYCs. You know, I think there's
39 some extraordinary work going on in some of the communities
40 with the PCYCs in the way that they're engaging
41 particularly the youth and the programs that they've got
42 there and the activities that they do with the broader
43 community as well. But there's always scope. The justice
44 groups; so in an ideal world the justice group could and
45 should be a conduit to a lot of activities within the
46 community. Again, it gets down to resources and
47 personalities and those committed to the role and all that.

1 So, much the same as I've intimated, we have some excellent
2 leaders within police and sometimes the people that we
3 position as leaders are probably challenged for a range of
4 circumstances. I think my observations of the justice
5 groups are not dissimilar. I've seen some justice groups
6 that have been very proactive and productive, and there's
7 others that for whatever reason have been challenging.
8

9 Q. In terms of the engagement of assisting women who are
10 predominantly the victims of domestic and family violence,
11 those social examples don't get to the socially isolated
12 woman who is kept away by the perpetrator who is committing
13 violence upon her or abuse upon her. Would you agree that
14 more could be done perhaps from a police perspective in
15 getting to and making contact with those women in those
16 communities?

17 A. We can always do better, but again I think the broader
18 question is what can everyone in the community do. You
19 know, it's very difficult for police to go door to door on
20 people's houses uninvited. So there needs to be a broader
21 conversation around the community. Very rare - so if
22 I give you an example. We've had situations where because
23 of circumstances that have occurred the police that are in
24 a community may fear for their safety, so there's a
25 reluctance of them to get out of the motor vehicle. So
26 they do the patrols in the car, which is what happens here.
27 They're in the car. Very few places where they walk the
28 streets. The preferred model from my perspective is the
29 police get out and they walk, and in some of those
30 communities people are out the front of their house or
31 they'll sit out the front of their house; there's the
32 perfect opportunity for them to engage.
33

34 If you're driving around in a car someone is not going
35 to walk out and wave you down and give you information
36 about anyone because that person will be victimised about
37 the very next thing that happens that the police do, so
38 whether it's an arrest for something. So the optics of the
39 engagement and how it occurs is very important, but people
40 have got to have that intimate contact to get an
41 understanding. If they're walking the streets and they're
42 engaging each and every house as opposed to pulling up in a
43 car and banging on a door, they're totally different
44 things. But if we're thinking that - well, sorry, if the
45 thoughts are that the police alone are going to bring a
46 level of confidence to the victim to come forward, I think
47 it's a broader conversation than that.

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Q. I suppose the question comes back to this: if there is a recognition of a need to actively engage with Indigenous communities, and you gave those examples - the barbecue, the Blue Light disco, those social events and the like - how is it that the police will take that next step to engage with women who are the vulnerable people who might be socially isolated?

A. In some communities there's women's groups. Again, if we've got women in the community, they should be involved in those and should be talking with women about women's issues. Obviously there's some cultural issues in regards to women talking to men and men talking to women, and I know in circumstances in health some men that have issues health wise will not go and see a female practitioner because of the cultural issues, so their issue perpetuates to that stage where - so there's all those things that are challenges for us. I'm not disagreeing with what your proposition is. I'm just saying it's not as simple as that. It needs a lot of people, and in some communities we've got to fly victims out of some communities because they get ostracised --

Q. I accept all of that. My next question was really about do you think that there is some scope for the Police Service in your area particularly and in respect of Indigenous communities specifically for more engagement with external domestic and family violence services and experts in that area who are specialists to perhaps engage with these vulnerable groups?

A. Yes, certainly. It's lacking everywhere. You know, we do a referral service and on some occasions someone from Brisbane rings a mobile phone talking to someone whose - English might be their second or third language and ticks a box and says that they've done the service. So there's a lack of support in a lot of those communities.

Q. Suppose one of the things - and the difficulty might be a safety perspective, but if there's adequate training then that can perhaps be addressed, but there's talk about co-responder models where social workers and domestic violence specialists can co-attend with the police and can be of benefit. Is that something that you have explored up to this point or that is explored in any areas in your jurisdiction?

A. I think co-responder models in a range of things are the way to go. But, having said that, there are question

1 marks in some locations around the safety of the partners
2 from the co-responders. I tried to intimate that in some
3 locations they're very volatile situations. One of the
4 things that's lacking in a lot of these circumstances, in
5 particular when there's complex family environments which
6 are historical environments around families and clans - you
7 know, typically what happens after an incident there's
8 assistance comes in to try to mediate the friction that's
9 already occurred. There's not enough work going on the
10 ground in particularly some of those volatile communities
11 to mediate frictions before they become volatile. So,
12 during my early evidence, typically most of those
13 communities have teachers, nurses, police - that's it. So
14 strengthening of the justice groups, skill sets to mediate
15 with frictions across families or across clans is paramount
16 to keeping the peace long term. So I'm all for
17 co-responder. We see a benefit. Mental health was the
18 first co-responders that we did, where we had a clinician,
19 medical clinician, with a police officer. The success
20 again wasn't just a systems approach. It relied on the two
21 individuals committed to the partnership. So in the early
22 days there was possibly some mismatches of personalities.

23
24 Youth justice, we've seen the same. So those
25 partnerships with youth justice in my view is making leeway
26 in building relationships with those at-risk kids in
27 locations where they are, trying to build pathways and
28 bridges, getting kids back into education, either
29 mainstream education or referral education, opportunities
30 for jobs. So, likewise, I think that it's worthwhile
31 trialling. But I do put a little bit of a caveat around
32 that comment in that there are some communities where a
33 co-responder model could be dangerous.

34
35 Q. I suppose that all comes back to the work and the
36 integration that is involved in setting it up, and the
37 development and training perhaps around supporting that;
38 would you agree?

39 A. Yes. Yes, some of these issues haven't occurred
40 overnight. Some of these issues in some communities have
41 been going for a lot longer than I've been in the
42 Police Service for. So I'm just saying they are complex
43 issues, and at the pointy end when things are highly
44 volatile it might be different circumstances for a
45 co-responder. I would like to see - we talked about
46 hand-overs. If we're case managing perpetrators and we're
47 case managing vulnerable persons to create resilience with

1 them, that model in those volatile locations I think would
2 be worthwhile exploring when there's no heat in the
3 situation, and I think that they could benefit with real
4 support, you know, both for the perpetrator to get them to
5 recognise what they're doing and shift them to a different
6 pathway, but obviously in support of the victims. Even the
7 places of safety in some communities, everyone knows - you
8 mentioned before about a witness talking about everyone
9 knows that their house is - well, everyone knows in those
10 small communities where the house is where victims
11 obviously house. So, again, it's not ideal.

12

13 MS HILLARD: Commissioner, thank you very much. Those are
14 my questions.

15

16 COMMISSIONER: Mr McCafferty?

17

18 MR McCAFFERTY: Nothing, thank you, Commissioner.

19

20 MR HUNTER: Just on the subject of the co-responder model,
21 in these volatile situations police are regularly trained
22 in operational skills. Would you expect that there would
23 be a need to train co-responders if they were to attend
24 situations that were potentially violent, that they would
25 need to be trained in similar sorts of skills in order to
26 ensure that they were kept as safe as possible?

27 A. Yes, and then you get back to how they're recruited in
28 the role that they're in, do they have those prerequisite
29 skills.

30

31 Q. Can I ask you briefly about the use of helicopters.
32 Are you able to tell us, if you know, the difference in
33 terms of cost between maintaining a helicopter as opposed
34 to a fixed-wing aircraft?

35 A. I don't have the exact figures, but they're
36 significant.

37

38 Q. And of course the Torres Strait's a marine
39 environment, which would add further difficulties?

40 A. Yes, climatically it's difficult.

41

42 Q. You mentioned the figure of 23 to \$25 million to build
43 a police station on Badu. How does that figure, 23 to
44 \$25 million, compare to what it would have cost - I'm
45 talking about back when this was mooted --

46

47 COMMISSIONER: Was that to build the police station or to

1 have a police officer there?

2 A. No, no, that's for the facility. It was around the
3 23, 25 because we had to deliver four - we were going to
4 make it a four-person facility. So it meant we had to
5 deliver four sets of accommodation. So you've got in
6 effect four houses or four three-bedroom - two
7 three-bedroom duplexes, so a considerable footprint for
8 staff accommodation, and then obviously there was
9 watchhouse facilities because the concept was that it was
10 going to be a hub if our friends in Justice come onboard
11 and we would be able to facilitate persons in custody a lot
12 easier than the current situation where they fly into
13 Horn Island, then have to be ferried across to
14 Thursday Island, which is somewhat problematic.

15

16 MR HUNTER: I'm just wondering about how that cost
17 compared to, for example, the construction of a facility on
18 the mainland for a similarly sized community, and we
19 understand the evidence was something like there's about
20 800 to 1,000 people on Badu Island?

21 A. So I would think it would be at least twice the price,
22 if not three times the price. So virtually - so
23 Saibai Island, I suppose, one of the reasons why it's not a
24 police station is as soon as you name something a police
25 station there's certain requirements a police station needs
26 to be compliant.

27

28 Q. I was about to ask you about Saibai, actually. It's a
29 community safety centre, isn't it?

30 A. Yes.

31

32 Q. So tell us what is this facility on Saibai?

33 A. So, first and foremost, it was wholly funded by the
34 federal government, and as such we drew in what we
35 considered as key partners. So we looked predominantly at
36 anyone that has a footprint around enforcement. So we
37 wanted to include, not exclude, and the whole idea was to
38 share the facility, share the cost, the ongoing cost, and
39 it was to enable a footprint to be on the ground. Then
40 whatever agency had a footprint on the ground, the moral
41 obligation was for them to act as eyes and ears for the
42 partners that weren't there. So, for example, if the
43 police were on the ground and there were matters that come
44 to the police that were an immigration issue or a
45 quarantine issue that they would contact their buddy in the
46 other agency and connect them up.

47

1 So we saw it as an efficient way of delivering a range
2 of services even though one may have a footprint on the
3 ground. The whole idea was to - the facility, the
4 accommodation is quite good there. So it was to encourage
5 agencies to utilise the facility and put a presence on
6 Saibai. Again, it was a strategic location. But if we
7 would have made that a police station alone, apart from the
8 fact it wouldn't get the broader use, it possibly wouldn't
9 be accepted the same way as - in the community. It would
10 cost - the building you would have achieved would have not
11 been what it is today.

12

13 Q. So how frequently are police in that facility on
14 Saibai?

15 A. Due to COVID I think there's been a constant presence
16 there.

17

18 Q. What significance or relevance does that centre have
19 in the context of domestic and family violence?

20 A. So the biggest issue for Saibai from my experience has
21 been the interaction between PNG inhabitants and Saibai
22 residents. So there's strong traditional connections,
23 family connections between Saibai and PNG, and, if you go
24 back, a lot of the Western Province, which is somewhat
25 isolated from the more populated areas in PNG, still hold a
26 strong belief they are part of Australia. Some of them
27 even carry their old Australian passport. So there's a
28 high level of violence within those - it's virtually
29 unpoliced, the Western Province is. So the problem is
30 Saibai is seen as a bit of a paradise or a bit of a mecca
31 because of the luxuries that are on Saibai, and so we do
32 see a lot of transitions come across where relationships
33 are formed with locals, and they are extremely violent in
34 regards to disputes. They have very strong beliefs in
35 regards to paybacks and things like that. So you get
36 frequent movements where people have been attacked with a
37 machete and they try to get them to Saibai for medical
38 support. We have had occasions where individuals from PNG
39 have taken liberty to take their Saibai partner back
40 towards PNG, and it creates great difficulties for us.

41

42 Q. My question, though, is what services are available
43 for victims of domestic and family violence at the
44 community safety centre on Saibai?

45 A. That I'm aware of, none.

46

47 Q. Apart from the police, when they're there?

1 A. And other government agencies that are there, the
2 expectations would be particularly with the ABF, the Border
3 Force, that they would support any victims of a crime. The
4 health services are also there obviously. Not at our
5 centre but nearby there's a health service.
6

7 Q. Lastly, you gave some evidence about transitioning
8 PLOs into the Police Service and also about giving powers
9 or some powers to PLOs or TSIPL0s, and the language you
10 used was that you said some of the current cohort wouldn't
11 fit within the recruiting framework for police. To be
12 blunt about it, are you talking about background checks and
13 criminal histories?

14 A. There's a range of things. So background checks in
15 particular. So, you know, I've previously overridden the
16 background checks of a number of individuals to ensure that
17 they're employed, they wouldn't meet the employment
18 requirements otherwise. So I looked at recency of what
19 their history has and consider opportunities for them to
20 change their life. But in regards to powers, or what
21 I spoke about was empowering, if there is a decision
22 somewhere down the track around the powers and use of force
23 powers in particular, my view would be - and even with a
24 pathway, if we're going to deliver a pathway through either
25 PSOs or PLOs, we need to recruit PLOs and PSOs in line to
26 ensure that they've got close to the prerequisite skills to
27 enable them to progress into being sworn. So the dilemma
28 there is, that I tried to articulate was, the current
29 cohort of PLOs are well entrenched in their communities
30 typically and are well respected, and they're not the sort
31 of the young, fit or older fit cohort that we'd probably
32 need if we're going to have that pathway.
33

34 MR HUNTER: Those are my questions. Thank you.
35

36 COMMISSIONER: Do you know how much a helicopter costs?

37 A. One that I would be prepared to fly in is quite
38 expensive.
39

40 COMMISSIONER: I have no idea.

41 A. So you're looking - I think you commented about
42 the ability to fly at night and all those sorts of things.
43 So as soon as you take a helicopter from daytime activities
44 to nighttime activities you can add a substantial amount of
45 costs because of the equipment, Nightsun. If you want an
46 infrared FLIR camera, you're looking at possibly the best
47 part of, you know, half a million or something there. So

1 I would say - I could get some ballpark, but I would say
2 you would be looking at probably 8 to 10 mill for a
3 helicopter that's capable of working up in that
4 environment, maybe more than that. But you would need a
5 twin-engine helicopter to start with, and then you start
6 talking about the aircrew.
7

8 So a fixed-wing you can get away with a pilot,
9 basically, is what we've got up there. So not the same
10 crew. So, as soon as you go to a helicopter of the nature
11 that we would have to have, the costs of the crew go up
12 exponentially, so it's virtually triple because you need
13 two in the front and you need someone in the back as well.
14 So they are a very expensive activity. But, again, if you
15 share the demand across a number of entities, it becomes a
16 feasible activity. There's been a lot of debate over the
17 years politically around the police helicopters in
18 Townsville and Cairns and all that, and we've been able to
19 really show the mathematics that it just doesn't stack up
20 for the work. The maths stacks up when you combine it with
21 a range of other activities - search and rescue,
22 aeromedical, so forth and so forth. You create a body of
23 work that would substantiate a helicopter. But police
24 alone - and that's why I think that contract that we've put
25 in for, if we are successful with that, I think will be
26 good for us and will certainly - it won't be perfect but
27 will go a long way to I suppose negating some of those
28 issues that have been raised.
29

30 COMMISSIONER: Being able to be there at night is really
31 the big issue, isn't it, because normally you could fly a
32 plane if it is during the day?

