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**TRANSCRIPT OF PROCEEDINGS**

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**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.**

**Friday, 22 July 2022**

1 MS CAPPELLANO: Good morning, Commissioner. There are  
2 four witnesses due to give evidence this morning, and all  
3 will be in person. Each witness has provided a statement  
4 to the Commission, and they have been distributed to the  
5 parties. Can I begin by tendering bundle H, which includes  
6 the statements of Karl McKenzie, Cathy Pereira,  
7 Florence Onus and Andrea Sailor.

8  
9 COMMISSIONER: I'll just try to get this right today.  
10 Exhibit 13. Thank you.

11  
12 **EXHIBIT #13 TENDER BUNDLE H**

13  
14 MS CAPPELLANO: Thank you, Commissioner. I'm in the  
15 position to call Karl McKenzie, if that is convenient.

16  
17 COMMISSIONER: Thank you.

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19 MS CAPPELLANO: I call Karl McKenzie.

20  
21 **<KARL MCKENZIE, sworn:**

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23 **<EXAMINATION BY MS CAPPELLANO:**

24  
25 Q. Mr McKenzie, do you have a copy of your statement  
26 there?

27 A. Yes.

28  
29 Q. Feel free to refer to that if needed throughout your  
30 evidence today. Mr McKenzie, I understand that you're the  
31 Chairperson of the Townsville Justice Group?

32 A. Correct.

33  
34 Q. Are you able to begin by explaining to the Commission  
35 the role of the Townsville Justice Group?

36 A. In relation to the DV court or just overall?

37  
38 Q. Perhaps generally, briefly at a general level, and  
39 then more specifically in relation to the domestic and  
40 family violence specialist court?

41 A. Okay. We have contracts with the Department of  
42 Justice and Attorney-General to support Aboriginal and  
43 Torres Strait Islander clients in the Murri Court, the DFV  
44 court and the high-risk youth court. We also have men's  
45 and women's groups, and we visit Cleveland Youth Detention  
46 Centre, so we send Elders out there, and we have Elders  
47 going out to Stewart as well.

- 1  
2 Q. More specifically in relation to the domestic and  
3 family violence space, those women's and men's groups, do  
4 they operate independently? Do you get police referrals  
5 for them? How does that work?  
6 A. Our clients for those come from the clients we meet  
7 here, also from Community Corrections. So police  
8 referrals, but mainly the clients we have here. And we  
9 give them a choice. We let them know - we don't send them  
10 to any one group. We say, "This is what justice group  
11 provides," and we let them know what other groups are out  
12 there. We now have a little card we give them with several  
13 groups on there so they can make up their own mind as to  
14 which group they attend.  
15  
16 Q. Those men's and women's groups are specifically in  
17 relation to issues surrounding domestic and family  
18 violence?  
19 A. Yes.  
20  
21 Q. Can I begin by asking you a little bit about the way  
22 in which the Townsville justice groups have the  
23 collaborative response with police specifically in relation  
24 to the domestic and family violence matters?  
25 A. We don't work too closely with police. It's more the  
26 clients. But we understand - we will talk to police if we  
27 need to about different clients, about their response and  
28 how they're responding from what the client tells us, and  
29 the police do come on to the DFV working group meetings.  
30 So we often meet and talk there about how their responses  
31 work into the way we see things. Yes, but it's not  
32 really - we don't have a sit-down directly with the police.  
33  
34 Q. Do I understand your evidence correctly that in the  
35 youth justice space, for example, the justice group are  
36 starting an initiative where you would have contact with  
37 first responders and go out and provide cautions to young  
38 people?  
39 A. Absolutely, yes. So that's a different format, a  
40 different model, and we have direct contact with the police  
41 and negotiate around that, and we now have a model - we're  
42 looking at a pilot to work directly with the police hand in  
43 hand in the police station cautioning children, yes.  
44  
45 Q. But is it the case that in relation to domestic and  
46 family violence matters you don't have the direct  
47 contact --

1 A. No.

2

3 Q. -- with first responder police but your interactions  
4 are more when matters reach court?

5 A. When matters reach court and issues that come up that  
6 we can discuss at the working group.

7

8 Q. Who else is involved in the working group?

9 A. Legal Aid, most of the players in this arena. So  
10 Women's - NQ Women's Legal, North Queensland  
11 Domestic Violence Service, Townsville Justice Group, the  
12 Queensland Police Service, yes, you know, Legal Aid.

13

14 Q. Is that the working group that specifically stems from  
15 the specialist court?

16 A. Yes. It was the one that started the specialist  
17 court. We were initially when - we have been here from the  
18 beginning, and we sat around with Magistrate Courtney and  
19 worked out how it would look here in Townsville. So we've  
20 been part of this from the beginning to sort of mould it  
21 into what we have today.

22

23 Q. The Commission has heard evidence about co-responder  
24 models. Would the justice group have a role to play in a  
25 first response co-responder model, or is that something  
26 that wouldn't be appropriate?

27 A. It wouldn't be appropriate because we need to be  
28 distanced in this space from the police responders. So we  
29 would see - I would love a culturally appropriate  
30 co-responder model but with justice group one step back  
31 from that.

32

33 Q. Is it the case that after the police have attended an  
34 incident in relation to a domestic and family violence  
35 matter the justice group might get a referral for a client,  
36 either aggrieved or respondent, to attend the men's and  
37 women's group prior to court?

38 A. No, not prior to court usually, no.

39

40 Q. So all those interactions occur at that court stage?

41 A. It's at the court stage.

42

43 Q. Can I ask more generally about what your relationship,  
44 and by "your" I mean the justice group generally rather  
45 than you personally, is like with the police here in  
46 Townsville?

47 A. Excellent. They work well. Any concerns we have we

1 sit down and in partnership we work things through to the  
2 best of their abilities with what they can do and what they  
3 can provide.

4

5 Q. You talk in your statement about important feedback  
6 that you get consistently from clients in relation to  
7 understandings of the court process?

8 A. Yes.

9

10 Q. Can you tell us about that?

11 A. The court - the first part - the biggest issue we have  
12 with our clients is they report to us - now, this isn't a  
13 criticism of the police. It's simply human nature.  
14 They'll say, "Do I have to go to court," and the police  
15 will say, "Well, no, you don't, but" - and everything after  
16 the "but" is gone. So it's the "no, I don't", that's  
17 locked in, and that's the real issue. We're talking with  
18 police can we change that narrative to say something along  
19 the lines of, "It's in your best interests to attend court.  
20 You should be at court because the order will be made even  
21 if you're not present," and those sort of things. But the  
22 second you say "no" it's, you know - they lock into the  
23 "no".

24

25 COMMISSIONER: It'd be better to say "you should attend  
26 court"?

27 A. Yes, and leave the "no" aside somewhere.

28

29 COMMISSIONER: Yes.

30 A. Because they're doing their job. We get that. We  
31 don't have an issue there. It's just if we can manipulate  
32 that narrative a bit better.

33

34 MS CAPPELLANO: How does that affect - if people don't turn  
35 up to court, what do you see about how that affects  
36 people's understanding and outcomes?

37 A. Very problematic because they don't understand the  
38 process and they don't understand the outcomes. We have to  
39 chase them down to explain their orders, and often there's  
40 issues with mobile phones, they don't have their mobile  
41 phone anymore, or addresses aren't accurate. We do a lot  
42 of hard work chasing down clients to make sure they  
43 understand everything that happened. So we would really  
44 love to see them here at court so we can really help them.

45

46 Q. Do you see different levels of engagement of people  
47 who come to court?

1 A. Absolutely.

2

3 Q. And by "engagement" I don't just mean in the court  
4 process but in those support processes like the men's and  
5 women's group?

6 A. Absolutely, yes. If we can get them to court we can  
7 really start working with people.

8

9 Q. Can I ask you a little bit more about the domestic and  
10 family violence court and how it operates here in  
11 Townsville. Do I understand that it sits Monday,  
12 Wednesday, Thursday for civil matters --

13 A. I believe. So we've got lots of courts, and because  
14 I'm the chair I'm trying to keep all the high-risk youth  
15 court, DV court, Murri Court.

16

17 Q. Certainly.

18 A. So I believe that's correct, yes, Monday, Wednesday,  
19 Thursday, and, yes, call-over is Friday.

20

21 Q. Then in relation to those men's and women's groups  
22 which refer - you refer people out to that?

23 A. Yes.

24

25 Q. And that's a support service that's offered?

26 A. Yes.

27

28 Q. Can you tell us a little bit more about what's offered  
29 there?

30 A. Uncle Alfred's Men's Group is on a Thursday, and we  
31 provide a pickup service as well, and we bring them to  
32 that; and the women's meet on a Friday, Friday afternoon,  
33 and we'll pick up the women for that as well, and we bring  
34 them in - our model is they have to own their violence  
35 before they come in, either side, men, women - we don't  
36 treat people differently according to their gender - and  
37 then we work to build them up to be - because we know where  
38 the violence came from, we know these are learned  
39 behaviours since they were kids, so we need to build them  
40 up to be the best mums and the best dads and the best  
41 fathers, and we want to build up great human beings so they  
42 can come back together and have their families as working  
43 families.

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45 Q. How are the engagement levels once people do attend  
46 those groups?

47 A. It depends on where they are themselves.

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Q. Yes?

A. Pretty good usually because we don't use a judgmental model. You don't walk in that door until you own your own violence. You have to own it, and once they do that and take responsibility for it then we bring them in, and they can see that we're there to move their lives forward. We're not there to condemn them. As I said, we know where the violence comes from and we want to help them move forward in their life with their families, if we can. If we can't put the families back together, so be it. But it's about making them the best person they can be to move forward.

Q. How do you identify if someone has owned their violence?

A. Pretty quickly by how they talk about it. Yes, yes.

Q. So if someone isn't at a stage where there's an acceptance would they just not receive a referral?

A. Well, you won't really know until - on the day Uncle Alfred will sit down and he'll often have a one-on-one with them, or Uncle Brad, and they can assess where they are there. So, if they're not ready, "come back next week" or "come back when you're ready". We never close the door. So we say, "Okay, you're not ready to move forward yet. You've got other stuff to deal with," maybe if we get them off to anger management, drugs and alcohol treatment, whatever, just to - so we can break that first stage of accepting your violence so we can move forward. You can't come in that space without - unless you have. It's a healing space.