33 A. Well, yes. Well, there is one airport we can land on,
34 but that's the only airport we can take off on. So that's
35 the tricky bit in the Torres Straits.
36

37 MR HUNTER: Can I just ask a question arising out of that.
38 Is there a helicopter maintenance facility on Horn Island?

39 A. There would have to be a level of engineering there
40 because there's helicopters on the ground up there, yes.
41 That's all part and parcel of the package. So the contract
42 arrangement would not just be for the provision of an
43 aircraft and - a suitable aircraft and the crew that go
44 with it, but it would also have the maintenance side of
45 things that would have to be - and it's part of the
46 package.
47

1 MR HUNTER: Thank you.

2

3 MS CAPPELLANO: I have no further questions, thank you,
4 Commissioner.

5

6 COMMISSIONER: Okay. Thanks very much,
7 Deputy Commissioner. Thanks for your time.
8 A. Thank you.

9

10 <THE WITNESS WITHDREW

11

12 COMMISSIONER: We might just break for 10 minutes.

13

14 **SHORT ADJOURNMENT**

15

16 COMMISSIONER: Now, Ms Soldi tells me I have mucked up the
17 exhibit numbers. So we need to fix those before we go any
18 further. So trial bundle E I marked as exhibit 8, but that
19 is in fact exhibit 10. It should be 10. So we'll change
20 it to 10. Tender bundle F I marked as 9 but it should be
21 11, which makes tender bundle G exhibit 12. Sorry about
22 that.

23

24 **EXHIBIT #10 (AMENDED) TRIAL BUNDLE E**

25

26 **EXHIBIT #11 (AMENDED) TRIAL BUNDLE F**

27

28 **EXHIBIT #12 (AMENDED) TRIAL BUNDLE G**

29

30 MS CAPPELLANO: Thank you, Commissioner. I call
31 Zak Holliday.

32

33 <ZAK HOLLIDAY, affirmed:

34

35 <EXAMINATION BY MS CAPPELLANO:

36

37 MS CAPPELLANO: Thank you, Constable Holliday. Am
38 I correct in my understanding that you have just over two
39 years experience with the Queensland Police Service?
40 A. Correct.

41

42 Q. And you're currently a constable stationed in the
43 Townsville district?

44

A. Correct.

45

46 Q. And that's at the Mundingburra station?

47

A. Yes.

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Q. And you have completed the first year constable program?

A. Yes.

Q. And where did you spend your rotations there?

A. So in my first six months in my first year constable program I was at the Townsville City Police Station, and then I rotated to Mundingburra Police Station for my second six months for the first year constable program, and I've stayed there since then.

Q. And you've had about a year of experience since then?

A. Yes, outside the first year.

Q. Thank you for attending the Commission today and the purpose is to get some sense of understanding about what training you as a relatively new recruit of having just graduated have been provided, particularly in relation to domestic and family violence matters. Am I correct in my understanding that you attended the academy at Townsville?

A. Correct.

Q. And whilst you were there you indicate in your statement that you received training in domestic and family violence and you started that learning in phase 3 of the academy training. What's phase 3?

A. So the academy is just broken down into three separate phases where you learn about different subjects pretty much, and then the domestic violence sort of phase was phase 3 being at the end.

Q. So it's just the timeframe broken into three parts?

A. Yes.

Q. You said in your statement that you learnt about legislation in the classroom as well as completing study at home. In terms of that - firstly, can I ask you how long was your study on domestic and family violence?

A. I cannot really recall the actual timeframe of that particular subject.

Q. You said you did some in the classroom and then some at home. Was that independent study that you did yourself at home or were you required to complete units after a day at the academy then to do some homework?

A. I would say both, be given homework about certain

1 things you would have to learn, but also you would want to
2 continue studying and learning more about that particular
3 subject as well.
4

5 Q. And so how often were you given domestic and family
6 violence material to study at home and what was the form of
7 that study?

8 A. I can't remember how many times we were given it, but
9 sometimes there would be a worksheet and then sometimes it
10 would be to memorise a particular section of certain
11 legislation. So it could be, like, non-written and then
12 you'd come into the classroom and the facilitator would go
13 around and ask if you know it off by heart, pretty much.
14

15 Q. And would that be something that you had learnt
16 previously in the class session or is it that the first
17 time you would be covering that material?

18 A. Both.
19

20 Q. And you also talk about having taken part in scenario
21 based training and testing. Where was that conducted?

22 A. Still at the academy.
23

24 Q. So were there scenarios in a classroom that you would
25 pretend was the house you were called out to; was that the
26 sort of scenario?

27 A. Correct.
28

29 Q. And you also said that normally you would get to go to
30 station duty but your learning was during COVID?

31 A. Correct.
32

33 Q. So you weren't able to do that?

34 A. Correct.
35

36 Q. The Commission has heard evidence that there is a
37 specific scenario based training facility at Townsville
38 where there's houses and things like that. Did you do any
39 scenario training there?

40 A. No.
41

42 Q. In terms of your - you say at paragraph 12 of your
43 statement that when asked about the preparedness of the
44 training you got at the academy to a real life situation,
45 what you say in your statement is that you were not
46 prepared enough for domestic and family violence at the
47 academy "but I do not know if you could be prepared enough

1 in the time that you have there." By that is there a
2 period of - would more time spent on domestic and family
3 violence have assisted?

4 A. It would give you more general knowledge, but in
5 aspects of actually learning it and experiencing it you get
6 more thing out of the academy and experiencing it firsthand
7 on the road.

8
9 Q. Are you able to identify what particular things you
10 would have liked to have known of being taught at the
11 academy that would have been useful when you then
12 progressed to going to real life situations?

13 A. It's kind of more of just a big shock if you've never
14 experienced it before. I'd probably say that's the main
15 thing. I don't know if you can actually prepare yourself
16 by creating fake scenarios, experience what real life is.

17
18 Q. Was there anything in terms of the content knowledge
19 that would have been useful to have been taught in more
20 detail at the academy?

21 A. You could, but there is just so much to learn as well
22 in such a short timeframe as well because you can't just
23 cover off just the domestic violence order thing. There
24 are a lot of issues you have to cover at the academy.

25
26 Q. And in your statement you also talk about having had
27 to respond and investigate every type of domestic and
28 family violence and that's something that you gained doing
29 the first year constables program. What do you mean by the
30 different types of domestic and family violence?

31 A. So in your first year program you have to tick certain
32 boxes and meet certain standards, and some of them would be
33 going to a domestic violence incident where you will take
34 out an application where there's already an application
35 there and it would be a breach of the domestic violence.
36 So just different types. And then some would be that they
37 would claim domestic violence would happen but there might
38 be no relevant relationship type thing. So just those
39 different types.

40
41 Q. Yes, I understand what you're saying there. Are you
42 able to estimate - and I'm not asking for a precise figure
43 here - how often you would attend a domestic and family
44 violence incident on a weekly basis?

45 A. On a weekly basis I would say, like, every shift you
46 would go to at least one domestic violence incident. It
47 just depends on what the job is and how long you take on a

1 certain job. But most cases we are doing domestic violence
2 every single day.

3
4 Q. And is it usual to do more than one on a shift?

5 A. No. Yes, that is like the usual thing, to do more
6 than one domestic violence incident a day.

7
8 Q. Are you able to - and I understand different matters
9 might take different amounts of time, but are you able to
10 estimate how many - on average how many domestic and family
11 violence you would attend per shift?

12 A. I could not say, but quite a few.

13
14 Q. How many would be the maximum amount, are you able to
15 say?

16 A. It just, yes, once again all depends on the job. You
17 might have to a breach where that person has been remanded
18 in custody where that type of incident is going to take a
19 few hours to deal with and you can't respond to other jobs,
20 but there may be other domestic violence jobs waiting to go
21 to but you can't do that until your job is finished. So
22 it's just hard to put a number on it.

23
24 Q. Are you able to identify the most you've ever done?
25 Would you ever attend, say, more than four on a shift?

26 A. I would say I've attended four in one day, yes.

27
28 Q. And again I understand that this is a very difficult
29 question to answer but are you able to provide any
30 indication of how long matters take or is it just too
31 variable?

32 A. It's too variable.

33
34 Q. You talked about attending a number of
35 different - most shifts having attended domestic and family
36 violence matters, and sometimes there will be more than
37 one. Is there any other - is that the majority of the time
38 on a shift will be spent doing domestic and family violence
39 matters or are there other regular call-outs too?

40 A. There are other regular call-outs, but I would say
41 domestic violence is the main wane.

42
43 COMMISSIONER: Was that a surprise to you when you
44 finished the academy, how many call-outs there were

45 A. They told us that most of the calls for service would
46 be domestic violence. So that kind of put in our head
47 that, like, be prepared for it.

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MS CAPPELLANO: What about before you joined the academy? Did you have a sense of how much time you would be spending investigating domestic and family violence matters?

A. I had no idea.

Q. In terms of general - if we go back to the academy, did you do any cultural awareness training while you were at the academy?

A. Yes, we did, and they introduced that because I went to the Townsville academy that up here there are a lot of Indigenous and First Nations population up here, and they will be involved in these sorts of incidents as well. So that kind of gave us a general knowledge.

Q. Can you tell us a bit about that training. Was it first face-to-face? How long did it take? Who conducted it?

A. I cannot remember, sorry.

Q. That's okay. Are you able to remember in a general sense whether you spent a day on that or if it was a discrete session for an hour or so

A. I think it would have been a classroom session. I don't know about a whole day in particular, but it definitely would have been --

Q. And if you can't remember I don't want you to guess. Is it just the case you can't remember?

A. I can't.

Q. Can you remember whether or not it was delivered by police trainers from the academy or whether it was delivered by people from outside the academy from community, First Nations people?

A. Sorry, I can't remember either.

Q. Okay. Can I ask you now about different things and whether or not you've received training on them which broadly relate to domestic and family violence, and this is training whether at the academy or since leaving the academy in those two years. Have you received any training in relation to preparing affidavits

A. Not really. But in our first year constable program I think there is a category of preparing an affidavit. So you would have to prepare one.

1 Q. Can you remember having done that?

2 A. Yes, I've done plenty of affidavits and definitely had
3 to do one in my first year.

4

5 Q. In order to learn that was that something you were
6 taught by your supervisor or was there a program or a
7 template?

8 A. Yes, there were examples given but it was more
9 guidance from your FT0, so your field training officer.

10

11 Q. Do you use the domestic violence PAF?

12 A. Yes, when we go to jobs. I also have the little card
13 that's in my work bag and if I'm with a first year I often
14 tell them to have one just in case because it's good
15 knowledge to refer back to it.

16

17 Q. Did you find the PAF useful?

18 A. Yes, it is useful, especially being in your first year
19 when you don't know exactly what to look for and on the
20 guidance of the FT0 that card is also very good.

21

22 COMMISSIONER: So do you go out with first years
23 sometimes?

24 A. Yes, because I am an FT0 now.

25

26 MS CAPPELLANO: And in terms of the PAF was the learning
27 about the PAF coming from your own FT0?

28 A. Yes, and we also learn about it in the - we have a
29 training day in our first year program as well on
30 domestic violence.

31

32 Q. Is that the training day that you talked about in your
33 statement and that covered PAF as well?

34 A. Yes.

35

36 Q. And you talked a little bit about field training
37 officers and the important role that they play for you in
38 your first year. Are you able to make any comment on the
39 level of seniority of your training officer? You say you
40 now towards the end of your second year are a field
41 training officer. What about the ones that you had? Were
42 they second year officers, third year officers?

43 A. I had two. One was a senior constable and one was a
44 constable, but the less experienced one still had I think
45 he was in his fourth year. So they had plenty of
46 experience.

47

1 COMMISSIONER: So how did you get to be a field training
2 officer? Did someone tap you on the shoulder?
3 A. No, it was a course and you'd put in a preference
4 saying that you would like to do it, and I put my name down
5 and got accepted.
6
7 COMMISSIONER: How long is the course?
8 A. Mine one was two days, but I believe now they have
9 shortened it down to one day.
10
11 COMMISSIONER: And is that face-to-face?
12 A. Yes, it is.
13
14 COMMISSIONER: And who does the course?
15 A. ETO does it as well.
16
17 COMMISSIONER: What's ETO?
18 A. The educational training officers I think. But they
19 are the people who run the first year training program. So
20 they also run the FTO course.
21
22 MS CAPPELLANO: In your learning, whether it's in the
23 academy or in the other courses, have you done any courses
24 or learning about trauma-informed practice?
25 A. I don't think I have.
26
27 Q. Is that a term that you've heard?
28 A. I have heard that term before, but I don't think we've
29 had specific training in relation to it.
30
31 Q. In relation to domestic and family violence incidents
32 where you're called out and there's been a contravention or
33 a breach have you received any guidelines on whether or not
34 you charge an offence as well as a breach of an order or is
35 it a case by case basis? How do you make decisions around
36 that?
37 A. So if you're saying that they've breached the law and
38 they may be assaulted --
39
40 Q. That's right.
41 A. Yes, I would personally charge for the assault and the
42 breach of domestic violence, and that's how I've been
43 taught and how I know most people - I don't know if it is
44 (indistinct) any differently.
45
46 Q. But that's what you certainly from your field training
47 officers or --

1 A. Yes.

2

3 Q. Is that who you would have got that knowledge from,
4 the people at the station, or is that something you would
5 have been taught at the academy?

6 A. There's been some discussions over it we've had, like,
7 in the station. But that's the general knowledge I get
8 from everybody, especially in Townsville, that I've learnt
9 everybody does that.

10

11 Q. So where there's a breach that is an assault you would
12 charge the breach and the assault?

13 A. Yes.

14

15 Q. You talk in your statement about having done a one-day
16 training by the Education and Training Office surrounding
17 domestic and family violence?

18 A. Yes.

19

20 Q. And was that delivered entirely by the facilitators
21 within the police and the Education and Training Office?

22 A. Yes.

23

24 Q. Have you had any training, whether in the academy or
25 outside the academy, where support service - a domestic and
26 family violence support service might have come and talked
27 to you about the issues surrounding domestic and family
28 violence?