Q. You talk about it having to be culturally appropriate or it being culturally appropriate to have a men's leader for the men's group and a women's leader for the women's group. Can you explain why that difference is important culturally?

A. Because - look, I went through initiation as a boy and through the whole process, and everything flows from sacred men's business and sacred women's business. Everything flows from that, all our beliefs and everything. In fact, traditionally it was on pain of death if you went into the wrong group. That's how it has been. That's how serious it is, because everything flows from those two things. So we can't have men in women's spaces and we can't have women in men's spaces. If it's a matter of bringing a speaker

1 in, that's sort of a different thing. But we can't have  
2 the facilitators being the opposite gender, because that is  
3 the key purpose of who we are.  
4

5 Now, we had a DFV workshop the other day, and they  
6 were virtually all women in there, and I just - I couldn't  
7 stay. There was something inside me that said this is a  
8 women's space, and I had to get out because my hair stood  
9 on end and this is - "It's not my space. I can't be here."  
10 Not that I didn't want to talk about what they wanted to  
11 talk about. But it was just, "No, I have to get out. This  
12 is not my space. This is a" - and it was very  
13 disrespectful for me to be in that space.  
14

15 Q. So that's a little bit more of an understanding about  
16 how the men's and women's groups operate. Can you talk  
17 through now what occurs - what role you play in court?

18 A. In court we're client focused. So we try and support  
19 them the whole way through the process from the minute they  
20 come in the door. Some speak a Creole or broken English,  
21 so we try to make sure our worker is with them when they  
22 see their lawyers. Now, we get pushback from the lawyers  
23 sometimes, which is unfortunate, because the client wants  
24 the lawyer in there, because they don't understand often.  
25 And they'll nod, they'll nod all the time and say, yes,  
26 they do understand. This is one of the issues we've got:  
27 they'll nod in court and say, yes, they get it. They  
28 don't. And when we take them outside after the order's  
29 made and we explain to them what's happened and the next  
30 steps, what the process will be - really importantly is the  
31 followup 24 and, say, 48 hours later because they're just  
32 in a blur. We've seen them get into cars with - there's  
33 been a no-contact order and they get back in the car, and  
34 the boyfriend/girlfriend - off they go again, and they  
35 don't understand they can't do that. So it's our role to  
36 really explain to them - and in a cultural way, too,  
37 because they'll feel they should be there, and we say, "No,  
38 you can't be there. This is what's happening."  
39

40 COMMISSIONER: So do you think that the court should  
41 really ask them to explain back to the court what they have  
42 been told, or would that just be embarrassing?

43 A. That would be embarrassing because we have education  
44 issues, literacy, and also language, as I said. Yes,  
45 I think they'd just put their heads down and be  
46 embarrassed. We do a pretty good job with them, and they  
47 get what's going on, yes. They get a bit overwhelmed.



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COMMISSIONER: It would be better if they understood what the court said.

A. Good luck.

COMMISSIONER: Thank you. Luckily it's not my term of reference.

A. Look, if there was a way to do that, that would be great. But sometimes we can't handle a client because they speak a different Creole. So we will have to find someone that we know to speak to them. So that's the issue you're going to have, because they're not all from this country, they don't all speak English, different literacy and numeracy levels - a whole range of issues. So to try and - for the Bench to do that, or for the lawyers, is very problematic. So that's our role.

COMMISSIONER: Yes. I suppose they're also dealing with all sorts of tension of being in court?

A. Yes, absolutely. So I think the 24- and 48-hour followup is really useful because we can talk with them about what happened in court, and they almost don't remember us. It's a time of high stress and anxiety, yes, and anger, so --

COMMISSIONER: So do you follow 24 or 48 hours after --

A. Yes, absolutely. Yes, yes. Phone call, visit them if we can, yes, to make sure they get it.

MS CAPPELLANO: How many staff does the justice group have?

A. Six, but they share nine contracts, so there's often two different roles within what they do, yes.

Q. In terms of concerns with the court process, the primary concern that you seem to raise in the statement is an issue where there is a making of non-contact orders in circumstances where the aggrieved has indicated that that's not what he or she wants. Is that the primary concern?

A. It's a huge concern. We'd love it if we could have cultural reports brought in, like we have Murri Court and high-risk youth court, so you get an idea of the family dynamics, because often it's just not those two. There's whole families attached to this. So it's an understanding for the court when they make that order to make the order in the best - safety is our huge - biggest concern; so safety No.1. But sometimes if they could go away for a few

1 months and do a course and do some programs and work with  
2 men's groups and be in a better place, then come back and  
3 get a variation, because the families often need each  
4 other, need to be together, and these big five-year  
5 no-contact orders can really be very, very destructive.  
6 Even if they come back after 12 months, often the damage is  
7 done by then.

8  
9 Q. You talked about a general direction about - from  
10 prosecution of not assessing variations for 12 months.  
11 What - tell us about --

12 A. In general. That's a general process. I think in  
13 extreme cases they'll look at a variation. But generally  
14 they won't look at it under 12 months, usually if there's  
15 violence, yes.

16  
17 Q. In your experience, has - it appears, and correct me  
18 if I'm wrong, that there isn't much of a willingness to be  
19 able to negotiate the conditions of an order?

20 A. There doesn't seem to be. So - you may hear other  
21 evidence there is, but it doesn't seem that way to us,  
22 that's not that obvious to us, and what we hear from  
23 the clients, it doesn't seem obvious either.

24  
25 Q. You talked previously about perhaps the need for  
26 cultural reports to explain why it might be important for  
27 families to stay together. What other cultural  
28 considerations are there that might not be apparent to  
29 somebody who wasn't from a First Nations background?

30 A. Where the client's come from, because we're a  
31 disparate group here in Townsville. If you have - the DV  
32 court are hearing out at Bamaga, you've got one or two  
33 tribunal groups. Here in Townsville we have 50 members and  
34 only I think one or two are traditional owners. My  
35 background is I'm Koori heritage, I'm from New South Wales,  
36 the Paroo River area. Most of our people are - Lauren, our  
37 office manager, she's from Gamilaraay country out west. So  
38 there's all these different countries, and there's this  
39 attitude - it's an attitude almost that all Aboriginal  
40 people are the same. Have you seen the language map with  
41 all the different - yes, they're all different. All those  
42 countries are different from each other as much as Romania  
43 is from Switzerland. So it's an understanding that there's  
44 great differences there, and you need to understand the  
45 background of the person and how they feel about family,  
46 what their role is, what they should and shouldn't be doing  
47 in order to make orders that are going to work. So, yes,

1 it's understanding the cultural implications for people.

2

3 COMMISSIONER: So how would that be best handled, because  
4 obviously it's not going to be obvious from just looking at  
5 a person?

6 A. Well, that's why we have - with high-risk youth court  
7 and Murri Court we have the clients do a cultural report  
8 with Elders. The Elders will - we have questions we ask.  
9 We don't ask the questions. We run them through a  
10 narrative method, and usually we have an assistant there  
11 who fills out as they go, and we talk about their lives,  
12 where they're from, their history, do they know their  
13 culture, education, a whole range of things so the  
14 magistrate has a picture of who that person is and an  
15 understanding of where they are coming from. You can make  
16 a more accurate order than rather than just blanket orders  
17 that really may not fit and are problematic because they  
18 often go back together and you're just setting someone up  
19 for a breach straight up, yes.

20

21 COMMISSIONER: So that would really be needed for both  
22 parties, the aggrieved and the respondent, in that case,  
23 wouldn't it?

24 A. Yes.

25

26 COMMISSIONER: And obviously that requires them both to be  
27 here?

28 A. Yes, and that's when we get back to the "no, you don't  
29 have to come to court" bit.

30

31 MS CAPPELLANO: What are the effects when no-contact  
32 orders or those type of orders or residential conditions  
33 are imposed in circumstance where that is not the wishes of  
34 the aggrieved?

35 A. It can set people up for failure, for breaches,  
36 straight up. We've had - the families still want to work  
37 together often but maybe they can't live together. So  
38 we've had, for example, one gentleman who we saw down at  
39 Housing, his wife - she had him on a no-contact order but  
40 she wanted him there so they could get a house and do the  
41 paperwork and these sort of things. But we said "you can't  
42 be here", and I'm not sure of the outcome of that, whether  
43 he was breached, but they still need to be together to do  
44 certain things. So the no-contact order we don't think  
45 would have been appropriate in that instance. So we really  
46 need to look at what these families and couples need for  
47 the aggrieved to stay safe, which is always our No.1

1 priority, to say safe, but to still move forward with  
2 the families and with the children. I mean, our youth  
3 crisis is around broken families, and why put in place  
4 orders that are going to break them even more. We're  
5 really suffering with our families at the moment. So the  
6 more we can make better tailored orders to the individual,  
7 keep families safe but also allow the fathers to do their  
8 role and the mothers to do their role, would be very  
9 important.

10  
11 Q. You give an example in your statement of a case in  
12 which there was a female aggrieved who attended court  
13 attempting to vary the order on the day when she was  
14 scheduled to give birth. Can you tell the Commission about  
15 that?

16 A. Lauren was present for that one, but it was - I got  
17 a - we had a talk about it afterwards. But, yes, she was  
18 pregnant, about to have bub, they wanted the order varied  
19 so he could go to the birth, the order wasn't varied, he  
20 went to the birth anyway and was breached.

21  
22 Q. What happened as a result of that breach?

23 A. I'm not sure. As I said, Lauren was handling that  
24 one, but I just remember the breach. She wanted him there  
25 and the family wanted him there, and they were prepared to  
26 do the things they needed to do to keep her safe, and it  
27 was just very unfortunate.

28  
29 Q. Can you also explain how the Murri Court process works  
30 in relation to domestic and family violence matters?

31 A. Well, Murri Court works in that - as you know, they  
32 plead guilty to enter the court, and they come in. We have  
33 a cultural report. So the magistrate gets to have a look  
34 at that and see where their issues are, drugs, alcohol,  
35 whatever it is. They're put on management plans or plans  
36 to deal with that sort of thing. We come back after six  
37 weeks, so it's a 12-week program, for a progress report.  
38 If they're engaging, they're doing great things, they  
39 continue on and then receive their sentencing at the end.  
40 If they're not engaging we try to encourage them and if  
41 they don't want to be encouraged you go back to the  
42 Magistrates Court. If you don't want to work with us, then  
43 we're quite hard on them in that space. But usually they  
44 understand we're trying to move them forward and help.  
45 Yes, they sort of want to work there with us.