29 A. Not that I can recall.

30

31 Q. In terms of the content you've said in your statement
32 that you don't remember the specifics about the content of
33 the training?

34 A. Correct.

35

36 Q. That was at the time that you delivered that. Is that
37 still the case, that you can't actually recall what was
38 covered in that course?

39 A. Yes, it was more generalised and then if we had
40 questions as well they would facilitate that and answer any
41 questions that we have or issues that are brought up and
42 tell us how to do it.

43

44 Q. And you also talk at paragraph 9 about having
45 completed two domestic and family violence online learning
46 products or OLPs since leaving the academy. One is
47 policing enhancement training surrounding domestic and

- 1 family violence. The other one was in relation to coercive
2 control. Are you able to outline how long each of those
3 went for?
- 4 A. I can't remember each one, but it takes a few hours to
5 read through all the information, take it all in and then
6 refer back to especially when you're asking the question -
7 getting asked the questions at the end of the online
8 program.
- 9
- 10 Q. Now, in terms of doing that online learning were you
11 given time in your allocated shift to sit down and get that
12 done or is that something that you try to get done between
13 call-outs or after hours?
- 14 A. Yes, we don't get given set times to do those. But if
15 we can we sometimes get correspondence shifts, so we can do
16 all our paperwork and we can do OLPs. But at Mundingburra
17 we don't always get those. They could be, like, once a
18 month type thing.
- 19
- 20 Q. And were you able to complete those particular - or
21 can you recall if you were able to complete those in one
22 setting or if that had to be spread out over a couple of
23 shifts?
- 24 A. One setting.
- 25
- 26 Q. For each of those programs you were able to?
- 27 A. Yes.
- 28
- 29 Q. And how do you find learning through the online
30 learning products as opposed to face-to-face learning?
- 31 A. I think that it should be face-to-face because
32 I reckon you would take more of the information in and just
33 retain it a lot better.
- 34
- 35 Q. Do you personally with online learning products not
36 take the information in as well?
- 37 A. Yes.
- 38
- 39 Q. You've also completed online learning products in
40 relation to Aboriginal and Torres Strait Islander people,
41 race diversity, LGBTI awareness, fatigue management,
42 psychological health and fitness. Does the same apply in
43 relation to how well you take the material in in relation
44 to those topics, being online as opposed to face-to-face?
- 45 A. Correct.
- 46
- 47 Q. Can you recall much of what you learnt in those

1 products?

2 A. That's throughout my whole time in policing. So
3 I can't really say.

4

5 Q. And again are you able to indicate is it just
6 generally you may have - you can't say whether or not you
7 did that in one setting or during the shift; it's the same
8 answer as before?

9 A. I'll either generate time to do - if I'm going to do
10 one, I'm going to sit down and try and finish it in one go.

11

12 Q. You also talk in paragraph 11 about having had some
13 learning from the domestic and family violence specialist
14 officers in the vulnerable persons unit. You say you
15 haven't done a rotation through the VPU and you would not
16 want to do one. Why is that?

17 A. I just don't think that area to specialise in that and
18 only do that would interest me, where I would rather stay
19 in general duties and expand my knowledge and not have a
20 skill fade in a certain area and just more maintain
21 knowledge from everything, not just dealing with
22 domestic violence.

23

24 Q. Do you have any sense more generally of how the
25 domestic and family violence vulnerable persons unit and
26 that specialised area are viewed more generally throughout
27 the service in Townsville?

28 A. Can you just --

29

30 Q. Is that a sought-after position to get into --

31 A. I know some people that have put their hand up and
32 they're doing rotations through there and that's something
33 that they would like to do.

34

35 Q. It's just a personal preference?

36 A. Yes.

37

38 Q. You have indicated at paragraph 14 that there is some
39 further training that might help. Is that something that
40 you've done yet or that you know is coming?

41 A. I know that we're currently doing that and putting
42 people on this one-day course.

43

44 Q. And can you explain a bit more about the course?

45 A. I haven't done it. That's something I have - I am
46 going to put my hand up to try and get on that course.

47

1 Q. And is it an optional course?

2 A. Yes.

3

4 Q. And why do you think that would be of assistance?

5 A. It's just good to just do any sort of refresh training
6 in a certain thing because it might jog your memory of
7 something you might not have done in a while or just
8 reinforce the knowledge that you already have.

9

10 Q. And you say in relation to those sort of continuing
11 education opportunities that you think once a year police
12 should have to do a one-day refresher course on domestic
13 and family violence. Do I understand from your evidence
14 you've previously given that for you it would be essential
15 that that was face-to-face learning as opposed to any
16 online or blended learning?

17 A. Correct.

18

19 Q. And is there any particular topics that you think
20 would be very useful to get refresher knowledge or more
21 training on when it comes to domestic and family violence?

22 A. I would have to say more just the general aspect.
23 I don't think you could put one category more than the
24 other.

25

26 Q. You just want to know more about everything. Is there
27 anything specific even from a practical point of view like
28 brief preparation or anything like that that you feel
29 someone in your position would particularly benefit from?

30 A. Yes, that's more in relation to first years would
31 benefit from that, especially in relation to briefs,
32 especially if they haven't done one before.

33

34 Q. Okay. Is that something that happened when you were a
35 first year?

36 A. Yes.

37

38 Q. In terms of your interaction with the Townsville
39 domestic and family violence vulnerable persons unit you
40 indicate that if you have an enquiry and you want that more
41 specialised and expert advice you would send them an email
42 and give them a call. How often have you had occasion or
43 have you gone that?

44 A. I've probably done that multiple times, probably
45 maybe, like, four, five since they have been operational.
46 So they've helped me out quite a few times.

47

1 Q. And can you recall how long they have been around?

2 A. No.

3

4 Q. Are you able to tell if there's - from your time, so
5 over the past two years when you've been policing there has
6 been a period of time when there wasn't a specialised
7 vulnerable persons unit before they started and now there
8 is one, is that the case?

9 A. Yes, I think in my first year I can't really recall
10 too much about them or did not know if they existed or not.

11

12 Q. How has that helped - is it something that has helped,
13 to have that unit?

14 A. Yes, it is.

15

16 Q. And are you able to articulate a little more about why
17 it is that that's a helpful resource for you to have?

18 A. Because they just deal with domestic violence every
19 single day. Like, it's the one subject that they're doing.
20 They're reviewing all occurrences. They've dealt with
21 pretty much every single matter, the more convoluted ones.
22 So if you have a situation that you've never experienced
23 before they most likely have already dealt with something
24 similar or like that before and they can help you out.

25

26 Q. And you give an example of having never have done a
27 temporary protection order before?

28 A. An urgent temporary --

29

30 Q. An urgent one, yes. Firstly, just in relation to that
31 example, did you have someone on shift with you or were you
32 alone to that call-out?

33 A. No, I was with my partner. But she also had never
34 experienced an urgent TPO before.

35

36 Q. And was that when you were a first year constable or
37 was that when you were the --

38 A. When I was out of my first year program.

39

40 Q. And it was the VPU unit that you called and you got
41 help?

42 A. Yes, they were helpful.

43

44 Q. And that was a positive experience?

45 A. Yes.

46

47 Q. And provided the help that you needed at that point in

1 time?

2 A. Correct.

3

4 Q. You indicate in your statement that there is a gap
5 where the VPU is not available if you're working a night
6 shift. Is that something that would be useful for you?

7 A. It would be, but in that case we still have senior
8 officers that we can go to for experience and help if need
9 be.

10

11 Q. And you say that you could call the shift supervisor
12 or you could call the district duty officer if you needed
13 help?

14 A. Yes.

15

16 Q. Have you ever called those people when you have needed
17 help for a domestic and family violence matter on night
18 shift?

19 A. Yes, I have.

20

21 Q. And is there any difference in terms of the advice
22 that's able to be given from a specialist VPU unit or when
23 you've called just a superior officer without that
24 specialisation?

25 A. I couldn't say, but both of them are very helpful.

26

27 Q. Is it something - and I know there is that capacity to
28 call the district duty officer or the shift supervisor, but
29 would you find it useful to know that the domestic and
30 family violence specialists are available to receive your
31 calls if there are call-outs at night?

32 A. Yes, it would be.

33

34 Q. And is there any pattern in terms of when you usually
35 attend call-outs for domestic and family violence, are they
36 usually at night or are they usually during the day or
37 there's just no pattern?

38 A. There's no pattern.

39

40 Q. You also talk about receiving the tips of the week
41 from the specialist unit and you've said you've found them
42 to be useful but you can't think of any examples -
43 particular examples that were useful, but generally you
44 have found them useful?

45 A. Yes.

46

47 Q. That was at the time of creating the statement.

- 1 Before court or sitting here today can you think of
2 anything in particular that was useful?
- 3 A. Yes, I have gone through them because they're still in
4 my emails so they are easy to access. They send tips out
5 on new services. Like, in Townsville this year, I think it
6 was in February, there was like a Head to Health. It was a
7 new resource that we could refer people to that give tips
8 in relation to briefs. Actually putting the incident on
9 QPRIME. Pretty much everything. They just try and make it
10 easier or, like, "Hey, did you know this?"
11
- 12 Q. And is that a resource that you do go back to? Would
13 you, for example, think, "I needed to learn something about
14 QPRIME. I'll go back and look at that email I got?"
- 15 A. Yes, because I do remember when I've gone to an
16 incident and something has jogged my memory that I've seen
17 it in the tip of the week before, and I have gone back and
18 referred to that.
19
- 20 Q. In terms of you just mentioned QPRIME, did you get
21 specific training on QPRIME. Was your training adequate
22 from your academy training on QPRIME to using it in real
23 life?
- 24 A. I would say, yes, but once again there's a lot to
25 learn. It's more just to navigate through QPRIME and just
26 learn it --
27
- 28 Q. How do you find QPRIME to use?
- 29 A. It was pretty hard at first. But once you use it a
30 few times it's pretty easy.
31
- 32 Q. And in terms of - you talked just before about having
33 known about - being told about a support service. Have you
34 come into contact with any of the domestic and family
35 violence support services in your time with the police?
- 36 A. Not face-to-face.
37
- 38 Q. Do you know about the ones in the region?
- 39 A. Yes, I know of a few.
40
- 41 Q. And do you refer - you haven't met people; is that
42 correct?
- 43 A. No.
44
- 45 Q. Do you refer people that you come in contact with,
46 aggrieveds, to support services?
- 47 A. Yes, if they accept the referral.

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Q. Okay. And how do you know about those? How do you have your list of who you refer to?

A. It just depends what the incident is, but we most likely refer them on to the Domestic Violence Family Resource Centre.

Q. So you know about that centre?

A. Yes.

Q. And if there was an aggrieved who needed more support services that would be the centre that you would refer them to?

A. Most likely.

Q. Have you heard the term a "technical breach of an order"?

A. Yes.

Q. Is that something - a term that gets used frequently?

A. I would say yes.

Q. And what does it mean on your understanding?

A. So it's a technical breach if they have a no contact and they have contacted them, like, via text message.

Q. And how do you normally proceed if there is a technical breach? Is there any difference if it would be referred to as a technical breach as opposed to an act of violence? Would there be any difference in the way that you would deal with the matter?

A. It could be. It just depends on what the contact is as well. So every situation could be different.

COMMISSIONER: So do you charge if there's a text?

A. If the aggrieved comes in and provides us with all that information and then she wants to go ahead with the breach we would charge.

COMMISSIONER: So only if she wants to go ahead?

A. Yes, well, we wouldn't know about it if she didn't tell us. So, yes.

COMMISSIONER: So that means you must charge every time?

A. Unless they - because there are some conditions where it says they've been given permission or through a lawyer or court there's some technical aspects of it. So we just

1 have to make sure that that's not a part of it and they've
2 actually just - actually breached the order.
3
4 COMMISSIONER: So if you're talking about a technical
5 breach that tends to suggest that it is a breach?
6 A. Yes.
7
8 COMMISSIONER: But not as perhaps serious as strangling or
9 something?
10 A. Correct, yes.
11
12 COMMISSIONER: So I'm just trying to find out if it's what
13 you think is a technical breach do you always charge,
14 because if there's some exception that's then just not a
15 breach, isn't it?
16 A. Well, yes. So technical breaches most likely wouldn't
17 be them getting locked up in the watchhouse. Maybe that
18 might be the difference in relation to an act of violence
19 or threats, property damage type of things like that.
20
21 COMMISSIONER: So you would still charge?
22 A. Yes.
23
24 COMMISSIONER: But you'd be inclined to say they should
25 get bail?
26 A. Yes.
27
28 COMMISSIONER: Is that what you're saying? There's no
29 right or wrong answer; I'm just trying to find out what
30 you're saying.
31 A. Yes.
32
33 COMMISSIONER: So if it's a technical breach like a text
34 when a text shouldn't be sent?
35 A. Correct.
36
37 COMMISSIONER: You would charge it?
38 A. Yes.
39
40 COMMISSIONER: But you would be inclined not to object to
41 bail?
42 A. Correct.
43
44 MS CAPPELLANO: In relation to when you attend a call-out
45 do you have any difficulties in working out how to take
46 versions from a potential aggrieved or a potential
47 respondent?

1 A. No, not really. It's just more that if they're
2 together try and separate them.

3
4 Q. And how do you do that but also maintaining officer
5 safety?

6 A. So you want to be - pretty much have your partner who
7 you're working with in sight, maybe in another room, but
8 you are both standing at the doorway so you can see each
9 other, your partners, just in case someone needs help or
10 needs assistance or something like that.

11
12 Q. And so would you try to have one of the parties inside
13 another room with your partner at the door and then the
14 other party --

15 A. Yes, just so they couldn't hear what the other person
16 was saying.

17
18 Q. Do you think that's critical that you need to be
19 taking those versions where the different parties can't
20 hear?

21 A. Yes.

22
23 Q. And do you find difficulties in identifying at some
24 call-outs who is in most need of protection?

25 A. Sometimes, I would say, but usually we're pretty good
26 at identifying who is in need of protection more.

27
28 COMMISSIONER: How do you work that out?

29 A. It just depends on the situation. But you go by the
30 PAF cards that we have, and that gives us a good
31 indication.

32
33 COMMISSIONER: Walk me through it, if you would?

34 A. So there's like assaults, property damage
35 strangulation, if the woman could be pregnant, if they
36 don't live there, there could be alcohol and drugs used, a
37 weapon, so there are lots of things to consider when
38 attending these scenes that all are factors.

39
40 COMMISSIONER: Okay. So you look for injury?

41 A. Yes.

42
43 COMMISSIONER: And if a person has got an injury does that
44 tell you that they're the aggrieved?

45 A. It's not always the case because they could have
46 provoked that person into that injury. But then again
47 that's something we always have to work out and we'll ask

1 them and question them about how they got the injury, what
2 happened, take photographs, examine them, if they want
3 medical attention right now.

4

5 MS CAPPELLANO: When trying to determine who is the person
6 most in need of protection are you looking at what's
7 occurred in that setting at that call-out or is there any
8 looking at the history of the relationship?

9 A. So mainly in relation to that call-out, but they might
10 have an extensive past history as well that might be a
11 contributing factor.

12

13 Q. And how would you take any past history into account?

14 A. If it's, say, the same scenario that's happening week
15 in week out.

16

17 Q. Do you see situations where somebody has been an
18 aggrieved on a number of occasions and then there's a
19 call-out where that person appears to be the person who
20 might have been more aggressive on first look?

21 A. Yes.

22

23 Q. In those circumstances do you take into account the
24 history of the relationship and does that help to determine
25 who is most in need of protection?

26 A. It does help, I think but, yes.

27

28 COMMISSIONER: Sometimes do they become the respondent,
29 the person who has been the aggrieved a couple of times?

30 A. Yes.

31

32 MS CAPPELLANO: And would that occur most of the time or
33 is that something you can't say?

34 A. I can't really say, but it wouldn't happen most of the
35 time, but it does happen from case to case.

36

37 Q. In those circumstances where the person has been an
38 aggrieved on previous occasions and then there might be a
39 confrontation in which they then appear to be the
40 respondent and an application is taken out in which they
41 are the respondent, are you able to make any observation
42 about whether that is - that situation is more prevalent in
43 First Nations women or is that something you can't make a
44 comment on?

45 A. I can't really make a comment on. There's no real
46 difference to what race that person is. It just all
47 depends on the actual circumstance of the actual incident

1 that's occurred.

2

3 Q. I understand that. I was just more talking about if
4 that situation is more common?

5 A. I wouldn't be able to say.

6

7 MS CAPPELLANO: Thank you. They're my questions,
8 Commissioner.

9

10 COMMISSIONER: So if you go to a domestic violence
11 call-out and you get two different versions how do you work
12 out whether you should take out an application?

13 A. It just all depends. I would talk to my partner
14 especially and try and get the person who has delivered
15 that version, their demeanour as well, how they're
16 presenting themselves, if they're trying to be - trying to
17 take control of the situation or they could be grieving,
18 absolutely, like, frightened. So we've just got to take
19 into all those aspects.

20

21 COMMISSIONER: Is it difficult when they give different
22 versions?

23 A. Sometimes it is.

24

25 COMMISSIONER: Have you ever decided you just can't
26 decide?

27 A. No.

28

29 COMMISSIONER: You always make some decision about who's
30 the perpetrator in that situation?

31 A. Yes. But then it could be they're both as bad as each
32 other.

33

34 COMMISSIONER: Okay. And what do you do in that
35 circumstance where you've decided they're both as bad as
36 each other?

37 A. It depends on the situation. You could take an
38 application out for each person. You could put - they
39 could already have cross-orders in place where they would
40 both be breaching them.

41

42 COMMISSIONER: If there's no order in place?

43 A. Police could take out an application.

44

45 COMMISSIONER: Would you ever put that down as DV other?

46 A. Yes, and in some cases there would be DV others.

47

1 COMMISSIONER: In terms of the standard of proof, what's
2 the standard of proof for the civil application?

3 A. Balance of probabilities.
4

5 COMMISSIONER: Do you know what that means?

6 A. Yes, so it's a civil matter. So it's not beyond
7 reasonable doubt; so that's for more criminal. This is
8 balance of probabilities, so it's more civil. It's
9 just - it's pretty much more than 50 per cent. You do
10 believe them but you don't know if you're able to prove
11 everything.
12

13 COMMISSIONER: All right. You talked before about people
14 being called out - being called to a place multiple times.
15 Have you had that experience?

16 A. Yes.
17

18 COMMISSIONER: Is that frustrating?

19 A. It is, especially when they might not be calling for
20 police, it might be the neighbours calling, and we're
21 constantly going there and they don't want our help.
22

23 COMMISSIONER: What do you do in that situation?

24 A. It just all depends. We try and do as much as we can.
25 We try and give whoever needs protection the protection
26 they need still.
27

28 COMMISSIONER: And if they won't speak to you does that
29 get written down as a DV other, if they don't speak, or a
30 DV no DV?

31 A. It all depends on the situation.
32

33 COMMISSIONER: If the neighbours have called is what I'm
34 talking about.

35 A. Yes, and we can go off the neighbours' version, speak
36 to them, what they've seen as well, what they've heard, and
37 then asked the involved parties what's happened as well.
38

39 COMMISSIONER: Okay. So if the next door neighbour has
40 seen, for example, a man dragging a woman into the house by
41 her hair and screaming?

42 A. Yes.
43

44 COMMISSIONER: Does that man get charged with assault
45 without the woman cooperating?

46 A. It's hard to say because if she's not willing to
47 provide a statement, the victim, and she doesn't want to

1 press charges to the assault, it's pretty hard to go ahead
2 and get up in court.

3
4 COMMISSIONER: Okay. But have you ever done any - have
5 you ever done it on evidence other than the victim?

6 A. No, I haven't.

7
8 COMMISSIONER: Do you ever feel fatigued by going out to
9 these domestic violence calls all the time?

10 A. Sometimes, when you just - yes, I would say yes.

11
12 COMMISSIONER: Have you ever sought any counselling or
13 spoken to anyone about that?

14 A. No.

15
16 COMMISSIONER: Okay. Do you know what counselling you can
17 access?

18 A. I know the QPS have multiple sources, internal and
19 external, that can be accessed.

20
21 COMMISSIONER: Do you think you would do that if you
22 needed it?

23 A. If I needed it, yes. But I don't need it.

24
25 COMMISSIONER: That's all right. If there are Family
26 Court proceedings and someone complains of
27 domestic violence do you take that into account when
28 you --

29 A. Yes, we do because they could be trying to use police
30 to get an order to help them in the Family Court.

31
32 COMMISSIONER: Is that prevalent?

33 A. That happens sometimes. I've seen it a few times.

34
35 COMMISSIONER: And how did you work out that that's what
36 they were doing?

37 A. I can't remember my - the actual scenario of what it
38 is. But, yes, they do try and use police as leverage to
39 try and maybe get custody of the children.

40
41 COMMISSIONER: Is that a common experience with police?

42 A. Sometimes, yes. I would say so.

43
44 COMMISSIONER: Have you heard of other police feeling that
45 as well?

46 A. Yes.

47

1 COMMISSIONER: And were you told that domestic violence is
2 a gendered issue?

3 A. No.

4

5 COMMISSIONER: Do you know what that means?

6 A. It's more one gender than the other?

7

8 COMMISSIONER: Yes.

9 A. It definitely goes both ways.

10

11 COMMISSIONER: It goes both ways; okay. We might just
12 break for some lunch. I'm not going to make everybody miss
13 out on lunch again, sorry. Thank you. It's a bit like
14 sitting a test, isn't it, I'm sorry, Constable. You're
15 going to have to come back after lunch. Let's say 2.30.

16

17 **LUNCHEON ADJOURNMENT**

18

19 COMMISSIONER: Constable, I meant to ask you before lunch,
20 have you ever dealt with anyone whose English is a second
21 language in domestic violence, or in anything actually?

22 A. Personally, no. But I know people at my station have
23 dealt with that.

24

25 COMMISSIONER: Okay. Were you taught anything at the
26 academy about what to do if anyone had English as their
27 second language?

28 A. Not that I can recall.

29

30 COMMISSIONER: Are you aware there's an interpreter
31 service?

32 A. Yes, I am.

33

34 **<EXAMINATION BY MS HILLARD:**

35

36 Q. I suppose the next question is do you know how to
37 access the interpreter service?

38 A. Not off by heart, but I'm sure I could figure it out,
39 because I've never had to do it before.

40

41 Q. Just before lunch also you were asked some questions
42 about assessing who is the perpetrator and things like
43 that. So I'll focus on that. You mentioned in one of your
44 answers that you look at demeanour and you assess
45 demeanour. As part of your training at the academy when we
46 look at your 27 weeks did you get any training about
47 demeanour and what that actually means in a domestic and

1 family violence settings?

2 A. Not that I can recall.

3

4 Q. And you mentioned your first year constable training
5 and you had a field training officer, and did you get any
6 training as part of that?

7 A. It's not more like in the training but they explain it
8 and teach us it.

9

10 Q. If I can use it this way, you're sort of expected to
11 pick it up on the job as you engage in these situations;
12 would that be correct?

13 A. Yes.

14

15 COMMISSIONER: How long have you been a field training
16 officer?

17 A. This year. The start of this year. Start of this
18 year, I think.

19

20 MS HILLARD: And when you're making that difficult
21 decision about trying to identify who is the perpetrator or
22 who is the aggressor what role does the PAF or the risk
23 assessment have in matters that you do?

24 A. Yes. So that is, like, pretty predominant what we go
25 off to try to identify who is in more need of protection.

26

27 Q. Can I just clarify what you mean by that. Do you
28 apply the PAF to both the parties or just one of the
29 parties?

30 A. Both the parties.

31

32 Q. And can I clarify about the PAF just generally. Do
33 you ask the specific questions or now that you know them or
34 you just - how do you apply it?

35 A. Every situation is different but it's more you have to
36 let them tell you the story first and then we start asking
37 them the questions in relation to that, more relevant.

38

39 Q. Would you have a situation where you now would go
40 through the questions that are on the PAF on that little
41 foldout --

42 A. Yes, could be, especially with brand new first years,
43 get them to experience it and learn it and then they'll
44 start to memorise it more if they're using the card, then
45 it will be more imprinted and they won't need it anymore
46 and then they can just go off by heart.

47

1 Q. Did you get any training about whether you were told
2 that you should ask the questions on the PAF, do you
3 recall, or not?

4 A. Not really, but we definitely would have been told to
5 use the PAF card, so to ask the questions.
6

7 Q. So then that just comes back in perhaps a slightly
8 circular way. In every situation do you now actually ask
9 the questions on the PAF or is it more as you a described,
10 "We get their information and we fill it out from what they
11 tell us"?

12 A. Yes, and then if we need more information we'll get
13 them to elaborate it and explain it more.
14

15 Q. When you were at these types of sites where there is
16 an identification of who might be the perpetrator or not
17 have you been trained or given any specific training around
18 proximity of line of sight or being near police officers,
19 if you're there with only one other officer, that you're
20 having to be within one another's line of sight?

21 A. Yes, that's what we are trained in, try to keep line
22 of sight.
23

24 Q. So in this sort of example of trying to identify who
25 the perpetrator is you're out there with your partner and
26 they'll be talking to one party, you'll be talking to the
27 other party, but you'll be visually able to see one
28 another; is that correct?

29 A. Yes, or if not just in the corner of your eye.
30

31 Q. And can you recall if you had any specific training,
32 first of all, in the 27 weeks that you've done about
33 reasons why a person who is a victim of domestic violence
34 might appear to be uncooperative?

35 A. I can't really recall.
36

37 Q. And I presume that that's not something that you've
38 had training since you've left the academy with
39 the 27 weeks aside from on the job, what you pick up and
40 what you've been taught by other officers?

41 A. Yes.
42

43 Q. You mentioned about the vulnerable persons unit and
44 that you had an interest in certain areas rather than
45 necessarily going into that unit. Can I ask do you have
46 aspirations of perhaps being a detective or moving into the
47 CIB or something of that description?

1 A. I'm actually not too sure what area I want to go in
2 yet. So that's still up in the air.

3
4 Q. One of the comments that you made in your statement
5 was around the vulnerable persons unit in your view needing
6 to be able to actively investigate matters. Can I ask you
7 about the VPU itself. Do you perceive them as perhaps just
8 having this auditing kind of review role and a source of
9 knowledge role?

10 A. Yes.

11
12 Q. As I understand it, and I might be incorrect, the
13 Townsville vulnerable persons unit has specific detectives,
14 CIB officers and specific detectives; is that the case or
15 not?

16 A. The VPU have their own or Townsville?

17
18 Q. The VPU here in Townsville, does it have its own CIBs
19 and - CIB officers or detectives?

20 A. No.

21
22 Q. Is that something - and bearing in mind that you're a
23 cohort of one just giving some evidence for assistance,
24 when you talk about the investigating role is that
25 something that you see as being beneficial perhaps for the
26 VPU?

27 A. It could be, yes.

28
29 Q. Given that you've identified some of the difficulties
30 with maybe they can do it a bit better, they can have those
31 investigative kind of roles, is that perhaps a recognition
32 that maybe the way that you got trained to do the
33 investigation on those matters is not as good as maybe VPU
34 would approach it?

35 A. No, I wouldn't say that.

36
37 Q. In respect of the training that you did have you spoke
38 about scenarios and you used the word, I think, fake
39 scenarios when you were talking about that and scenario
40 based training. In terms of those scenarios that you
41 experienced you went to the Townsville academy up here?

42 A. Correct.

43
44 Q. And at the Townsville academy when you did these
45 scenarios they were role plays by cadets or people
46 participating in the program; is that right?

47 A. Yes.

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Q. So it wasn't delivered by people who had experienced domestic violence or by people who were external service providers or anything like that?

A. No.

Q. Having been out for a couple of years now, out in the field and doing the work, your first year constable and since then, you probably would agree that if those scenarios involved people who actually present like those scenarios you turn up would have been a really valuable tool

A. Yes.

Q. You also mention in your - I should say you're answering "yes" or "no". You don't have to feel as though it's court. You can give a more expansive answer if that's what you would like. You also mentioned in your statement at paragraph 5 you're talking about there was testing on domestic and family violence, and you were asked some questions about being given a worksheet and being asked to memorise legislation. Is that what you meant when you said "testing"?

A. Yes, but at the end of the phase there is an actual test.

Q. It was focused around the legislation; is that right?

A. I think so. It could be more general knowledge, though, as well. I can't recall.

Q. Do you think that it might have helped you during your first year of training to have had some body-worn camera footage reviews, a few feedback sessions about how you're going just to assist you with your development as a constable overall?

A. It could, but they have used body-worn cameras as - like, situations to show us as well.

Q. As part of the 27 weeks?

A. Yes. I'm not too sure if it was DV, but they have done that in other aspects and they definitely did that in the first year constable program.

Q. Some officers sometimes describe going home and hoping that they've done the right thing, that they've reached the right outcome, that the person they've tried to protect is actually protected. Do you think that there could be more

1 feedback to improve by doing those sorts of audits to help
2 the officers along?