46  
47 Q. Does the Murri Court, when we're looking at domestic

1 and family violence matters, deal with contraventions and  
2 domestic and family violence related offences?

3 A. Yes, they deal with all offences, unless they're going  
4 to end up in gaol, I think was generally, yes - we can find  
5 treatments around to help them, and Murri Court is the  
6 space for them, yes.

7  
8 COMMISSIONER: Murri Court is when they're on the brink of  
9 gaol, basically, isn't it?

10 A. Yes, yes, so if we can --

11  
12 COMMISSIONER: Sort of a last ditch --

13 A. Yes, yes, they usually been through all the processes  
14 from kids and up they come and - yes, yes.

15  
16 MS CAPPELLANO: So a matter would get referred out of the  
17 specialist domestic and family violence court criminal day  
18 to the Murri Court?

19 A. I would have to check on that. You guys would need to  
20 check on that. We're not exactly sure. I don't want to  
21 give any evidence --

22  
23 Q. Do you see any difference in the level of engagements  
24 and the outcomes for respondents who go through that  
25 process - and by "that process" I mean the Murri Court  
26 process?

27 A. Yes, absolutely, yes. Yes, we do. Because they see  
28 it as a way again of moving forward in their life. They  
29 want their families back usually, and they just want normal  
30 lives, and we're trying to teach them how they can have  
31 normal lives. As I said, they - because they have come  
32 from - look, we've had men in our men's group who didn't  
33 know because they've come through abuse and things - didn't  
34 know he could play Matchbox cars with his two-year-old son  
35 because he didn't had a father there and didn't understand  
36 that you could interact with your child like that; it's  
37 only ever been abuse. So we have to deprogram all of that  
38 and then reprogram them how can you behave and without the  
39 violence, without abusing each other and those sort of  
40 things. So when they see that that can happen for them and  
41 they see successes, they often want to come in and say,  
42 "I want to be part of that." If they are looking at it  
43 just for a lesser option, then wrong mind space. We  
44 generally find that out around the progress report time and  
45 they get pushed back.

46  
47 MS CAPPELLANO: Thank you. They're the questions I have

1 for Mr McKenzie.

2  
3 **<EXAMINATION BY MS HILLARD:**

4  
5 Q. Just in respect of the experiences of clients who work  
6 for Women's Legal Service are predominantly non-Indigenous  
7 women because they choose to be referred off, so I'll just  
8 approach it in that way if I can. Can I just clarify about  
9 Murri Court. It doesn't deal with any domestic and family  
10 violence applications, to your knowledge?

11 A. No.

12  
13 Q. In respect of Murri Court, to your knowledge, is there  
14 a discretion for a matter to go into the Murri Court? When  
15 I say "discretion", the person charged can choose,  
16 prosecution might object, the magistrate might not allow  
17 it?

18 A. Not exactly sure, and I can't give evidence around  
19 that.

20  
21 Q. In relation to the police presence at some  
22 communities - and you provided what was the different  
23 country analogy - is it an issue sometimes that police  
24 presence can inflame or otherwise police presence can  
25 protect depending on the engagement they have with the  
26 community. Do you have a view of those?

27 A. Both things of what you said, it can inflame and it  
28 can provide protection. But QPS here in Townsville are  
29 pretty good. They know generally who their clients are,  
30 they know who's who in the zoo, and they know who is going  
31 to be set off by their presence, so they respond pretty  
32 well. We'd love to see a co-responder model. Not to say  
33 that there aren't issues and incidents, which there are.  
34 They always like to work with us to find better ways around  
35 that, yes.

36  
37 Q. When you say a co-responder model, are you referring  
38 to a police liaison officer or a cultural liaison officer  
39 or the like?

40 A. PLOs, that's one of their roles, or respected Elders  
41 in the community would be really helpful. If it's a Torres  
42 Strait respondent it would be great to have a Torres Strait  
43 male Elder there, if they could. If they had a little  
44 batch of people they could draw from, it would be really  
45 helpful to settle the clients and then move them forward.  
46 But they do the best they can with what they have got.

47

1 Q. When you talk about the co-responder model, do you  
2 think that there would be some benefit from having a  
3 trained domestic and family violence specialist or a social  
4 worker going out as well, perhaps particularly one for men,  
5 one for women?

6 A. Absolutely, yes, yes.

7  
8 Q. Do you have a view about the importance of the police  
9 officer that attend - sorry, police officers that attend  
10 being a particular gender?

11 A. It would be good to have one of each, yes, because  
12 that's important to us, because if you had two females then  
13 that could inflame the situation because of, as we said,  
14 men's and women's business, and depending how linked they  
15 are to their culture it could be inflammatory, and it's not  
16 an attack on the female as an individual, but that would be  
17 seen more as men's business, "let's come over here and  
18 let's have a word with you", and take them over there and  
19 talk to them. So they may not be as responsive to a female  
20 officer.

21

22 Q. Would that also apply for the social worker or the  
23 specialist domestic and family violence if they have to go  
24 out as well?

25 A. If it was possible, yes. But most people in that  
26 space are women, we've found. They sit on the parole board  
27 as well, and one of the issues we have with a lot of the  
28 men with parole is most parole officers are female and we  
29 often get pushback there as well. But that's the way it is  
30 if that's the way it is, and if they're the numbers they  
31 have got then that's what they have got to work with, and  
32 we try and tell them, "This is the way it is. This is what  
33 you've got to work with." But a better model would be if  
34 we could have a male take the male aside and work with  
35 them, yes.

36

37 Q. Have you ever attended any callouts as - not a  
38 co-responder, but have you ever attended any of those  
39 callouts?

40 A. No, no.

41

42 Q. In respect of the number of people that work within  
43 the community justice group, how many people are there that  
44 would have paid roles and how many volunteers do you rely  
45 on?

46 A. We have - the six workers are all paid, so they're the  
47 paid roles, and then the volunteers, there's

1 about - there's only about four, and then the Elders - the  
2 Elders are paid but it's sort of - they sit on both of  
3 those. So we have Elders - about eight Elders, yes,  
4 working in that sort of space of they're paid but they  
5 volunteer. It's not paid a lot. It's just a token amount  
6 that they get, yes.

7  
8 Q. I have a perception that a lot of people who do this  
9 type of work do it because they want to give respect to  
10 their communities?

11 A. Hundred per cent, yes. No-one's getting rich in  
12 justice group, no.

13  
14 Q. While people might not be motivated by money, perhaps  
15 it might be a helpful incentive to get that extra level of  
16 engagement and continued engagement?

17 A. Yes, because bills have to be paid, they have to feed  
18 their children, the same as the rest of us. I'm lucky, I'm  
19 on a military pension, so I don't get paid for my role.  
20 But most aren't like that. So, yes. We often give them a  
21 reimbursement - we call it a reimbursement - of \$100 for  
22 the Elders to attend Murri Court, high-risk youth court.  
23 So when we use them we - and when we send them out to the  
24 gaols as well they get \$100 reimbursement, yes.

25  
26 Q. You talked a little bit about language today and the  
27 use of the word "no" and, you know, "you don't have to go  
28 to court", and things like that. There was evidence  
29 earlier this week from a witness who talked a little bit  
30 about language, and her example was that police would come  
31 out and often say she doesn't deserve to be hit, which then  
32 implies that maybe sometimes she did deserve to be hit. Do  
33 you have a view or comment about that perhaps and other  
34 examples of the importance of language by police when  
35 they're responding?

36 A. Non-inflammatory language, I suppose, it's - yes. Not  
37 personally been there when police have responded, but I've  
38 been like a neighbour watching it. It's not an easy  
39 situation for them to go in there. I'm sure they're doing  
40 the best they can and I'm sure things come out and are not  
41 meant the way that that person took that remark.

42  
43 Q. I should say I 100 per cent agree with that. It's  
44 perhaps a training issue.

45 A. Yes, a training issue absolutely. But again the  
46 police always are under stress in those situations trying  
47 100 per cent to do the best they can, and sometimes they



1 miss the mark, as we all do; other times they do a good  
2 job. So the training definitely, cultural training, is  
3 needed so that they can be aware of a lot of where these  
4 people are coming from often, because they don't often  
5 understand what's being said to them and the police can  
6 take it the wrong way as well.  
7

8 Q. Can I ask you about a simple example of the word  
9 "mate". On one hand it might be trying to engage with the  
10 person, "Mate, you can't do this; mate, you can't do that."  
11 On the other hand, on the flip side for the person  
12 perceiving that who is the other party, bearing in mind  
13 they're often in the vicinity, there is favouritism being  
14 given to the person being called "mate". Is that something  
15 that you sort of see?

16 A. Good luck with that one. That's intent; what do  
17 I mean when I say "mate" and how is it perceived. I don't  
18 want to get into the language. I mean, explicit language  
19 I get. But I can say something to you and mean it a  
20 certain way, and you take it another way. But I never  
21 meant it that way. They're highly emotive, inflamed  
22 situations. So you'll have to speak to a language expert,  
23 and good luck with it.  
24

25 Q. I suppose if the word "mate" was used for both people,  
26 both genders, then there would be equality perhaps in the  
27 use of it?

28 A. I don't have that path - see, again, we have men's and  
29 women's business and I don't think - my thinking doesn't  
30 align sort of that way traditionally. So that's the other  
31 issue that you're going to have. That's why police need to  
32 have cultural training, yes.  
33

34 Q. In relation to your cultural training reference there,  
35 and you've used the word "healing" today and you use the  
36 word "healing" in your statement, what is in your view  
37 something that canvasses what would be culturally healing  
38 from a training perspective?

39 A. Number one is understanding the Indigenous experience.  
40 We were just talking outside about education and  
41 encouraging our kids to be educated. I was saying how when  
42 I went to school in grade 6 I got a better mark than the  
43 boy who got the dux of the school, but because I was  
44 Aboriginal I didn't get it and he won the scholarship to  
45 Scots College. When I was in grade 10, for example, we  
46 were meant to go up and see the careers counsellor, and I  
47 was told by the teacher, "Sit down. Look, you're an Abo.

1 You'll be drunk under a bridge - drunk under a bridge,  
2 leaning on a shovel for the council. The best you can hope  
3 for is being in the military like your old man."  
4

5 So we've come through a broken system. There's also,  
6 you know, I was raped and abuse in the church and that as a  
7 kid. Our history is very, very different. So it's  
8 understanding the hurt that comes along with that, and it's  
9 generated on our children as well, our families.  
10

11 You guys don't see often what we see or you probably  
12 don't expect there's a lot of racism out there. My next  
13 door neighbour when she found out we're Aboriginal wouldn't  
14 let my daughter play with her daughter anymore. Those sort  
15 of things, we get that stuff still. So they need to  
16 understand our experience is not your experience and it's  
17 totally different, and often it's hidden because we won't  
18 talk about it, we just live with it and move on. So some  
19 training in knowing the hurt and the healing needed, yes.  
20

21 Q. Some commentators speak about it as being a wall of  
22 silence where there is this insulation, people don't want  
23 to talk about that because it's as though it's dredging up  
24 the past. But it's the complete opposite, isn't it, that's  
25 what's needed?

26 A. Yes. Probably the format and the space it's being  
27 done in really is important. Like I said, I would not have  
28 been able to speak the other day in the workshop around DV.  
29 It was just, "I can't be in here. I have to get out. It's  
30 the wrong space for me." So, the space, you would have to  
31 make sure it was a culturally appropriate space for these  
32 things to come out; yes.  
33

34 Q. There's a training academy for police up here as well  
35 as one in Brisbane. Have you ever been involved in going  
36 along and delivering training as part of the constable  
37 27-week training that they do?

38 A. No. Actually my next door neighbour, Greg Murphy, is  
39 the sergeant that works there and we often yarn about bits  
40 and pieces but never anything culturally, actually. More  
41 he's the firearms guy and I'm ex-military. So we talk  
42 about that stuff. But it might be something I could engage  
43 with him, we can just start the process of talking about  
44 those things, because it often starts that way; it's a  
45 conversation. Yes. Because bottom up is always better  
46 than top down. Bottom up you bring people along with you.  
47 Top down where you mandate, "You will do that," you get

1 people's backs up. We always prefer bottom up, yes.

2

3 Q. And once again it could be quite an investment of time  
4 for people to go in and do that regularly; surely happy to  
5 do it voluntarily, but it could be perhaps an employed  
6 position?

7 A. Yes, absolutely. Yes.

8

9 Q. And in terms of that cultural training you talked  
10 about there being different countries and different  
11 communities have different needs so one size doesn't fit  
12 all. What would that cultural training look like if it's  
13 being delivered perhaps to, in your view, people who are  
14 new to the Police Service and they're having to understand  
15 those issues in this area?

16 A. Well, funnily enough, we have this - I do a lot of  
17 work with the Catholic Church and we have a lot of priests  
18 come in from overseas. So we've had to do this similar  
19 training with them to get an understanding because there  
20 were a lot of inflammatory issues they were having. You  
21 can do an overall understanding of colonialism, how it  
22 happened. Like, most people think colonialism happened  
23 200-and-something years ago. The last first contact was in  
24 the late 60s. So it was still happening then and there are  
25 people who have memories of those things happening. So  
26 it's a living history. So you can put those aspects out  
27 there and an understanding of those big cultural aspects  
28 and you can bring it down as needed. But we've got some  
29 experts. Aunty Florence has got some people. We have  
30 people who can do that and do that very, very well, yes.

31

32 Q. In relation to the charges, and you talked about the  
33 work that you do around the court and like, in respect of  
34 the breaches of the domestic and family violence orders  
35 that you see and that you're involved with do you see any  
36 kind of pattern of whether the breaches are connected with  
37 criminal charges or are they more so breaches or are they  
38 separate from charges or can you say?

39 A. A mix of all of them, yes. There's not really any one  
40 thing that you can really - I think you would have the  
41 numbers on that, but, from what we see, it's a mixture of  
42 all of it, and the size of the town and - we're not big  
43 like Brisbane, but we're not small like, say, Mt Isa and  
44 you'll have people running into each other. Then we have  
45 the no-contact orders. We'd love those changed a little  
46 bit so no contact means between both parties, not one  
47 party. We have lots of instances of the other party

1 ringing them up and niggling them to get them to do  
2 something and they'll - one lady phoned her ex-partner up  
3 and said, "Come and get your bikes or I'll cut them up,"  
4 and he said, "I have to talk to the place and arrange  
5 that," and she said, "Come now or I'll cut them up," and he  
6 went around and he was breached on that.

7  
8 We have lots of instances of men's group we're  
9 attending and the couple are going to Family Court over  
10 something, they had a no-contact order, she sent him a  
11 photo of her having sex with his best mate in the meeting  
12 and he sent back "you're nothing but a [whatever]", and  
13 then we had a breach and - so we'd love no-contact orders  
14 to be no contact between both parties so that stuff doesn't  
15 happen, and it shouldn't have to go in on a cross-order.  
16 It should be - you know, because two people are fighting.  
17 I've got kids. I don't say, "Okay, you started it, so you  
18 don't contact that one." I say, "You two, stop it. Go to  
19 your separate corners. No contact for a while." So we  
20 would like something like that so that doesn't - and I know  
21 it doesn't happen all the time, but it is there and it does  
22 happen at times and --

23  
24 Q. Is the real point that there needs to be flexibility  
25 about when these things are in place and when they need to  
26 be removed?

27 A. Absolutely. The person sitting right up there needs  
28 to have as much flexibility as possible to make the best  
29 orders for the best outcomes, absolutely, 100 per cent,  
30 yes.

31  
32 Q. In respect of the domestic and family violence court  
33 here in Townsville, there's a specialist DV court?

34 A. Yes.

35  
36 Q. The criminal justice group aren't involved in any of  
37 those applications?

38 A. No.

39  
40 Q. I appreciate that those proceedings are private,  
41 they're often in closed court, and there might be some  
42 amendments that might be needed and the like. But do you  
43 have a view about the value of the community justice group  
44 perhaps being present for a consultation to explain to the  
45 magistrate in those applications, "This is some of the  
46 family dynamics"?

47 A. Absolutely.

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Q. And I'm not talking necessarily about being there for the whole hearing, because it's private information and some might be women's business and some might be men's?

A. Yes.

Q. But is that something that could happen if there was a mechanism for it to happen?

A. Absolutely, yes.

Q. Would it require, in your view, the permission of the parties, or would it just be a service role in order to help the court and help the parties?

A. We would need permission because otherwise the clients wouldn't work with us. So it would be yarning with them and if they want us there, then we would fulfil that role, otherwise it wouldn't happen, yes. What would happen is that people - the community - once the word gets out - we have the Murri grapevine. Once the word gets out, they would stop engaging with justice group in all those areas. So, yes, it would have to be on consent and willingness to have a talk about it, yes. We often know the different families that come and we often know the dynamics that are going on anyway. It would really be consent to talk, yes.

Q. In relation to the cultural reports and the like that you spoke about --

COMMISSIONER: Ms Hillard, I'm just going to interrupt you for a second. I'm only going to give you about another two minutes because Mr McKenzie has other calls on his life at 10 o'clock.

MS HILLARD: Okay. I was just going to ask one question then about the cultural report in the family reports. Do you have a view about them also extending to children as part of that report?

A. Absolutely. It's domestic and family violence, so the family is involved, absolutely. And we're happy to give you guys copies of the different reports we use if you want to have a look at those to --

Q. I don't require them. If the Commission --

A. Okay. If the Commission would like to see those --

COMMISSIONER: I would love to see a copy of them.

A. Yes. You might be able to - something could come

1 forward out of that later that's useful, yes. We just want  
2 the best court and the best outcomes for everyone that we  
3 can get to keep people safe, yes.

4  
5 MS HILLARD: Thank you, Commissioner.

6  
7 MR McCAFFERTY: Nothing, thank you.

8  
9 MR HUNTER: Just one question.

10  
11 **<EXAMINATION BY MR HUNTER:**

12  
13 Q. Mr McKenzie, can I ask you about withdrawal  
14 applications - or, sorry, withdrawal of variation  
15 applications, and you talk about the attitude of the police  
16 as being resistant to variation?

17 A. Yes.

18  
19 Q. What I'm wondering is whether you can accept that to  
20 at least some extent that might come from the police - as  
21 far as the police are concerned, from a point of view of  
22 risk management?

23 A. Oh, 100 per cent. I get it. I absolutely get it.

24  
25 Q. So my question to you is: can you think of some way in  
26 which those concerns might be able to be alleviated in the  
27 appropriate case? Is your agency able to assist in that  
28 regard? For example, is a report something that's a  
29 practical reality in this context?

30 A. I think so, yes, absolutely would be - yes. So an  
31 engagement with our worker, our court support officer who  
32 works with the client, absolutely. Then you can get a  
33 better picture of the risks. We understand completely you  
34 have to risk manage; we get that. But adopting and  
35 adapting the orders to keep people safe but still carry out  
36 those family requirements and cultural requirements, yes.

37  
38 MR HUNTER: Okay. Thank you.

39  
40 MS CAPPELLANO: No further questions, thank you.

41  
42 COMMISSIONER: Thanks very much, Mr McKenzie. We'll let  
43 you go and do your other job.

44  
45 **<THE WITNESS WITHDREW**

46  
47 MS CAPPELLANO: Commissioner, I call Florence Onus.

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<FLORENCE ONUS, affirmed:

<EXAMINATION BY MS CAPPELLANO:

Q. Ms Onus, I understand that you're the community development worker in Townsville for the Aboriginal and Torres Strait Islander Women's Legal Service in North Queensland, and that's referred to as ATSIWLS; is that correct?

A. That's correct.

Q. It might be a little less of a mouthful as we continue the evidence. What's the role of a community development worker?

A. Okay. Basically I - it's quite a diverse role. So my role is to conduct community engagement to promote our service not only just to the women of our community, the most vulnerable that we service, but to the wider community, to all the key stakeholders that are working in and around family law matters, domestic violence, family violence. So all of the agencies, both community controlled, NGOs and also government. I also deliver - with that community assist in delivering community legal education. I deliver cultural safety training, trauma training, cultural awareness training, and - yes, it's quite diverse. There's probably lots of other things I do. I'm probably, yes --

Q. Who do you deliver that training to?

A. To diverse stakeholders, community, NGOs, government, and have delivered it to the QPS in the past as well.

Q. Can you tell the Commission about that?

A. Yes. I think when they first established the academy here in Townsville I was working at James Cook University as a lecturer, and we delivered to the new recruits every year cultural awareness training, where they would come out to the university, all the new recruits, and we delivered that for about I think five years, the Indigenous unit. I was part of the Indigenous unit, and then QPS decided they were going to deliver that inhouse, which has happened since then. So this is going back quite a while now. I can't remember. Maybe 15 years ago. But I was really concerned and so was the school at the time that we weren't privy to the actual program that was being delivered to the QPS because, you know, as an Indigenous unit we really

1 delivered a lot of the historical context and relationship  
2 between Aboriginal and Torres Strait Islander people and  
3 the police going back to the early days of invasion or  
4 settlement to where we are today.  
5

6 Q. In terms of your broader role in community, you're  
7 Auntie Flo who Mr McKenzie was referring to. Can you just  
8 outline to the Commission your broader role in community  
9 aside from your job with ATSIWLS?