3 A. There could be. When I was in my first year my FT0s
4 would usually tell me, "You've done a good job today. Good
5 work, the last job you did." So that's pretty reassuring
6 and good to know.

7

8 Q. Did that come mostly from the field training officers
9 or other people within the station?

10 A. Both.

11

12 Q. You were asked a couple of questions about the text
13 messages and the technical breach. Can I just clarify
14 something. You said that if the person, the woman, comes
15 in with a text message I thought you said something and
16 I might have missed it "you make sure that the lawyer is
17 not part of it". Was that a reference to checking whether
18 there were family law proceedings?

19 A. No, some of the conditions are they can make contact
20 to the aggrieved through their lawyer, like, in relation to
21 court cases and stuff like that.

22

23 COMMISSIONER: In relation to access to children and that
24 sort of thing?

25 A. Yes.

26

27 MS HILLARD: You were also asked some questions about the
28 text message. Can I ask about the contents of the text
29 message itself. What if the text message has included in
30 it a threat of violence; does that change your response?

31 A. Yes, it would.

32

33 Q. And what would the response be?

34 A. Well, if it's violence I would most likely be thinking
35 more to lock them up and object to their bail, whereas if
36 it's just a contact saying, "Can we meet up" or, like,
37 "Hey, how's it going?"

38

39 Q. And in terms of those experiences that you're talking
40 about are they again things that came through your field
41 training officer?

42 A. Yes.

43

44 Q. Do you remember specifically getting any training
45 about bail or - I'll start with that, bail, when you were
46 doing your cadet training in the 27 weeks?

47 A. At the academy in relation to bail, no, not too much.

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Q. And what about the necessity or otherwise of conditions on a domestic and family violence order or a PPN, a police protection notice?

A. In relation to the conditions that you can get? Yes, we were taught that.

Q. And what about the training about which conditions to choose, which ones not to choose?

A. It depends on the situation what you would apply for, and if the aggrieved would be willing to want those conditions as well, if she's supportive.

Q. And what was the training that you got specifically about ouster conditions? Do you know what I mean by ouster conditions?

A. Yes, it means that they essentially get kicked out of that house or residence they're living at and they're not allowed to return.

Q. So you've described what ouster conditions is perhaps in response to my question. But what about the training that you got about when to use them and when not to use them? Can you remember whether you got any specific training about that?

A. Not really. But again it depends on the situation. It's hard to tell.

Q. You were also asked some questions about the support services and you indicated that you knew who they were in your local area to refer through to. Were you ever told or were you ever provided any training about what those support services could do, the workload on the services and how they can actually link in - that's the first part, what they can do - and the second part, who would be delivering them?

A. So the first part, what they can do is I would say just reach out and offer support, someone to talk to if they need assistance in getting some sort of housing, moving house, something like that. But in relation to who does it - was that the second question - I'm not too sure.

Q. And I think that you said that there haven't been any external support services, specialist domestic and family violence people come to deliver any training since you've left the academy at least?

A. Correct.

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Q. In relation to the ouster conditions specifically was there any training that you received about how that can apply where there might be an aggrieved who is also a respondent?

A. No.

MS HILLARD: Thank you, Commissioner. Those are my questions.

MR McCAFFERTY: Nothing, thank you.

MR HUNTER: Nothing, thank you.

MS CAPPELLANO: Thank you. I have no further questions, Commissioner.

COMMISSIONER: Thanks very much, Constable. Just before I let you go but can I ask you just one more question. Have you been given any training about how to recognise disability, particularly, like, an intellectual disability or post-traumatic stress, that sort of thing that's not immediately physically apparent?

A. In relation to domestic violence?

COMMISSIONER: Just in relation generally, really?

A. We were taught a lot on, like, mental health. Some of those would come under those, especially the post-traumatic stress situation. But in relation to intellectual disability, just to have more of a support person there so they can fully understand and make sure everything's coming across.

COMMISSIONER: But did they tell you how you might recognise them in behaviour, the way people behaved or anything like that?

A. No.

COMMISSIONER: Okay. I'll let you go. Thank you. Thanks for coming to give evidence

<THE WITNESS WITHDREW.

MS CAPPELLANO: Thank you. Commissioner, I call Jordan Theed.

<JORDAN THEED, affirmed:

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<EXAMINATION BY MS CAPPELLANO:

Q. Mr Theed, are you currently employed as a prosecutor within Townsville Police Prosecution Corps?

A. Yes.

Q. And that you commenced in that position in December 2019?

A. Correct.

Q. And that was after - this is your first job after being admitted as a legal practitioner?

A. Yes.

Q. And you're not a sworn member of the Police Service; you're a civilian prosecutor, is that correct?

A. Yes; solicitor, yes.

Q. And in terms of your work within since becoming a prosecutor some of your work has included working with the Police Prosecution Corps in terms of being in the specialist court at Townsville?

A. Yes, about 18 months all up, the first 15 months, and then three months more recently.

Q. As well as appearing in the Townsville court you also appear in circuits, including in Ayr, Ingham, Palm Island and Charters Towers; is that correct?

A. Yes. I've only just taken on Charters, but the others I've appeared in multiple times.

Q. Can I ask you, firstly, about the Townsville specialist court and how that operates?

A. Yes.

Q. Is it correct that there's a civil call-over for domestic and family violence matters on Monday, Wednesday and Thursday?

A. Yes.

Q. And on those days there's generally 25 to 30 applications?

A. Depending on the day it can vary quite significantly, but on average I'd say that's about 25 to 30.

Q. Does it ever get higher than that?

1 A. Less so now. I haven't seen it as big. But when
2 I first started there was less days sitting and I think it
3 got up to about 45, 50 on occasion.

4

5 Q. And now that it's spread across the three days would
6 25 to 30 be about the average?

7 A. I'd say that would be about the average at the moment,
8 yes.

9

10 Q. Is it correct that on Friday that's when criminal
11 matters that are domestic violence related such as
12 contravention or flagged domestic violence offences, they
13 get adjourned to be dealt with on Fridays?

14 A. Typically. So there's the matters that are
15 progressing outside of long pleas and hearings, they're
16 listed on the Friday and there's a specialist criminal
17 call-over on the Friday. The way that it works in
18 Townsville is that there's one and a half magistrates. So
19 you've got one magistrate that sits through and another
20 that sits half the time. So you've got a number of long
21 pleas that are also listed on a Friday, but they can also
22 be listed on Tuesdays or hearings, which is typically left
23 for that, and sometimes pleas can fall on other days or
24 they've got the magistrate that's on Palm Island,
25 His Honour Magistrate Taylor, will sit in Townsville for
26 the domestic violence matters on those days.

27

28 Q. And those different sittings that you're talking
29 about, whether it be long pleas or hearings, that fall on
30 Friday or might fall on Tuesday, are they all
31 domestic violence related, though?

32 A. Yes.

33

34 Q. And just about hearings, when do contested
35 applications occur?

36 A. Typically on a Tuesday, but there is scope depending
37 on the availability of that second magistrate. But
38 typically they'd be on a Tuesday.

39

40 Q. Is that the day set aside for contested applications
41 generally?

42 A. It's just the day that's set aside because it doesn't
43 have the criminal call-over for the mentions or the civil
44 call-over. So because it's a free day it typically gets
45 used depending on the availability and what's come up. As
46 I understand the court calendar, and that's outside really
47 my area of expertise, but if there's a number of long pleas

1 listed and there's not a lot of hearings they might convert
2 a hearing day to a long plea day to try to expedite
3 matters. But typically they try to put those days aside
4 for domestic violence, long pleas or hearings.
5

6 Q. So five days a week there's domestic violence matters
7 being heard in the specialist court in Townsville?

8 A. Typically, yes.
9

10 Q. And if you were getting a matter listed for a hearing
11 today, if you went to a call-over this morning, when would
12 it get listed?

13 A. I'm not sure. I haven't been in the domestic violence
14 call-over since about May myself. But it was I think about
15 three months was about when I left.
16

17 Q. Now, can you just talk us through what the mention day
18 looks like in terms of whether if a matter is heard, one of
19 those 25 to 30 matters, is that a mention - like, you might
20 see in the arrest court where it just gets listed or does
21 it sort of get a longer mention where there's more
22 consultation between the parties and the magistrate?

23 A. So I'm assuming you mean in the civil call-over?
24

25 Q. Yes.

26 A. So for the civil domestic violence matters the matters
27 get mentioned. Typically if the parties rock up because
28 there's the duty lawyers service they check in at the front
29 counter. The front counter then ask them if they want to
30 see a duty lawyer. A duty lawyer is then provided, and
31 we've got typically two services and two lawyers that
32 appear, too, that are there. North Queensland Women's only
33 deals with females. So they'll deal with any female
34 respondents or aggrieved. Then you've got private firms
35 that make up the other parties. I think it's only one on
36 the Wednesday because of funding, but typically there's two
37 for each side on each day. They provide the advice.
38

39 Once the matter is ready to go and they've finalised
40 their instructions, they'll speak to the front counter.
41 There's a live list that goes so that it's updated as to
42 which parties have rocked up, which parties have failed to
43 appear on the day, and which matters are taking
44 instructions, which matters are ready to go.
45

46 For police prosecutions, we effectively have two
47 prosecutors that operate on that particular day. So you've

1 got one prosecutor that's obviously in court and they're in
2 court for the entirety of the call-over, whether that's
3 police applications or private applications. We've also
4 got a second prosecutor at the office who is contactable by
5 phone and they case conference matters. So if you get
6 aggrieveds or respondents that have got hang-ups on certain
7 conditions or want to try to conference the duration of the
8 order they'll contact that prosecutor who has got more time
9 on their hands so that they can review the matter in more
10 depth rather than making an ad hoc decision in court.

11

12 Because Townsville - and I understand it's one of the
13 few places in Queensland that works this way - is an online
14 system, so all our paperwork is done online and we've used
15 the computers in the courtroom to access the material,
16 we've got an Excel spreadsheet that's updated automatically
17 as people put information in. So the results of that case
18 conferencing are placed into the spreadsheet and that
19 informs the prosecutor who's in court what's been agreed to
20 between the parties so that when it does come to a mention
21 typically most matters are resolved or they're forewarned
22 if there's going to be a contest about a temporary
23 protection order or conditions or whatever the case may be.

24

25 Q. And, having that structure of the two prosecutors,
26 does that lead to a higher capacity for matters to be
27 resolved --

28 A. Yes, typically it leads to a lot of matters being
29 resolved. I touched on it in my statement, I think. The
30 only issue is if you've got people who aren't using the
31 duty lawyer service we're not supposed to case conference
32 with self-represented litigants. In that case we require a
33 written submission so it can be considered and a written
34 response so that there's no concerns about any influence
35 being put on them to agree to certain things and external
36 pressure.

37

38 Q. And in reality does that ever happen, that respondents
39 would provide written submissions to you in relation to --

40 A. Yes, and it depends quite significantly. Like, you
41 get very considered submissions and then you get other
42 submissions that are just completely - it's very hard to
43 track what they're trying to say and they're basically
44 blaming everyone else, they're blaming police, the
45 aggrieved, saying you can't interfere with the
46 relationship, whatever the case may be. So you get
47 submissions but obviously, as you'd expect, they're not as

1 sophisticated as if they came through solicitors most of
2 the time. But do you get submissions. You look at the
3 matters, consider them as you would anything else, if
4 required send it to the original officer for them to give
5 feedback, and then take that on board before reaching a
6 final decision.

7
8 Q. What about on circuit courts --

9
10 COMMISSIONER: Sorry, do you get a lot of written
11 submissions from Palm Island?

12 A. Not on Palm Island particularly. So Palm Island - you
13 do get some, but if they do get written submissions it's
14 because (indistinct) in Townsville that has the duty
15 lawyers service --

16
17 COMMISSIONER: They can go to the duty lawyer?

18 A. You've got the North Queensland Women's Legal Service,
19 who will send written submissions, or Legal Aid and ATSILS.
20 So not so much from self-represented litigants, but you do
21 get a number of written submissions from over there
22 typically because there is a lot of complexity with the
23 domestic violence over there. It's quite widespread,
24 unfortunately. So trying to work out the different parties
25 and their involvement can sometimes take more than you're
26 able to do on the day, because you're also a single
27 prosecutor when you're on that circuit so you don't have a
28 second prosecutor case conferencing.

29
30 COMMISSIONER: How many matters do you deal with on a
31 Palm Island circuit?

32 A. It varies quite significantly, and it also depends how
33 many people turn up to court. It probably sounds a bit
34 strange but if it's raining typically there's a lot less
35 people who attend court. Others show up for the social
36 aspect and don't actually care about the application
37 they've got before the court.

38
39 COMMISSIONER: What, so they're just chatting outside?

40 A. They're just chatting outside. They don't really care
41 about the order. It turns into a social day. You see it
42 in the criminal call-over on the Tuesday. If there's been
43 delays for some reason and you hit lunchtime, everyone goes
44 off to the fish and chip shop and you've got - defence
45 lawyers have to try and get them back. But it is somewhat
46 of a social affair at times over there. Obviously there's
47 a lot of people that take their matters seriously as well.

1 But there are others that are there and don't have or don't
2 appear to have at least from what I've seen particular
3 concern about their proceedings or the orders.

4

5 COMMISSIONER: But in any event there is a duty lawyer
6 there?

7 A. There is a duty lawyer there for them to engage with
8 if they want to.

9

10 MS CAPPELLANO: In relation to the other circuits where
11 there's this practice - as I understand, and I'll ask you a
12 bit more specifically about the circuits later, but as
13 I understand it's your evidence that it's only Palm Island
14 where there are duty lawyer services available for parties?

15 A. Yes.

16

17 Q. So on those circuits where everyone else is
18 self-represented do you receive written submissions
19 regularly?

20 A. I wouldn't say regularly. It's sort of - it's
21 interesting when you go through and they sort of tell you
22 their position and it sort of gets argued through court
23 more because they'll turn up on the day and a lot of times
24 what happens with the temporary protection order has a
25 fairly large influence on how the matters proceed moving
26 forward. So they'll put their submissions forward in
27 relation to a temporary protection order and what their
28 concerns are. It goes sort of through magistrate and you
29 raise matters there --

30

31 Q. I'm just talking about the written submissions here
32 and the capacity for parties who aren't represented to
33 engage in any real meaningful negotiation.

34 A. If there's a matter and - I can't speak for every
35 prosecutor. I know if someone has matters and they want to
36 raise the concerns, I'll give them the email address so
37 that they can contact Prosecutions.