10 A. Okay. So that is my paid position that I do part  
11 time, but it is more of a full-time job. I'm also a member  
12 of the Elders for Change, which is a group of up to about  
13 20 women predominantly that are - we're a group of  
14 volunteers. We're basically retired or semi-retired  
15 professionals from the community, and our focus is to  
16 provide cultural support to women that are incarcerated out  
17 at Stewart Creek and also working with Youth Justice as  
18 well. So we provide cultural support and go visiting  
19 people if they're dealing with Sorry Business. For  
20 example, if there was a death of an inmate inside, had a  
21 big impact on the women, so we would go in there and have  
22 a - organise a memorial service, and sit and support them  
23 and just encourage them to grieve. So that's just an  
24 example.  
25

26 We also do a lot of capacity building, such as doing  
27 narrative therapy. I heard someone talking about healing.  
28 So we do - we might have - we have someone who is a writer.  
29 So she conducts writing workshops through poetry out of the  
30 prison for the women as part of the narrative therapy to  
31 put their - to express themselves on paper as part of that  
32 healing process. So they're just --  
33

34 COMMISSIONER: What's narrative therapy? Is that just  
35 writing?

36 A. Writing, yes. Yes, writing your thoughts and feelings  
37 on paper in a way to - just to express themselves and to  
38 release themselves from the burdens that they carry, all  
39 the - you know, the hurt and the pain that they carry, yes.  
40

41 MS CAPPELLANO: Are you also a traditional owner?

42 A. Yes, I'm also a traditional owner, so I am recognised  
43 and well known throughout the community, and I'm also a  
44 co-facilitator of a women's group that we call TIDDAS  
45 Yarning Circle, and TIDDAS Yarning Circle meet every  
46 Friday, we've been meeting since 2013, and the focus of  
47 that is providing a culturally safe space for women dealing



1 with domestic and family violence to come together in an  
2 informal space, and come and just have a cup of tea, have  
3 some morning tea and just reconnect with other women, and  
4 if they need any sort of support, they need any other  
5 resources, we link them with the right people within those  
6 agencies, for example, if they're homeless or - so we won't  
7 just say "go and talk to Housing" or "go and talk to  
8 Yumba-Meta". We'll actually link them with the right  
9 person, we connect them with the person, and we'll do some  
10 advocacy and followup for them.

11

12 Sometimes they may ask us to come and sit in court  
13 with them, in the Family Court, or could we advocate on  
14 their behalf and just come and sit with them with Housing.  
15 So, you know, that sort of support. But we do a lot of  
16 capacity building and healing through the TIDDAS Yarning  
17 Circle. So we've been operating since 2013.

18

19 Q. In terms of your roles, whether officially through the  
20 role at ATSIWLS or more broadly in the community, do you  
21 get a lot of feedback from the community about their  
22 interactions with police in relation to domestic and family  
23 violence matters?

24 A. Yes, yes. In all those roles, all those hats that  
25 I wear, because I'm engaging with community, you know, at  
26 that grassroots level, and particularly the women that are  
27 incarcerated, but also women in the community that attend  
28 TIDDAS, because, as I said, our focus is supporting women  
29 dealing with domestic and family violence, so we're privy  
30 to - you know, to hear all their stories and their  
31 interactions and what's happening, and try to give them  
32 advice and support where we can.

33

34 Q. We'll hear evidence shortly from somebody who does  
35 this sort of work on Palm Island, but is your role more in  
36 the Townsville area?

37 A. Predominantly in the Townsville area. We also do a  
38 legal outreach to Charters Towers, Ingham - we have done  
39 that in the prison, based on need now. We used to run  
40 regular clinics in Charters Tower, Ingham, the prison. We  
41 have a regular clinic, legal clinic, at the women's centre.  
42 We work closely with North Queensland Domestic Violence  
43 Resource Service as well. But since COVID we are  
44 conducting that according to need because of the  
45 restrictions that are happening. Yes.

46

47 Q. And the first concern that you raise in your statement

1 about police response is based around police taking  
2 incident-based response rather than having more time to  
3 investigate patterns of behaviour and who's most in need of  
4 protection. Is that the case? Is that something that you  
5 hear about?

6 A. Yes. So - sorry, just say that again?  
7

8 Q. Sorry. You talk in your statement about there being  
9 issues where police are looking at a single incident.  
10

11 COMMISSIONER: I think she's referring to paragraph --  
12

13 MS CAPPELLANO: Paragraph 4.

14 A. Yes, that's okay. Okay, yes. Yes, so we have a lot  
15 of women just - as I said, we're always engaging with the  
16 women in the field in the community, and a lot of the times  
17 there will be misidentification of the scene in regards to  
18 when the police turn up they may speak to the - they may  
19 speak to the male person first and I guess get their side  
20 of the story or what's happened, and they identify that the  
21 woman is the perpetrator, not the male, and so the women  
22 feel that, yes, that that's what's happening. I don't know  
23 how often, but that's something that is an issue that's  
24 been raised to us in all those forums, that women feel that  
25 they're the ones who are the victims but sometimes the  
26 police will speak to the perpetrator first and he'll tell  
27 them a different version of what's happened and paint her  
28 be the perpetrator in that case.  
29

30 Also in the case - I haven't got it written down  
31 there, and I've got some other notes here, and we've seen  
32 this happen in Aboriginal and Torres Strait Islander  
33 relationships, but more so if the person or the woman is  
34 married to a non-Indigenous person as well, we've had a  
35 number of cases where the police will speak to the  
36 non-Indigenous husband or partner, who's the perpetrator,  
37 and he'll paint - he'll tell their version and paint the  
38 woman as being the victim, and so the woman is always being  
39 charged and arrested rather than the partner. But that is  
40 something that we've been contacted particularly where  
41 those - in both situations, Aboriginal and Torres Strait  
42 Islander relationships as well as an Aboriginal and Torres  
43 Strait Islander person with a non-Indigenous partner. And  
44 it's predominantly where the woman is a First Nations woman  
45 and the other party or the partner or the husband is  
46 non-Indigenous.  
47

1 Q. What does - do you have any - do you get any feedback  
2 from women in those circumstances about how they - the  
3 effect of that on whether or not they're going to call the  
4 police on another occasion?

5 A. It's also used as part of coercive control as well,  
6 you know, there's those threats that have been made to them  
7 by the husband, "They're not going to believe you, you  
8 know, because you're black and I'm white," or, you know,  
9 "I'm going to paint you as the crazy black woman." So it's  
10 all part of that coercive control as well. So sometimes  
11 the women are reluctant to call the police and they will  
12 probably stay in that situation and continue to stay in  
13 that situation until things really escalate and then, you  
14 know, it's just escalated and then the police are called  
15 and then - yes. And then by then it's - we've seen cases  
16 where the woman has been charged with the assault and it's  
17 gone through the court system, and also she's lost custody  
18 of her children as well. So the children - the custody of  
19 the children are granted to the partner, who is initially  
20 the perpetrator. So it's very traumatising for the women  
21 and the children as well.

22  
23 Q. At paragraph 7 of your statement you say that there is  
24 a fear of police within the community which is not  
25 addressed by the police or perhaps not understood by the  
26 police, and that can lead to Aboriginal and Torres Strait  
27 Islander women appearing less compliant when police attend?

28 A. Yes, well, that - I mean, that fear, that is - I think  
29 as Karl said earlier, looking at the history, if you look  
30 at the history of relationship between First Nations and  
31 the police, it goes way back in the early days of invasion  
32 and the establishment of Aboriginal reserves and missions,  
33 which I regard as detention centres because the lives of  
34 our people were comprehensively controlled, and normally  
35 the manager of those institutions, such as Palm Island -  
36 and my father was raised on Palm Island and my mother was  
37 raised in Woorabinda detention centres. Normally the  
38 manager, or the protector, which was the title of that  
39 time, were the superintendent of police. So it goes way  
40 back to then and the policing - the historical issues of  
41 policing of First Nations people and the establishment of  
42 the native police. Today it's called the PLO but, you  
43 know, that history sticks with a lot of community, because  
44 our history is - you know, it's really not - it's not like  
45 it's hundreds and hundreds of years ago or a thousand years  
46 ago; just over 200 years. You know, as Karl said, people  
47 were still - we only became citizens in 1967. So - I mean,

1 I was only about eight or nine years old at that time. So,  
2 you know, the history is very fresh and the fear - so the  
3 fear of police has been something that's historical from  
4 that first contact to where we are today. So it's  
5 engrained in families and communities.  
6

7 I'll just tell you a little story. My daughter - I've  
8 got four daughters. We were doing some letterbox  
9 delivery - they did it to make money for themselves - and  
10 I would drove them down. We were in a cul-de-sac, and  
11 I'd pull up and they would - I'd pull up in the station  
12 wagon, they'd jump out and go down and put all the  
13 letterbox delivery, and my youngest daughter, who was about  
14 five at the time, she come running up the street, tearing  
15 down the street, eyes bulging out and fear written - and  
16 she - and I thought - you know, I was looking for a dog  
17 chasing her. I thought a dog's come out and - and she  
18 jumps in the car and she's, you know, really upset, and  
19 I said, "What's the matter," and she said, "There's a  
20 police car there." I said, "What are you talking about,"  
21 and she said, "Just down the end there there's a police  
22 car," and I was really quite shocked because, you know, our  
23 kids are - I guess they are privy to the trauma stories  
24 that are happening within family and community, and you  
25 don't realise that they're listening and the impact that  
26 that has upon them.  
27

28 And so she was running, you know, in total fear just  
29 the sight of a police car. And then I had to say to her,  
30 you know, not all the police are - police are here to  
31 assist us and protect us and keep us safe. But, you know,  
32 it's - yes, it's that ingrained fear that's been handed  
33 down from generation to generation. So it's not just  
34 happening in the here and now. It's about all those trauma  
35 stories, I guess, of the past, you know, with black deaths  
36 in custody and all those sorts of histories as well, yes.  
37

38 Q. Do I understand your evidence correctly that that's  
39 something that perhaps unconsciously even is not  
40 necessarily understood by police in your experience?

41 A. No, probably because they haven't had the education on  
42 it, you know, through the training. So that's the sort of  
43 training that we provided in the past, to have a look at  
44 the historical relationships between the police and  
45 First Nations people, because I think it's really important  
46 that young recruits that are coming in, they have that  
47 education and understanding of that, and that's why the

1 relationships between First Nations and the police have  
2 always been fraught.

3  
4 Q. You also talk about First Nations women appearing as  
5 compliant and it could be because they're putting on a  
6 front. What does that mean?

7 A. So, you know, you may have a woman who has that fear  
8 of police and not wanting to engage, but she also may be  
9 putting on that front so that when the police leave she's  
10 not subjected to further violence by the perpetrator if  
11 he's allowed to stay in the home and exposed to violence by  
12 the community for interacting with the QPS, but not only by  
13 the perpetrator, also at the family, and I'm sure that when  
14 you hear the evidence from Andrea, who works in a discrete  
15 community like Palm Island - so that's something that  
16 happens a lot. So you're not only dealing with the  
17 perpetrator. Sometimes you're dealing with the family, you  
18 know, threats of violence by the family of the perpetrator  
19 as well.

20  
21 So for First Nations women, you know, that's all the  
22 dynamics that we're dealing with in regards to domestic and  
23 family violence. It's not just - you're not just dealing  
24 with the perpetrator. You can be actually dealing with  
25 threats from the wider family as well, and sometimes those  
26 threats are carried out in regards to - that's all part of  
27 the family violence, which is different to non-Indigenous  
28 women, you know, because a lot of us still live very  
29 closely to where our families are in regards to our own  
30 families as victims but also the perpetrator families. But  
31 in a discrete community like Palm Island, where it's, you  
32 know, very close - everyone lives in everyone's - it's a  
33 very small community in a sense, but everyone knows  
34 everyone's business, and families - the perpetrators'  
35 families live in very close proximity, and those threats  
36 are not just threats sometimes, unfortunately.

37  
38 Q. The next topic that you talk about in your statement  
39 in paragraph 8 is the concept of people not appearing to be  
40 a perfect victim and that that can lead to victim-blaming  
41 behaviour, and particularly frustrations by police when  
42 they perceive Aboriginal or Torres Strait Islander women  
43 continually going back to a relationship. Can you tell us  
44 about the dynamics that you hear from community in relation  
45 to that?

46 A. Yes. I suppose frustration often impacts how they  
47 investigate any further incidents. When a First Nations

1 woman is seen as a victim or survivor - and I guess too  
2 because there is a high incidence I think - when you look  
3 at the whole domestic and family violence callout by the  
4 police, there would be a high number of First Nations  
5 callouts in that, and so, you know, I think a lot of this  
6 can be sometimes seen by the police as, you know, this is  
7 another First Nations, or they may be familiar with the  
8 perpetrator and the victim, they may have had a number of  
9 callouts there, so it's not taken seriously because it's  
10 like, well, you know, she keeps going back, you know, that  
11 sort of attitude.

12  
13 And also it does not recognise her wanting to keep her  
14 family together as well, because a lot of victims when you  
15 talk to them about the reasons why they do go back is they  
16 are trying to - they are wanting to keep their family  
17 together, and they want the violence to stop and they want  
18 it to be addressed, but there's no facility locally or  
19 programs that has a holistic approach to dealing with  
20 domestic and family violence. It's more a punitive system  
21 that we're dealing with.

22  
23 And this goes back to the history of the  
24 Stolen Generation. I can give firsthand account in my own  
25 situation. My husband and I separated when my girls were  
26 in - starting high school. I've got four daughters, two in  
27 primary and two in high school, and I was a victim of  
28 domestic violence, and eventually I made the decision to  
29 leave, and then, you know, one day we were just walking  
30 down the street with my 13-year-old and she said, "Mum,  
31 I was so glad you finally made the decision to leave dad.  
32 Why did it take you so long," and this is from my  
33 13-year-old daughter, and I was really shocked that, you  
34 know, she was saying this to me. I said to her, "Well,  
35 because I'm part of the Stolen Generation, I wasn't raised  
36 by my mother and my father, as my children know my history.  
37 So for a lot of our people, because we've got the history  
38 of the Stolen Generation - and I'm the second generation  
39 stolen. My father was stolen and taken to Palm Island as a  
40 child with his siblings. My mother was stolen and raised  
41 in the dormitory in Woorabinda as well. So I'm the second  
42 generation of stolen children from my family, and I'm also  
43 the fourth generation of my family that were  
44 institutionalised, and people find that - are really  
45 shocked because they see me as this professional, you know,  
46 black woman around town and a leader and that, but these  
47 are the reasons why our women want to try to stay and keep

1 the family together: because of the history of separation  
2 and forced removal of our children and our families.

3  
4 So I know that first hand, that that's something that  
5 is really big in the community because of the Stolen  
6 Generations, which has affected just about every Aboriginal  
7 family in Australia, every community in Australia.  
8 Palm Island, the whole community are descendents of Stolen  
9 Generation. Most of the reserves, missions and detention  
10 centres were all Stolen Generations moved from their  
11 country and sent to live in these institutions.

12  
13 So this is what - and I don't think - so the police,  
14 if they haven't had this sort of historical education they  
15 have no understanding why, you know, women do go back or  
16 are trying to hold the family together. But that is one of  
17 the key things. And because it's part of our culture as  
18 well. Family is everything to us. When you look at our  
19 kinship systems, it's very strong within our culture. So  
20 not only in regards to the history, but within our cultural  
21 and our kinship systems family is everything to us. So  
22 I think if the police had more education around this as  
23 part of the historical factors and understanding of culture  
24 as well, you know, they wouldn't have this attitude towards  
25 our First Nations women.

26  
27 Q. Are there child protection dynamics which are relevant  
28 to that reluctance or that might not be properly  
29 understood?

30 A. Yes, and sometimes the perpetrators can use that as  
31 well. You know, they have used that as well to our women  
32 to say - because they know of the history and - both black  
33 and white, you know, regardless of who the perpetrator is,  
34 they'll use it as coercive control as well because they  
35 know the biggest thing for women is our children, you know,  
36 and we will do everything in our power to try to hold onto  
37 our children. But a lot of the women that I have had to  
38 counsel and support in a lot of the hats I wear in  
39 community have said that their partner, whether they're  
40 First Nations partner or non-Indigenous, they will use that  
41 as a threat as part of coercive control.

42  
43 Q. You also talk in your statement about victims feeling  
44 unheard in the context of conditions being imposed that are  
45 not wanted by the victim. Can you tell the Commission  
46 about that?

47 A. Yes. Before I address it, I just want to just wrap up

1 that last point as well --

2

3 Q. Certainly.

4 A. -- sorry, and also the other big issue for our women,  
5 not only for just First Nations women but for all women who  
6 are victims, it's also they're considering the impacts  
7 of - you know, a lot of women, if they leave that violent  
8 relationship, you know, they weigh it all up and, with the  
9 current situation with the lack of housing and social  
10 housing, a lot of women make a decision because they don't  
11 want themselves and their children to be homeless, and  
12 that's the case that we see everywhere now, that a lot of  
13 victims, a lot of women are staying in those relationships  
14 because they're weighing up, you know, all the decisions  
15 and the impacts on the family in general, and homelessness  
16 is a big thing, and the current status in community is that  
17 there is not enough housing available for women, you know,  
18 fleeing domestic and family violence, let alone anyone else  
19 needing - you know, that are homeless out there.

20

21 Working in the community in all those different hats,  
22 we're supporting women to whatever decision they make.  
23 However, when they do make the decision, as I said, to  
24 leave, you know, there's nowhere for them to go to. So,  
25 you know, it's really, really difficult. Women have to  
26 make all these really hard decisions while they're  
27 very - dealing with a lot of trauma and distress. So it's  
28 a lot of pressure on them, yes.

29

30 So - can you ask me that --

31

32 Q. Certainly. It was surrounding non-contact conditions  
33 being imposed on orders where that wasn't the wishes of an  
34 aggrieved and victims feeling unheard as a result of that?

35 A. Yes. I guess, yes, as I said, our women want to keep  
36 the family together at least in some way. It's also  
37 important from a cultural perspective for assistance to  
38 raising their family and the logistics, as I said.  
39 However, these wishes are often not reflected in the orders  
40 taken out by the police, which often include conditions  
41 that are not wanted by the victim, such as no contact. So,  
42 while this can be negotiated down to unless there's a  
43 written consent, the experience of First Nations women is  
44 that they feel unheard and when this is raised - when they  
45 raise this as an option. So, yes, and I think Karl spoke  
46 about that previous as well. Yes, it's really difficult  
47 because of the family and the cultural dynamics and all



1 those issues I just raised. Yes, it can be really  
2 difficult for our women to, you know, make those decisions  
3 as well and have to --  
4

5 Q. And you say in your statement that it would be good if  
6 there's more case conferencing. Do the clients that you  
7 have contact with and the women that you have contact with  
8 indicate that there's a lack of willingness to - well, that  
9 that's something that does happen, that there's no-contact  
10 conditions against their wishes and there's not enough  
11 conferencing around that or flexibility around that?

12 A. I probably don't have a lot of - I suppose - because  
13 I'm not a lawyer as well, but I'm sure Cathy and the  
14 lawyers will --  
15

16 Q. I'll certainly ask other witnesses about that.

17 A. That will be a question for them, yes.  
18

19 Q. You also talk at paragraph 11 about concerns  
20 surrounding the way in which victims are talked about,  
21 talked to at a scene when police are responding, and you  
22 recognise that there's line-of-sight issues. What's your  
23 evidence in that regard?