38

39 Q. And how often do you receive an email?

40 A. I wouldn't say that it's very often that you get
41 matters that come through. For the most part I wouldn't
42 say there's a lot of contested domestic violence
43 applications as a whole of the application. It's mainly
44 matters to do with conditions and duration.

45

46 Q. And in terms of those being able to have a capacity to
47 make submissions about the conditions that are on a

1 particular order do you receive on circuit other than
2 Palm Island many, if any, written submissions from the
3 self-represented parties in those cases?

4 A. You get some, but I wouldn't categorise it as many.

5
6 Q. In terms of your statement at paragraph 6 you say that
7 approximately 40 per cent of the applications are for first
8 mention or have been adjourned previously. What are the
9 other 60 per cent?

10 A. Matters that have been adjourned, and to be clear with
11 any of the statistics in my statement they're not based on
12 anything.

13
14 Q. That's okay.

15 A. It's just from what I've witnessed. I haven't gone
16 and looked at any of the data myself.

17
18 Q. I'm just trying to understand because I thought it
19 said they're either a first mention or they're a subsequent
20 mention. I'm just not sure what the other matters are.

21 A. So a lot of the times because there is no duty lawyer
22 service someone might rock up, they've got quite a poor
23 understanding of the procedures and how things work, and it
24 might be adjourned off for them to go and seek legal
25 advice, depending on where it is. There's community hubs
26 in Ayr and Ingham at least where people can go to --

27
28 Q. Sorry, paragraph 6 is where you're talking about the
29 Townsville court.

30 A. Sorry, Townsville.

31
32 Q. Take your time.

33 A. No, sorry, yes, sorry. So in Townsville they get
34 adjourned off either to go seek additional legal advice or
35 it might be the fact that a temporary protection order was
36 made and they want to make further submissions or it could
37 be the fact that we reconsider our position if they do
38 courses. So one of main courses in Townsville is Menta,
39 which is a program that is tailored towards people who
40 suffer with issues that lead to domestic violence and
41 addressing the factors. So it could be adjourned for that
42 to occur, and there's typically a couple of adjournments
43 because it's quite a lengthy process. It's either 16 weeks
44 or eight weeks, depending on whether you do the expedited
45 course of two sessions a week. But because of that it gets
46 adjourned off, firstly, to make sure that they have
47 actually enrolled in the program to make sure that they're

1 under way and then to work out what's completed.

2

3 Q. So it sounds like there are quite a lot of support
4 services available coming out of Townsville for both
5 aggrieved and respondents?

6 A. If they want to engage with them. I think there's
7 been issues in relation to female respondents more so, that
8 a lot of the programs are typically focused towards men.
9 And I don't know what the programs are, I think this is a
10 while ago I was dealing with it, but there were
11 difficulties in female respondents getting programs that
12 occurred after work rather than during work hours. But
13 there are support programs available and most of those
14 support programs, though, are aimed at male respondents
15 rather than female respondents.

16

17 Q. You also talk at paragraph 8 that there's a number of
18 applications where neither party appears, and that occurs
19 in Townsville?

20 A. That occurs everywhere.

21

22 Q. And is there a higher number of those matters on
23 circuit or is it the same in Townsville as on circuit?

24 A. I would say Palm Island has got a higher number than
25 Townsville percentage wise. Townsville would probably have
26 a higher percentage than Ayr, and Ingham would - sorry, Ayr
27 would have a higher percentage than Ingham of people not
28 turning up. And I can't speak for Charters Towers.

29

30 Q. That's fine.

31 A. I've only done --

32

33 Q. I'm not asking you to comment on matters you don't
34 have experience on. And just in terms of your evidence is
35 that you see matters where people don't turn up more
36 frequently where the matters involve parties who are
37 Aboriginal and Torres Strait Islander people?

38 A. Yes.

39

40 Q. Is that your experience?

41 A. Yes.

42

43 Q. And in terms of the next thing you say is that often
44 the matters is either dismissed or determined ex parte.
45 Can I ask you this: does it ever happen that when the
46 matters are determined ex parte additional conditions other
47 than the initial application are imposed?

1 A. No, because under legislation you can only impose
2 additional conditions on a temporary order if they're not
3 sought in the application. So if we reviewed the
4 application and thought that additional conditions were
5 appropriate we would either finalise the matter and ask for
6 an application to vary to be considered to include those
7 conditions and that to be served or, depending on the
8 situation, potentially ask their Honours to use their
9 discretion and impose additional conditions on the
10 temporary protection order as there is mechanism --

11
12 Q. But that would occur, but on a temporary not a final
13 order?

14 A. Only on a temporary basis, not on a final order. But
15 I stress that that happens very rarely. Typically we go to
16 finalise on that order and the original conditions sought.

17
18 Q. Thank you. I understand that evidence. You talk
19 about, and this is again in the Townsville jurisdiction,
20 cross-applications being uncommon and - sorry, I'll start
21 again. You're talking about cross-applications where it is
22 applications brought by police and that they're relatively
23 uncommon; is that your experience?

24 A. They do occur but typically it's stressed as
25 I understand it in the training - and we've done a little
26 bit that's come from the office - I don't recall being part
27 of any of the sessions, but I've spoken to people about
28 matters to be raised, but typically we don't --

29
30 Q. I just want to hear about what you know about.

31 A. No, that's all right. I was just saying that so as
32 part of that process we try and avoid cross-applications
33 arising from the same incident and stress that it's
34 important to identify the party most in need of protection,
35 both from a practical view as well as obviously a
36 legislative view. If you take out cross-applications that
37 arise from the same incident and all parties are hostile
38 against you it makes it very difficult to get any
39 protections in place arising from that incident. But
40 I wouldn't say it's frequent, unless it's an extremely
41 serious incident that's taken place.

42
43 Q. And you have said that sometimes there are complex
44 situations where it is difficult to identify the party most
45 in need of protection. Do you receive submissions in
46 relation to those type of matters from legal
47 representatives?

1 A. You do get submissions, but it's not often supported
2 by anything that would assist in determining whether they
3 actually is the party that is in most in need of
4 protection. It's more just a statement that, "My client's
5 the real victim here."
6

7 Q. And in terms of your discretion to accept submissions
8 what's the level of your discretion in that regard?

9 A. You've got discretion to accept anything except a
10 withdrawal, essentially, and a withdrawal has to go through
11 the officer in charge.
12

13 Q. Do I understand from your evidence that it can be
14 problematic because a withdrawal which needs permission
15 from the officer in charge isn't just a withdrawal of an
16 application but it can also be a withdrawal of an
17 application to vary and that could then create problems?

18 A. Everything in there is obviously my view on a personal
19 level. But I find it can be frustrating at times that if
20 you've got an application to vary that's before the court,
21 even if the resultant order that would occur at the
22 finalisation of matters is greater than the mandatory
23 condition and you're only seeking - and it could be a very
24 small condition that's sought to be added like --
25

26 Q. You give the example, I understand.

27 A. Or a social media condition or something like that,
28 but then they say they want to continue the relationship,
29 you've still got to go through the officer in charge even
30 though you can have greater protection on the order
31 effectively on the exact same sequences of events.
32

33 Q. In terms of private cross-applications you say in your
34 statement that from your observations these appear to run
35 concurrently with greater frequency and that it also
36 appears in your view that some respondents file a
37 cross-application as a tactic to intimidate the initial
38 aggrieved. Do you have any observations about whether
39 there's more - in those type of cases the respondent who is
40 filing that application is a male or a female?

41 A. I'd say typically it would be a male that's filing the
42 cross-application. But that's probably quite swayed by the
43 fact that in most cases you've got a male respondent and a
44 female aggrieved. So in terms of --
45

46 Q. I'm just asking about the specific scenario that you
47 raise at paragraph 11 of your statement where you're

1 talking about cross-applications which - this is me
2 paraphrasing - appear to be retaliatory type
3 cross-applications. Are those cases normally male
4 respondents?

5 A. I would say normally but not exclusively.
6

7 Q. Is it your observation - you indicate that in
8 circumstances where that occurs it does affect the outcome
9 and can lead to undertakings rather than orders being made
10 or aggrieveds withdrawing support; is that something that
11 you do see?

12 A. Yes, you see aggrieveds withdrawing support.
13 Obviously not dealing with the private applications as much
14 I'm not privy to exactly what's been discussed --
15

16 Q. No, I'm not asking --

17 A. But they finalise far more frequently undertakings.
18 We don't accept undertakings as a rule of thumb because
19 there's no enforceability to them and you're left
20 effectively exactly as you were without an undertaking.
21 From a police perspective there's no action that can be
22 taken if further incidents occur.
23

24 Q. You wouldn't have any sense in that scenario; you're
25 talking about private applications, aren't you?

26 A. So when I talk about undertakings I'm talking about
27 private applications. From police applications where a
28 private application has been filed and it does appear
29 retaliatory it does appear on my view that it can lead to
30 aggrieveds withdrawing support because all of a sudden they
31 feel like they're the one being attacked and effectively it
32 then gets put to them, "If you withdraw that application,
33 I'll withdraw my application." So they no longer support
34 the police application, which does lead to issues as you'd
35 expect from us.
36

37 Q. I understand your evidence in that respect. But the
38 evidence that you're giving in paragraph 11 is talking
39 about private cross-applications. So in those
40 circumstances is it the case that the police has no
41 discretion about whether or not undertakings occur? So
42 what happens there is in fact undertakings are made other
43 than an order or the original order is withdrawn?

44 A. We have no control over that. Because it's a private
45 application we've got no influence.
46

47 Q. I understand that you don't have any control, but is

1 that something that you see in those retaliatory type
2 cross-application?

3 A. Sometimes. But as a rule of thumb I don't review them
4 with great depth because I'm not appearing on the matters.

5
6 Q. I understand.

7 A. I would say on some of the occasions that I have
8 reviewed that is how it's resolved; yes.

9
10 Q. At paragraph 13 you talk about the types of criminal
11 offences that are domestic violence related, and for the in
12 custody matters about two-thirds - again I'm not holding
13 you to the precise statistics, but about two-thirds of the
14 in custody matters that you see before the Townsville court
15 are domestic violence related offending; is that correct?

16 A. Yes.

17
18 Q. Are there any observations that you can make about
19 whether or not the in custody matters are - there is a
20 greater proportion of First Nations people involved or is
21 that something that you don't have observations about?

22 A. There would be typically a greater number of
23 First Nations people involved in in custody matters.

24
25 Q. Do I understand your evidence correctly that in a
26 number of in custody matters they don't generally tend to
27 be contested but instead get pled out in an early stage?

28 A. That can be the case. From what I've observed people
29 are more likely to plead out a matter if they get remanded
30 in custody or if they're appearing from the watchhouse. If
31 they're on bail - and I think I discuss this elsewhere -
32 they tend to drag the matter out and wait for the aggrieved
33 to withdraw her support, unless it finalises, and it can
34 finalise expediently if they're on bail. But typically if
35 it's being dragged out it's being dragged out for a reason,
36 from what I've seen.

37
38 Q. You talk at paragraph 16 about the greatest advantage
39 of the domestic and family violence court are the
40 additional resources, and by that do you mean the duty
41 lawyer resources, support services, having two prosecutors;
42 is that what you're talking about?

43 A. Effectively, yes.

44
45 Q. I just want to ask you some questions now about the
46 circuit court processes. As you said, you go to
47 Palm Island, Ayr and Ingham in the past, relatively

- 1 recently, and you've recently taken Charters Towers but
2 I won't ask you about that given you haven't done much work
3 there.
- 4 A. Yes.
- 5
- 6 Q. You said that the applications are particularly
7 prevalent on the Palm Island circuit; is that the case?
- 8 A. Yes.
- 9
- 10 Q. And Palm Island also has a specialist
11 domestic violence court. Is there any difference --
- 12 A. No.
- 13
- 14 Q. Is that run out of Townsville?
- 15 A. It's serviced by the Townsville domestic and family
16 violence court, but there isn't a specialist court over
17 there for domestic and family violence matters.
- 18
- 19 Q. So the specialist --
- 20 A. The prevalence of domestic violence, as I understand
21 it, led to them determining that it was appropriate for
22 the circuit to be serviced by the domestic and family
23 violence court from Townsville rather than one of the other
24 magistrates.
- 25
- 26 Q. So what's referred to as a specialist
27 domestic violence court on Palm Island is in fact the
28 Townsville specialist court --
- 29 A. It's the Townsville specialist court. You get all the
30 matters through there from drink drives, general assaults,
31 enter premises.
- 32
- 33 Q. And that's part of the circuit?
- 34 A. And that's just all part of the circuit.
- 35
- 36 Q. How often is the circuit to Palm Island?
- 37 A. Fortnightly.
- 38
- 39 Q. And they're for a week?
- 40 A. No, it sits every Tuesday and Wednesday, and then
41 I think it's every fifth Thursday as well on a fortnightly
42 basis.
- 43
- 44 Q. And in terms of the prosecutors there is there one
45 prosecutor or two prosecutors who go?
- 46 A. One prosecutor.
- 47

1 Q. And in terms of the duty lawyer availability you said
2 in Townsville specialist court there are two duty lawyers
3 for respondents and two for aggrieved. Is it the same
4 levels of resourcing at Palm Island circuit?

5 A. It can vary to an extent. There's additional
6 difficulties. Some groups are less likely to send someone
7 over with weather conditions because they've got concerns
8 about the runway and being able to return. There can be
9 some perhaps overly cautious people on that front. We've
10 got ATSILs that are over there and they can assist in some
11 of the domestic and family violence applications. You've
12 got North Queensland - sorry, Aboriginal and Torres Strait
13 Islander Women's Legal Service that goes over there and
14 Legal Aid go over there and can offer support as well.

15
16 Q. And if I put Palm Island to a side where there is duty
17 lawyer services and support services, on any of the other
18 courts I understand your evidence is there is no duty
19 lawyer services available on circuit?

20 A. No.

21

22 Q. And are there any support services that you're aware
23 of available in those circuit courts?

24 A. So Ayr and Ingham have a group that attend. As
25 I understand it, their main focus is in relation to the
26 aggrieveds, but they can speak to both parties.
27 I know - I think there was a recent change in Ayr, but I'm
28 not 100 per cent where they would send people --

29

30 Q. That's okay. I won't ask you to --

31 A. But I know in Ingham the group, I would say, is very
32 female focused in terms of the support centre.

33

34 Q. As far as you are aware there are no perpetrator
35 programs on the other circuit courts?

36 A. I don't know if there's programs available, but
37 there's no-one that I'm aware of attending on the day in
38 relation to perpetrator programs, no.