24 A. Well, this is the information that's been relayed to  
25 me by the women at our women's groups and that. Yes, the  
26 police don't consider that victims are spoken to in front  
27 of or within earshot of the perpetrator. So the  
28 perpetrator, you know, is listening to everything, and it's  
29 just - you know, it's all part of that - threats and  
30 intimidation. Women feel that - they feel that they can't  
31 really express themselves fully about what's happening  
32 particularly when it's within the earshot of the  
33 perpetrator because of the ongoing intimidation, and  
34 depending on whether the police are going to remove that  
35 person or not. Yes, so it's all a part of that ongoing  
36 threat and intimidation by the perpetrator. So  
37 I don't - sometimes the police probably don't realise that  
38 this is happening at the time, but women have raised that  
39 they feel that they're not being interviewed or their  
40 statement not taken or spoken to to give them a bit more  
41 privacy away from the sight or earshot of the perpetrator,  
42 which makes them feel threatened, yes.  
43

44 Q. You talk in your statement more generally about police  
45 perhaps not understanding those dynamics of coercive  
46 control, and can I ask you this: do you think people in  
47 community understand about coercive control, that coercive

1 control is a part of domestic violence?  
2 A. Well, because coercive control has just been  
3 legislated and it's a new term, even at the TIDDAS Yarning  
4 Circle we were yarning there and one of them said, "What's  
5 this thing 'coercive control' mean? What does that mean,"  
6 and we just said it's when someone is standing over you.  
7 "Oh, okay", you know. And they understand that when - so  
8 we talk to them - we have to break things down, as Karl  
9 said, and we're there to break things down in layman's  
10 terms, because a lot of our mob don't understand a lot of  
11 the technical or legal jargon.

12  
13 So coercive control - I've given you some examples,  
14 but also coercive control can come in the form of threats  
15 through the use of puri or black magic, and that's been  
16 practised in our communities since the beginning of time.  
17 So that's something that's a real threat to our women as  
18 well, that First Nations women are dealing with a lot, and  
19 you hear that a lot in the community too, "Oh, someone's  
20 been caught," or "They're using puri." But we do have  
21 perpetrators who are threatening women as part of coercive  
22 control with the threat of using black magic or puri, and  
23 those threats are very real to the women, whereas  
24 non-Indigenous women don't have to deal with that form of  
25 coercive control.

26  
27 But in regards to - and that's where I guess my role  
28 and other people's role is in the community, is breaking  
29 down and communicating what is coercive control, what is  
30 domestic violence, what is sexual violence, you know, what  
31 is family violence, educating them about and breaking it  
32 down to them in layman's terms so they understand that.

33  
34 Q. Do you have any observation about the level in which  
35 the women that you talk to in community understand court  
36 processes and understand the outcomes of court?

37 A. Look, most of the women, like most of us in community,  
38 it's a very - you know, the court system and the processes  
39 is a very foreign environment, and it's very intimidating.  
40 It's very - you know, it's another institution. So, you  
41 know, because we've been dealing with institutions all our  
42 lives, it's just another level of, you know, institutional  
43 threat to us and systemic - we see it as institutional  
44 racism and systemic racism when we look at a lot of these  
45 issues and the way that the police deal with our  
46 First Nations victims dealing with domestic and family  
47 violence. So I think Karl spoke a little bit about it.

1 But when you look at a lot of the stuff we've been talking  
2 about, you know, the institutional racism and systemic  
3 problems is a big issue.  
4

5 Q. Is that something as part of your role in, for  
6 example, the yarning circle to explain orders, explain  
7 what's happened in the court processes?

8 A. No, I leave that up to the lawyers. So if anyone  
9 comes to me at the women's yarning circle I will refer them  
10 to our service or whatever service, depending on what  
11 they're dealing with. If they're dealing with criminal  
12 assault, I said, "You need to go and talk to ATSIWLS or  
13 QIFVLS people," because we don't - we deal with - yes,  
14 depending on what level of violence and what the charges  
15 are. So I don't provide them with legal advice at all.  
16 I'm more or less a conduit between them and our legal  
17 staff.  
18

19 Q. Yes. You've talked a lot in your statement and in  
20 evidence today about the need for that competence training  
21 in terms of - for police to understand all the cultural  
22 issues that you've raised. Is it also the case that there  
23 needs to be further training to understand the trauma and  
24 the dynamics of domestic and family violence, from what you  
25 see?

26 A. Yes. Because we've been dealing with trauma, our  
27 people live with vicarious trauma, which is  
28 intergenerational trauma from - so a lot of the young - for  
29 example, a lot of the young people today or young adults  
30 that are committing domestic and family violence, they may  
31 be the fifth, sixth or seventh or even eighth generation of  
32 family that have been institutionalised. As I said, I'm  
33 fourth generation, and I've broken that cycle for my  
34 children and my grandchildren. However, that cycle hasn't  
35 been broken for lots of families. So I think the need for  
36 cultural competency training and trauma training for QPS,  
37 including the PLOs as well - I don't think people should  
38 assume just because you're employing the First Nations PLOs  
39 or all the other PLOs - because I know that the PLOs are  
40 made up of all the other cultural groups. Now, for  
41 example, in here we've got in the Polynesian PLOs or  
42 someone representing some of the African community as well.  
43 So not to assume that those people know about the history  
44 and the culture, but also, as I said, cultural competency  
45 training and trauma training needs to occur because the  
46 police are not trained in these areas.  
47

1 Q. Is it your evidence that that training can't be done  
2 internally by police but needs to engage with community and  
3 needs to be face to face?

4 A. Yes, it needs to be face to face, it needs to be  
5 meaningful, it needs to be ongoing, it needs to be  
6 delivered locally by Aboriginal and Torres Strait or  
7 First Nation community people and practitioners like  
8 myself, like Andrea, like Karl. There's quite a number of  
9 us in this community here that can actually deliver that  
10 training.

11  
12 I deliver a lecture to social work - I still do some  
13 part-time lecturing to James Cook University students in  
14 social work and law. I'm a guest speaker to law students,  
15 and my presentation is Aboriginal people and the law. So  
16 I do a historical - you know, bring it right up to where we  
17 are today to give them an understanding of our interactions  
18 with the law historically to the present.

19  
20 Q. You talked previously about PLOs, and that's something  
21 that you talk about in your statement as well, indicating  
22 that they have a critical role but aren't utilised in their  
23 full capacity. What do you mean by that?

24 A. Well, I think the PLOs, their functions - they are  
25 bound by their functions. They don't have the same powers  
26 as the police, and I was also stating that I think that if  
27 the victims - when the police are responding to these  
28 callouts, if they can somehow identify that there is  
29 First Nations people involved in the domestic violence  
30 callout, that PLOs could assist with accompanying the  
31 police with that - when they actually get the callout to  
32 go. However, the police - as I said, the PLOs don't have  
33 the same powers of the police. But definitely they  
34 may - they're there to assist, so that if the police are  
35 called out and if one of the parties are First Nations they  
36 can see there is some support there for them as well. But,  
37 in saying that, the PLOs need to be trained in domestic and  
38 family violence training, trauma training as well to be  
39 able to provide that support.

40  
41 Q. You also talk in your statement about the need for an  
42 increase in Aboriginal and Torres Strait Islander sworn  
43 officers?

44 A. M'hmm.

45  
46 Q. Can you explain firstly why that's important and  
47 whether there are any barriers to that that you're aware

1 of?

2 A. Yes. I don't know what the current numbers of  
3 First Nations people within the police force, but I know  
4 here locally I've been in contact with over the years, I've  
5 seen young Aboriginal and Torres Strait Islander people  
6 enter into the police force and a couple of years down the  
7 track they've resigned from the police force, and they said  
8 a lot of the barriers - there was a lot of racism, and they  
9 just found they just weren't able to deal with it, and they  
10 provide lots of different examples of - yes, and that's why  
11 a lot of our people are reluctant to go into the police  
12 force, because of the level of racism that occurs at all  
13 levels, and they feel it's a culturally unsafe space for  
14 themselves to be in as well. So I think that needs to be  
15 considered.

16  
17 And because of the - also - so I think that, you know,  
18 all this training and education needs to occur. There  
19 needs to be a process in place to ensure that if you do  
20 have Aboriginal and Torres Strait Islander people working  
21 within the Police Service, whether they're PLOs or police  
22 officers, there's got to be a support system in place, and  
23 also I'm sure they have got their own complaints processes  
24 as well, but it's got to be taken seriously and addressed  
25 because, yes, I think people are reluctant to go into the  
26 police force. I know even one of my daughters when she was  
27 finishing high school she was considering going into the  
28 police force and the family just said, "Are you mad? Are  
29 you crazy," you know, because of the stigma of the police  
30 and the relationship of the police. I said, "Why do you  
31 want to join the police force," because all the family are  
32 going, "Is she mad? Is she crazy," and then - yes, so  
33 because of all that history and the stigma and the  
34 relationships or the non-relationship with the police.

35  
36 Yes, so it's all of that stuff that continues on. But  
37 I think that there needs to be some strong policy and  
38 processes put in place to support young people if they do  
39 want to join the police force, you know, are they going to  
40 have that support, are they going to be able to function  
41 and do their job and not feel that they're a target of  
42 racism as well and have to tolerate that as part of the  
43 culture.

44  
45 Q. So do I understand your evidence correctly that some  
46 of the barriers that you've heard about from people who  
47 have been in the police force or considering joining are

1 issues from internally within the police force, not being  
2 culturally safe, but also from community that there are  
3 perceptions about and negative attitudes coming from  
4 community about police?

5 A. Yes, that's right, because community still  
6 regard - there's still an attitude, probably from the old  
7 school mum, probably my generation that's been - not from  
8 me but from my generation, and that's been passed on down  
9 to the next generation, they refer to the PLO or Aboriginal  
10 people in the police force as black trackers or the native  
11 police, yes. So you're dealing with not only that level of  
12 racism from the police side; you're dealing with that level  
13 of attitude and that from your family and community as  
14 well. So you become a target on both sides. So the  
15 pressure is just, you know, really too much to deal with.  
16 So that's why a lot of them opt out. So, unfortunately,  
17 that's what First Nations people are dealing with. They're  
18 not only just dealing with the systemic racism, but they're  
19 dealing with the attitudes and the perception of the police  
20 by their family and community.

21  
22 Q. Thank you very much for providing that evidence. Is  
23 there anything else in relation to this topic that --

24 A. Yes, just improving police response. Queensland  
25 Police are not the only solution. However, changes in  
26 practice to ensure that there are more culturally  
27 appropriate responses done in a holistic way is critical to  
28 reducing overrepresentation in the justice system, and the  
29 other thing is as well I was just talking to the inspector  
30 down the back there and Andy, in Townsville, over the past  
31 20 years there's been an Aboriginal and Torres Strait  
32 Islander police community consultative committee  
33 established, it's been on and off over the years, so I'm  
34 going to contact the local cultural unit here to see if  
35 that actual committee is still in existence. If it is, I'm  
36 going to try and see if I can be engaged in that  
37 consultative committee, and I think we need to ensure that,  
38 if that is the case, there are the right - we have the  
39 right people representing community on that actual  
40 committee as well.