39

40 Q. And can I just check that I've understood your
41 evidence correctly in relation to the differences in that
42 level of representation in, say, the specialist court as
43 opposed to some of those circuit courts, do I understand
44 your evidence correctly that one big difference is the
45 ability to negotiate and conference where people aren't
46 legally represented?

47 A. Yes, and it isn't halted completely. So if it goes

1 before the court and they raise concerns you can make
2 submissions and it goes to the magistrate saying that
3 you're happy to amend it so that it includes a written
4 exception or something that assists --
5

6 Q. But that would occur at the Bar table?

7 A. It happens at the Bar table during proceedings rather
8 than being able to come to an agreement beforehand, and you
9 obviously can't provide legal advice about what that would
10 effect. So there can be confusion.
11

12 Q. Do I understand the other big thing you highlight in
13 your statement is the difference where there is legal
14 representation is the ability for people to understand the
15 processes and have those explained?

16 A. Yes, and particularly where there's conflicting orders
17 in place. So someone might have conditions imposed on
18 their parole or imposed on their bail that's different to
19 the conditions on the domestic violence order that's in
20 place, there can be a lack of understanding that's not able
21 to be explained to them beforehand about what it is
22 preventing them from having contact with someone and they
23 think it's a domestic violence order when in fact it might
24 be bail or Probation and Parole have felt it necessary to
25 impose conditions restricting contact.
26

27 Q. Yes. You also in your statement identify a number of
28 matters which you see as challenges to prosecuting domestic
29 and family violence matters, and you set that out in some
30 detail, some involving the length of finalising a matter
31 and having people withdraw matters being a concern.
32 Another concern you raise is seeking - Arunta calls not
33 being utilised to look at pressure or whether pressure has
34 been involved, and you outline those in your statement.
35

36 I want to ask you about the next factor that you talk
37 about and that is in your observations you feel that there
38 can be a reluctance on some officers to charge offences
39 that might proceed on indictment and therefore take longer
40 or that you also see matters only being charged as a
41 contravene, not have an associated criminal charge; is that
42 your experience?

43 A. In some matters. I wouldn't say that it's the most
44 common way for matters to proceed, but it does occur; yes.
45

46 Q. You also talk about difficulties in balancing
47 complexities in applying the Act and in particular whether

1 or not taking into account the views of an aggrieved before
2 making a decision and also providing protection to an
3 aggrieved. Is that some of the complexities you're talking
4 about when you're talking about the application of
5 section 4?

6 A. Absolutely. Typically the people that don't want to
7 come forward, don't want an order and don't want conditions
8 are often the people that are most in need of protection
9 because they are in quite controlling and abusive
10 relationships and that's part of the reason that they're
11 not supportive of the order. So trying to balance the
12 protection for them which is listed as the paramount
13 consideration with the wishes of the aggrieved is very
14 difficult, particularly when you know that regardless of
15 the order that's going to be in place there's likely to be
16 non-compliance if there's not some mechanism for the
17 relationship to continue.

18
19 Q. Can I ask you not so much about whether applications
20 proceed or orders are made against the wishes of an
21 aggrieved but I just want to ask you specifically about the
22 conditions on a particular order. Does it occur in your
23 experience that conditions will be made by you as a
24 prosecutor placed on an order which are contrary to what
25 the aggrieved are saying she or he wants as a condition on
26 that order?

27 A. To an extent. A lot of the times the aggrieved might
28 come to court and say she doesn't want an order at all.

29
30 Q. I'm not talking about that situation. I'm just trying
31 to understand in terms of the conditions on an order.

32 A. I can't sort of answer one without the other. So she
33 might come to court and say she doesn't want any
34 conditions. The allegations in place involve strangulation
35 or a very serious assault. The duty lawyer speaks to them
36 and tells them the police aren't going to withdraw the
37 application based on the allegations. They might ask us if
38 we would accept a mandatory order and we'll do a
39 counterproposal for an order in place that has contact for
40 approach and residential conditions, but for an exception
41 in writing to be made to that.

42
43 So that might be more conditions than they're seeking
44 but it does have the mechanism for that condition to be
45 varied by the aggrieved; or, in very rare cases, we might
46 push for an application where we're seeking an additional
47 condition that doesn't have exceptions over the opposition

1 of the aggrieved. But it would need to be a very serious
2 matter for us to pursue it down that path, and it's very
3 difficult for that to be included over the opposition of
4 the aggrieved.

5
6 Q. And the condition you're talking about there is a
7 non-contact condition --

8 A. It could be a non-contact condition. Typically the
9 approach I've taken is more a residential condition because
10 that offers a place of safety. So the relationship can
11 still continue, they just can't be living together. So
12 that does obviously restrict some personal freedoms. But
13 it's trying to find that balancing act and making sure that
14 where possible there is at least a safe place for them to
15 go to.

16
17 Q. So at times would residential conditions be made in
18 circumstances where that was the against the wishes of an
19 aggrieved?

20 A. It could be, particularly on temporary orders. For
21 instance - I might just seek some clarification because
22 I don't want to give examples because obviously we're
23 talking about closed court proceedings. But if there's
24 significant violence that's occurred or significant threats
25 and particularly if they've not gone to police, so it's
26 come about and it's been disclosed through other matters or
27 other people that they've made disclosures to who were so
28 concerned that it's effectively come through a third party,
29 the fact that they're not protective and this significant
30 event's occurred, for instance a knife being held to
31 someone's throat and they've not contacted police, I've
32 sought at least on temporary basis for residential
33 condition to be imposed successfully on a temporary order
34 so that at the very least until they have gone and done
35 courses addressing domestic violence offending.

36
37 Q. Are you aware of any practice within the prosecutions
38 at Townsville to not withdraw - not support an application
39 to withdraw a non-contact condition until an order has been
40 in place for 12 months?

41 A. Sorry, can you clarify that?

42
43 Q. Are you aware of a practice within the PPC - and I'm
44 not saying it's a formal guideline - that police wouldn't
45 withdraw or vary a non-contact provision on an order unless
46 the order had been in place for 12 months?

47 A. Do you mean an absolute non-contact condition or a

1 non-contact condition with exceptions or --

2

3 Q. Either. Any sort of informal policy to that effect
4 within Townsville PPC?

5 A. I wouldn't say it's a policy. I would say that a lot
6 of people, as you would expect, if you have an order in
7 place that has non-contact conditions and there's no
8 exceptions to that, to go from that where there's obviously
9 very strict restrictions in place to an order with no
10 restrictions isn't something that happens with frequency
11 and you would be looking to go to written exceptions if you
12 feel that's appropriate so that there is still the ability
13 for the aggrieved to reintroduce them.

14

15 Q. I understand. But is there a general practice of the
16 12 months or anything?

17 A. But it doesn't need to be 12 months or --

18

19 Q. That's not something you're aware of?

20 A. No.

21

22 Q. Okay.

23 A. It depends on the seriousness and the individual
24 matter. I wouldn't say there's any specific timeframes.

25

26 Q. That's okay. You also talk about seeing a prevalence
27 of aggrieved being uncooperative in circumstances where the
28 respondent is a member of the Australian Defence Force;
29 that's something that you observe just through your
30 practice in this court?

31 A. Yes.

32

33 Q. You also talk about the discontinuance and variance of
34 orders, and raised about officers in charge needing to have
35 permission where there's a discontinuance of an order. Do
36 you vary orders regularly?

37 A. Do you mean if applications to vary come to --

38

39 Q. If we put aside discontinuance, just in terms of the
40 varying of orders. I understand that, given the
41 negotiations you've talked about, that's something that
42 happens on a regular basis in this court; is that right?

43 A. Yes, it's reasonably common for the conditions on the
44 order to be varied based on the fluctuating positions of
45 the parties, including the aggrieved on the night is as you
46 would expect quite heightened; wants nothing to do with
47 them anymore and tells police that the relationship is

1 over. By the time it comes to court a few days or a week
2 later they've decided that they want to give them another
3 chance and the relationship to continue, and in that case
4 it's appropriate then to vary what conditions are being
5 sought to take into account the change in circumstances.
6

7 Q. And just in terms of the way in which the - what you
8 see as a prosecutor who is bringing a matter to court and
9 having to meet certain legislative standards, do you see
10 any particular areas of improvement that might be required
11 or gaps in knowledge for the officers, the frontline
12 officers, who are bringing applications?

13 A. I think there probably is in terms of what matters are
14 to be taken into account. Often you'll get the application
15 comes through and it might not talk about the history of
16 the respondent in relation to other aggrieveds. So it
17 might be someone that's got five previous orders because
18 they've jumped from relationship to relationship and it's
19 an abusive relationship each time, and they think that you
20 can only talk about the relationship in question when
21 you're filling out the application. So that information
22 might not be there.
23

24 I think it also depends on the sergeant that's
25 overseeing the shift as to how much support. There's
26 certain stations where they've got sergeants that have
27 spent time either in prosecutions or they've spent time
28 dealing with domestic violence applications specifically in
29 some other capacity that can offer greater assistance to
30 the officers in filling out the applications.
31

32 MS CAPPELLANO: They're the questions I have. Thank you,
33 Commissioner.
34

35 COMMISSIONER: Do you see some merit in more training on
36 how to draft good applications for frontline officers?

37 A. Perhaps. It's probably something that should be
38 addressed in first year training that goes through, and
39 I think we have tried to implement a talk to the first year
40 constables about it. There's a single session that gets
41 run by typically the team leader of the domestic violence
42 team at the time. I do think it's a matter where there's
43 some confusion at times about what can be referred to
44 because they're used to or most of the training is in
45 relation to criminal matters, and there's obviously very
46 different standards of proof and admissibility.
47

1 But I do think that there's been - and there's been
2 tweaks and improvements to the form in the time I've been
3 at prosecutions to try and give that extra assistance.
4 Particularly a matter that was occurring with great
5 frequency was the police protection notice would have
6 additional conditions and there was a misnotion that the
7 conditions on the police protection notice automatically
8 transferred to the application. So when it asked if they
9 wanted additional conditions they thought that was
10 additional conditions to what was in the police protection
11 notice rather than the mandatory conditions. So that's
12 subsequently been rectified. So it's now split into two
13 questions, "Do you want any additional conditions on the
14 order and do you want any additional conditions other than
15 what's in the police protection notice", so that it's
16 clearer to the people filling out the application exactly
17 what's being asked on that occasion.

18
19 The other one that causes some confusion at times is
20 whether the children are being named and they're just meant
21 to list the names of anyone that's part of the
22 relationship, or if they need to specifically say they're
23 seeking to have the children named on the order due to
24 exposure or other matters.

25
26 COMMISSIONER: All right. Thank you. Ms Hillard?

27
28 **<EXAMINATION BY MS HILLARD:**

29
30 Q. Given what you've said about the high proportion of
31 matters being dealt with ex parte or in the absence of
32 individuals, and you've included that in your statement at
33 I think paragraph 8, there would be a higher level of need
34 for the police protection notices in this jurisdiction in
35 particular, perhaps, to be of better quality; would you
36 agree?

37 A. No.

38
39 Q. If I go through it one step at a time. If an
40 application is coming before the magistrate here and
41 they're relying solely on the police protection notice, can
42 you say whether in your experience what is contained in a
43 PPN, the police protection notice, is of the same quality
44 that would end up in an affidavit?

45 A. So the police protection notice doesn't have any
46 additional information. It's a separate form, and there's
47 an application that attaches to that police protection

1 notice. The information within the application typically
2 is quite detailed and mirrors largely to what would be in
3 an affidavit. But, as you'd expect, noting the operational
4 requirements on the night, it's not a matter where they've
5 got a whole day where they can go back, review the
6 body-worn camera footage, review all the exhibits and spend
7 a day or two going through it because it is a matter that
8 needs to be dealt with quite quickly. So I would say that
9 there is some differences. But for the most part from what
10 I've seen it's not about the incident that's occurred on
11 the night. It's more about what's happened in relation to
12 other instances previously that might not be included in as
13 much detail because they've focused on what they've dealt
14 with at the time.

15

16 Q. And so you're a civilian legal officer with the
17 prosecutions unit but you still have access to QPRIME and
18 you can access that information yourself?

19 A. Yes.

20

21 Q. And if we go back to your recruitment process I see
22 from your statement you are a P03 level?

23 A. Yes.

24

25 Q. I don't know if it has changed in relation years but
26 is it still the case that when you're a civilian prosecutor
27 that your advancement levels are capped; you can't go past
28 I think a P04?

29 A. Within the Police Prosecution Corps itself the highest
30 you can go is a P04. There are positions, and I think
31 there was talk recently of perhaps a P05 being explored as
32 an option, but typically you can go higher than a P04
33 within Queensland Police but not within Prosecutions
34 itself.

35

36 Q. And it's the case, isn't it, that when we're dealing
37 with Police Prosecution Corps that you can have police
38 officers who are able to progress through the ranks from
39 constable to senior constable unlike perhaps you, who might
40 at this present time not be able to go past a P04?

41 A. Effectively. But, like I said, that's if you want to
42 stay within the Prosecution Corps. From a police
43 perspective you can have senior constables and sergeants,
44 and there's a lot of stations where you can't progress
45 beyond sergeant. But for the bigger offices you can go to
46 senior sergeant, which the equivalent wouldn't be offered
47 to civilian roles at this point.

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Q. And you've obviously got a lot of knowledge about domestic and family violence, but am I correct you weren't actually recruited specifically to go into the domestic and family violence specialist team?

A. I'm not sure, is the answer to that. So I may have - I think the position - I can't recall if it was specifically advertised as a domestic and family violence role. I know during the recruitment process when I went through the interviews that that - I got a feeling that it would be domestic violence related based on the fact that the questions all appeared to resolve around those issues. But I'm not sure if that was just by nature of the panel convention. But there are specific roles within Queensland Police that are allocated as specialist prosecutors to the domestic and family violence court, and that was one of the positions that I entered upon joining the office before rotating out after that 15-month period.

Q. In terms of the training once you got the position is it the same as - you may or may not know what other government employees get, your one-week induction to training?

A. I don't know. I haven't done any of the other government - so I'm not certain what their processes are.

Q. What about your training? You start at the Police Prosecution Corps. You get maybe a bit of an introduction with the other staff; is that what happened?

A. Yes, so I joined the Prosecution Corps. I was introduced to other staff members. I was introduced to the team leader. I shadowed her for about three days. I then appeared on matters maybe for a week where she observed me. Then I started working largely with autonomy, but obviously some oversight through the team structure.

Q. Can I just clarify in your statement you did a lot of police prosecution work, you've indicated that you mostly went into domestic and family violence at the beginning. Was that the specialist court straight at the beginning?

A. So when I started there wasn't a domestic and family violence court for criminal matters in Townsville. So when I first started I was dealing solely with the civil applications. But with the imposition of the domestic and family violence criminal court I was present at the implementation of that, yes. That was part of the team's role.

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Q. So from all of this I'm gathering then that there was no specific training delivered to you from the Police Service about domestic and family violence issues as specialist issues; is that right?

A. Not specifically. There's some general programs and videos on Ignite, but nothing beyond that.

Q. Are they the OLPs or the online products?

A. I imagine so. I think that's what they're called.

Q. In respect of the ATSI people, the Aboriginal and Torres Strait Islander people, that you spoke of who often don't attend court at paragraph 8 of your statement, are you aware of - and you spoke about duty lawyers and Women's Legal Service, North Queensland Women's Legal Service. What about other social workers being available or other people being able to assist with getting those First Nations people to court?

A. I'm not certain if there's anything about getting them to court, no. Sorry, just to clarify, I know that there are organisations like the Aboriginal and Torres Strait Islanders Women's Legal Service where if they've made an appointment they'll appear on their behalf and perhaps seek their appearance to be excused. But, without taking some steps themselves, I'm not aware of anything that, like, a bus or service that goes around looking to give people a lift to court.

Q. In respect of the specialist court, the domestic and family violence specialist court, are there services that are connected to that to assist people to come to court specifically?

A. Not that I'm aware.

Q. And I presume that there is a specialist social worker or a specialist domestic and family violence worker connected to the specialist court?

A. There's a few different groups. I'm not sure exactly how many, but there's people that are there that monitor people at risk of committing domestic violence and people they think are a significant risk of continuing, and they might speak to them and try and gauge their attitudes towards domestic violence as a whole.

There's a gentleman who attends who is specifically aimed at speaking to respondents and men. Then there's

1 also groups there that - and particularly through Women's
2 Legal Service that are designed to speak to women. So
3 there are support groups, but I wouldn't say that any of
4 them are - I don't know how many are specifically attached
5 to the court. I know there is a lot of funding, but I'm
6 not sure how those grants work.

7
8 Q. In terms of the way that court works, the specialist
9 court works, here in Townsville do you have the capacity to
10 contact at court those social workers, get their
11 assistance, someone might need help, go and see this
12 person, that sort of thing happens?

13 A. To a limited extent. As prosecutors typically we're
14 in the courtroom. So we don't see or confer with the
15 individuals because again it can be seen as placing or
16 trying to influence their decision, and trying to keep that
17 separation so that --

18
19 Q. Sorry, you might have misunderstood. I meant the
20 social worker, talking to the social worker or the domestic
21 violence worker, enlisting their assistance to help you; is
22 that something that you've been able to access?

23 A. I think at the start there was a gentleman who had
24 quite good rapport with us that was part of NQDVRC,
25 North Queensland Domestic Violence Resource Centre. He had
26 quite a good relationship with us and we could call him
27 about participants, particularly participants of the men's
28 program, so that we could track what's happening with them
29 so that we could make an informed decision moving forward.

30
31 The other big advantage of that program is that they
32 give us a report - from my experience it seemed to be more
33 detailed when I started than it is now - but talking about
34 how they went through the program, their attitudes. For
35 instance, there was one occasion where there was a report
36 that was very blunt that said, "They rocked up but then
37 left halfway through; said they would continue to commit
38 domestic violence." So the submission in this occasion, a
39 bail application, that the risk was reduced because they
40 had participated in the program was able to be negated by
41 the basis of that report from the service. So having that
42 report that comes back to us that it's not just sign up and
43 you get the benefit; you've actually got to show that
44 engagement, and there is - it's effectively a formal
45 process rather than specific, us asking for it. But there
46 is engagement with those services to help us make our
47 decisions.

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Q. And the engagement would include the vulnerable persons unit that you have here in Townsville?

A. Yes.

Q. Some prosecutors, and bearing in mind the regions are all different, some prosecutors in other regions have spoken about when there's private applications they assist the court by turning up on a private application anyway and checking the QPRIME system and criminal history and things like that to assist the court. Is that something that you do up here and, if you don't, is it because there's no capacity to do it?

A. I wouldn't say that that happens through the vulnerable persons unit. I have on occasion gone to raise concerns but have been told by the magistrate that it's a private application and not to interject. So it's a practice that I didn't continue after that happened on one or two occasions. But if it's an application that's going to be dismissed for non-appearance I will try and have a look at QPRIME and make sure that there's nothing that would suggest why she has disappeared, for instance, if an incident had occurred overnight. But that's not done through the vulnerable persons unit. That's just done as a prosecutor because we've got access to the computers and QPRIME so we can look through those occurrences.

Q. And you would be able to look up, obviously, whether a person has had repeat orders against them, wouldn't you?

A. Yes.

Q. And hypothetically be able to help the court should that information be well received?

A. If it was received, yes.

Q. In terms of the withdrawal process, and you gave some evidence about the withdrawal process and the variations, is it your experience that you've gotten at times pushback when you're recommending or wanting to withdraw something because you've identified that, for whatever reason, it shouldn't be going ahead?

A. At times. It can be particularly if you've got conflicting views with the applicant officer, there can be some pushback there. And specifically I think the pushback - in my view domestic violence, as it should be, is obviously particularly an issue that's got a lot of limelight on it at the moment and everyone wants to be

1 really careful about domestic violence matters. So, unless
2 there's support and there's a lot of evidence that shows
3 why it's not necessary or desirable for an order to take
4 place or why a witness is unreliable, there can be some
5 pushback to withdrawing the application. But it depends on
6 the situation and what information's available when making
7 that recommendation.

8
9 Q. There's been some evidence that in some situations
10 where there's particular stations or particular regions
11 that there is a blanket, "We're not going to withdraw no
12 matter what." Is that something that you have experienced?
13 I don't need you to name the individual stations or
14 anything of that nature.

15 A. Not particularly. I think there's at times a sense of
16 obligation to at least bring the application if someone's
17 come forward and asked for an application to be made and
18 there's domestic violence matters raised, particularly if
19 those domestic violence matters are supported. But I don't
20 know if there's necessarily as much consideration as might
21 be preferable to "necessary or desirable" when deciding
22 when to bring the application. But for the most part if
23 those concerns are raised and discussed I would say that
24 most, if not all, officers I've dealt with are fairly
25 respectful for the prosecution view when speaking to them.

26
27 Q. From your answer just there I assume that it would be
28 your view that the police officers could perhaps use better
29 training around what is necessary or desirable and
30 identifying evidence to support necessary or desirable?

31 A. To an extent I think there's also perhaps a fear
32 factor that, "If I don't take action and something happens
33 I'll be held extremely accountable," regardless of whether
34 there was sufficient information at the time.

35
36 Q. Just in respect of the affidavits that you have seen
37 there has been varying evidence when a prosecutor will see
38 the affidavit or the protection notice that discloses
39 criminal offences, and sometimes there won't be
40 accompanying criminal charges. Have you ever had any
41 occasion where you have seen one of those and you have
42 followed up or recommended charges?

43 A. Yes, particularly following up. It's difficult to
44 recommend charges without being able to assess all the
45 information. But I have certainly followed up.

46
47 Q. You're not a commissioned officer.

1 A. Exactly. But it's definite there's been matters,
2 particularly if there are serious matters, for instance,
3 like rape or something that's disclosed in an application
4 where it has been followed up to try and work out if
5 there's sufficient evidence and we're proceeding on
6 criminal matters, particularly in circumstances where it
7 might be attempted to be listed for hearing so that they
8 can try and get a brief through the civil matters rather
9 than having to go through the process with the criminal
10 matters, because in that case they can use the criminal
11 matters, get the brief, but say it's an early plea because
12 they haven't had the brief on the criminal matters moving
13 forward. So that's something that we try to be mindful of
14 because obviously the criminal matters have the higher
15 burden of proof. So, if there are outstanding criminal
16 matters, as a corps there's a focus on trying to make sure
17 that those criminal matters are finalised before any
18 contested domestic violence application proceedings go
19 through.

20

21 Q. What's been the response that you've received when
22 you've raised the possibility of those serious charges you
23 talked about, a possible rape? Has it varied between the
24 officers or what sort of reception have you gotten from
25 those officers?

26 A. It depends on the circumstances. Sometimes there are
27 charges that are going to be laid. At other times there's
28 insufficient evidence to get beyond that reasonable doubt
29 because there may not be corroborating evidence that
30 supports it so that they've got concerns proving the matter
31 beyond reasonable doubt. But there is obviously the
32 aggrieved's evidence that supports and may be sufficient to
33 prove it beyond the balance of probabilities, but it all
34 depends on the individual circumstances and whether they
35 feel that there's the proof that's able - and evidence
36 that's able to be brought to the court is sufficient to
37 meet those different thresholds, and sometimes that's why
38 there's an application but no criminal charges.

39

40 Q. What sorts of cases are they telling you they're
41 looking for corroboration?

42 A. Varied. It could be an assault, but there's
43 information that it seemed fine or in the short time
44 afterwards that perhaps brings doubt. There was a matter
45 that I think was a rape offence, but when they looked at
46 the allegations they were extremely serious and the
47 application was brought, but based on the evidence that was

1 provided they would have expected to find DNA in locations
2 that were disclosed. However, it didn't look like that was
3 supported by anything, and it was determined that there was
4 insufficient evidence to be able to proceed with those
5 charges after quite - and an extensive investigation was
6 conducted on that front given the seriousness of the
7 allegations, but a determination was made that the only
8 evidence that was available was her word and, with the
9 investigation that had took place being more suggestive
10 that nothing happened than supporting or corroborating her
11 version of events, that it would be unsuccessful at hearing
12 in the higher courts. But there was a chance or a decent
13 chance of success in the lower courts where you can also
14 put forward matters of propensity that wouldn't be
15 available in criminal proceedings.

16
17 Q. What about any experience of officers having to seek
18 corroboration for strangulation or choking, for example, or
19 suffocation?

20 A. Yes, that can be a point of frustration, is that if
21 you've got a statement that says that, "My breathing was
22 restricted," which is obviously the threshold from the
23 Court of Appeal, and there's not a strangulation offence
24 brought, there has been pushback from detectives about
25 bringing those charges where you've got that statement and
26 there's not corroboration such as bruising or medical
27 evidence that supports it. Obviously as a matter of
28 discussion it is raised that it's not uncommon for there
29 not to be those supporting factors in place, and in those
30 circumstances it's a matter of whether you push very hard
31 for those additional charges to be laid based on the
32 evidence and you escalate matters, or it may be the case
33 that the aggrieved has subsequently attended court and said
34 she's not going to assist so there's no point trying to
35 bring those cases where you're not going to be able to get
36 the proof as it moves forward. So it's all about a
37 balancing act and assessing each individual situation.

38
39 Q. So we as lawyers know that regularly complaints are
40 made with absolutely no corroborating evidence. Based on
41 what we've been talking about the last few questions do you
42 think that that's perhaps something that there could be
43 some more training on for police, and I should qualify that
44 by saying in the domestic and family violence charges
45 setting?

46 A. Perhaps at times. But I don't think it's - it's not a
47 case where matters aren't being charged if there's no

1 corroboration. It's where that matter like I raised
2 before, they did an investigation and the investigation
3 raised concerns about the validity of the information. So
4 it wasn't just a lack of --
5

6 Q. I'm not talking about those sorts of ones.
7 I understand what you're saying.

8 A. No, it's not a matter where just because there is no
9 corroboration it may not be charged. But there are factors
10 such as perhaps reliability of the witness, how they
11 presented, that get taken into account. But it's a very
12 hard threshold to meet, beyond reasonable doubt,
13 particularly on matters that need to proceed on indictment
14 and require the brief to be prepared as a matter of
15 process, unless there is some level of corroboration there
16 can be a reluctance to charge. Perhaps some training would
17 be of assistance, but I don't think it's lost on the
18 officers that domestic violence almost exclusively happens
19 with a "he said/she said" situation because it happens in
20 the home and you're not surrounded by a bunch of witnesses
21 when the incident takes place.

22
23 Q. Have you ever seen an occasion where a police officer
24 has gotten a medical statement in a suffocation,
25 strangulation or choking case that says to the effect,
26 "There are no physical tangible injuries that I can see.
27 However, that does not mean that these incidents haven't
28 happened?"

29 A. Yes.

30
31 Q. And is that something that the police get routinely or
32 is it quite rare?

33 A. I would say that there's - particularly amongst
34 First Nations aggrieveds there is a reluctance to go and
35 seek treatment. So it is quite often difficult to get
36 medical records in those cases. Where we do get medical
37 records, I wouldn't say it's uncommon for them to say they
38 didn't see some kind of marks. But for us to proceed where
39 they say "there's no signs of strangulation" is the medical
40 opinion, and they qualify it by saying, "It doesn't mean it
41 didn't happen," there can be a reluctance to charge in
42 those circumstances because there's a feeling that the
43 medical evidence supports or is more likely to support that
44 it didn't happen to perhaps the extent that the aggrieved
45 said, and that can be a point of frustration from us.

46
47 Q. And I suppose it's particularly frustrating when you

1 know that child sex offences, when they get prosecuted, you
2 get medical documents regularly that say the same thing,
3 "Just because we can't see any internal injuries doesn't
4 mean that the assault hasn't happened," and they still get
5 prosecuted?

6 A. It depends on the - but I think in those circumstances
7 perhaps there's a tendency to believe children more and
8 think that they're less likely to lie about such serious
9 instances. But I could only speculate on that. I can't
10 really talk to it.

11

12 MS HILLARD: Thank you, Commissioner. Those are my
13 questions.

14

15 MR McCAFFERTY: Nothing, thank you, Commissioner.

16

17 MR HUNTER: No questions, thank you.

18

19 MS CAPPELLANO: I have no further questions, thank you,
20 Commissioner.

21

22 COMMISSIONER: Thank you very much. You're excused.
23 Thank you for coming.

24

25 **<THE WITNESS WITHDREW**

26

27 MS CAPPELLANO: They're all the witnesses for today, thank
28 you, Commissioner.

29

30 COMMISSIONER: So how many witnesses tomorrow?

31

32 MS CAPPELLANO: There are four witnesses tomorrow. The
33 first witness is from the Townsville Justice Group and they
34 have court commitments later in the morning.

35

36 COMMISSIONER: That's right. So we have to start at nine;
37 is that right?

38

39 MS CAPPELLANO: Yes.

40

41 COMMISSIONER: All right. Nine o'clock.

42

43 **AT 3.55PM THE COMMISSION WAS ADJOURNED UNTIL FRIDAY,**
44 **22 JULY 2022 AT 9.00AM**

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