41  
42 So I think that - I don't know whether this has been  
43 something that is statewide, but I know in the past it has  
44 worked really well, the establishment of the Aboriginal and  
45 Torres Strait Islander police community consultative  
46 committee, and that's been something that's been through  
47 the good relationships, building relationships with key

1 stakeholders in the community and with the police as well.  
2 So that's something that could - something that could  
3 be - if it isn't being - that model isn't being used across  
4 the state, it's something that they could consider in other  
5 towns or regional or cities and that as well to assist with  
6 the relationship between the police and First Nations  
7 people.

8  
9 MS CAPPELLANO: Thank you, Ms Onus. They're all the  
10 questions that I have for you.

11 A. Thank you.

12  
13 COMMISSIONER: Ms Hillard.

14  
15 **<EXAMINATION BY MS HILLARD:**

16  
17 Q. Ms Onus, in relation to some of the evidence that  
18 you've given about the fear and the historical matters, can  
19 I just clarify this. There is perhaps an external  
20 perception by police that because a woman is staying in a  
21 relationship she's choosing to be there. That's not quite  
22 accurate, though, is it?

23 A. No. As I stated all the reasons why women make those  
24 decisions, it's not that she chooses to stay in a  
25 relationship having her partner beat crap out of her. She  
26 has to consider the family, her children first and  
27 foremost, just the family dynamics as well, as well as  
28 homelessness, and in a lot of cases too the income.  
29 Sometimes they may be from a family where the perpetrator  
30 is the sole income earner. So there's all those dynamics  
31 to consider not only for First Nations women but for all  
32 women that are considering whether they want to - whether  
33 they are going to leave or stay within those relationships.  
34 I mean, no-one chooses and wants to stay in a relationship  
35 getting the - sorry, getting beaten up.

36  
37 Q. Would you agree that sometimes there is a perception  
38 by people external to these communities that they somehow  
39 think that payback or violence is accepted within the  
40 family unit and it takes the form of domestic and family  
41 violence?

42 A. Yes, there is a perception that it is part of our  
43 culture, which it's not. I remember - I've seen this in  
44 lots of cases over the years, and I remember years ago  
45 there was a horrific case of sexual and physical violence  
46 of a young woman and it was perceived as - and it was  
47 reported in the papers that, you know, the court

1 proceedings that it was part of the culture, and it wasn't,  
2 and the community were absolutely outraged. We said  
3 violence has never been a part of our culture.  
4

5 We know that in every culture violence does occur to  
6 some extent, but within Aboriginal culture traditionally we  
7 had our own laws before common law and how things were  
8 dealt with, but things were dealt with in the right way and  
9 things were dealt with by the Elders and the leaders of  
10 those communities, dealt with culturally and their own law  
11 and, you know, our own punitive processes. That's why we  
12 survived here for more than 60,000 years without prisons  
13 and institutions. Yes, so I think there is a perception,  
14 there's still a perception out there it's part of our  
15 culture when it's not.  
16

17 Q. In relation to other perceptions about Indigenous  
18 women as well - I'm only speaking from my own personal  
19 observations and my own personal experience - is often -  
20 Indigenous women are not always this meek, mild,  
21 downtrodden individual; they have a voice and they often  
22 have a very strong voice even when they're a victim of  
23 domestic and family violence. Would you agree with that?

24 A. Yes, yes, I mean, you know, every person is an  
25 individual, but I think a lot of our women are seen as the  
26 backbone of our families and our communities because of the  
27 impact of colonisation, and we know that we have the  
28 highest incarceration rates of Aboriginal men in the  
29 community, and also a lot of women and grandmothers have  
30 become the sole parents of raising children and  
31 grandchildren. So we have - a lot of our women are very  
32 resourceful. A lot of our women know within the  
33 community - whether they're women that speak out or not,  
34 they know that there is a lot of support out there for them  
35 within the community as well, and we have - our services  
36 are there to support our women as well. So I think the  
37 majority of our women know those services are there. They  
38 need to access them for any form of support, whether it's a  
39 safe house or a women's shelter or an Aboriginal and Torres  
40 Strait Islander legal service or women's legal service such  
41 as ours. So, as I said, our women are seen as the backbone  
42 of our communities.  
43

44 Q. You talk in your statement about there being an idea  
45 of what is a perfect victim. The terminology that is often  
46 used is the "ideal victim". It's often perceived to be a  
47 person who is not a First Nations woman; would you agree



1 with that?

2 A. Is not, sorry?

3

4 Q. The ideal victim is perhaps a Caucasian or white woman  
5 who is meek, mild, downtrodden?

6 A. No, I think that --

7

8 Q. When I say that, that's the perception of what a  
9 victim should be?

10 A. Yes, yes, yes. No, a victim can be, you know, any  
11 women dealing with domestic and family violence. However,  
12 I don't think our First Nations women - I think the level  
13 of violence that our women are dealing with in the  
14 community is a lot higher, but a lot of it is unreported as  
15 well. As I said, a lot of women don't report it for all  
16 those reasons that we discussed earlier, and there's not a  
17 lot of value as well on the woman. We hear - like, if  
18 there's a horrific attack on a Caucasian women or we hear,  
19 you know, a Caucasian woman - they've been killed through,  
20 you know, all their stats of domestic violence, you know,  
21 it goes nationally, it's national news. But when it's a  
22 First Nations woman it doesn't even get the local paper.  
23 So, you know, it's all about the value. It's like our  
24 women aren't valued to the level as humans as Caucasian  
25 women, and we have women - you know, the rates of our women  
26 that are being - as victims and dying from domestic and  
27 family violence are far greater per capita, you know, for  
28 the population. So I don't think that we - and the media  
29 have a big role to play in that. You know, they don't  
30 value - Aboriginal lives don't matter, and that's what the  
31 whole Black, you know, Lives Matter movement is all about  
32 within Australia as well. But we get very little press  
33 around that, the number of women that are dealing with  
34 violence and the number of deaths due to violence as well.

35

36 Q. When we're talking about a decision to charge, when a  
37 woman decides, "I want this person to be charged who has  
38 committed these things on me," in your experience when the  
39 police respond are they - do they have explained to them  
40 the supports that are available, the help that can happen  
41 through the court process, the way they can give evidence,  
42 the way that they can have access to services to help them  
43 in that process?

44 A. I think it all depends on who the respondents are,  
45 I guess. Yes. So you will have, you know, police that  
46 have been trained within the service to deal with domestic  
47 and family violence that will pass on that information to

1 the victims. But in other cases there will be other  
2 officers called out that haven't had that training and that  
3 experience and that knowledge or information, or they might  
4 just give them some basic information, for example, like to  
5 go to NQDVRs or maybe to Legal Aid or whatever. That's  
6 very, very basic information that's given.

7  
8 Q. One of the experiences of Women's Legal Service  
9 clients - who service all of Queensland generally - has  
10 also been that there is often a question about charging  
11 someone at the doorstep, at the crisis incident, and then  
12 it's not revisited or picked up later on. From an  
13 Indigenous perspective, is that something that would be  
14 beneficial for women that you deal with?

15 A. Sorry, say that again?

16  
17 Q. Would it be beneficial for police to consider on an  
18 ongoing basis charges and revisiting charges rather than  
19 considering a charge at the beginning in the crisis  
20 situation?

21 A. I'm not sure - I'd probably you just leave that to the  
22 legal people to respond to that.

23  
24 Q. Sorry, I'm just crossing off the legal type questions;  
25 excuse me. You mentioned about conditions and the  
26 conditions on domestic and family violence orders. Can  
27 I just explore a little bit if you have any views on the  
28 effect of an ouster condition, which removes a woman, for  
29 example, or the man from the community, the impact of that,  
30 of removing them from the land?

31 A. Yes. Yes, I suppose - yes, it's - I guess it's a  
32 case-by-case - you'd have to consider depending on what's  
33 occurred and in regards to protection and the safety of the  
34 victims first and foremost, and, as I said, protection for  
35 the safety of the family. In regards to the impact on -  
36 are you saying the perpetrator being moved from that land?

37  
38 Q. Either.

39 A. Yes. I think when you talk to Andy from Palm Island  
40 she'll probably be able to give you more insight. Where  
41 you have people having to move from Palm Island to the  
42 mainland, she'll be able to give you more insight into  
43 that, the impact that that has on either the victim or the  
44 family. But definitely with the victim it can be really  
45 difficult. We have a lot of women here in our community  
46 that come from outside Townsville. I've met women who are  
47 victims from Western Australia, from New South Wales, from

1 South Australia, from the Northern Territory. They have  
2 had to move here as part of the safety for them and their  
3 children. But it does have a major impact on them because  
4 they're so far removed and isolated from their family and  
5 all their supports. So it does have a major impact on  
6 I know the victims and the women that I've met. Yes, a lot  
7 of them, they want to be able to return home but because of  
8 the safety concerns they have to stay here, and then they  
9 can't also - that has an impact on their children in  
10 regards to their cultural connections, their kinship  
11 connections and just their culture in general and being  
12 connected to that country and to the people there as well.  
13 So it has a major impact I know for the victims, for a lot  
14 of the women that I've met that come from here. You know,  
15 I meet them, I say, "Oh, wow, you're a long way from home,"  
16 and they talk about how - this is at the TIDDAS Yarning  
17 Circle. They often talk about how they really miss being  
18 home, they miss their family, they miss their community,  
19 they miss being on country, doing all the stuff that they  
20 normally do because, you know, a lot of them are - you  
21 know, that's home, so it has a major impact for victims and  
22 their families that have had to leave those communities for  
23 their own safety, and I'm sure Andy will be able to expand  
24 how that impacts with the people of Palm Island.

25  
26 MS HILLARD: Thank you, Commissioner. Those are my  
27 questions.

28 A. Thank you.

29  
30 COMMISSIONER: Ms Onus, can I just ask you a question which  
31 I'm sorry is fairly uninformed, but you were talking about  
32 Palm Island and how it housed the Stolen Generation - your  
33 father was one?

34 A. Yes.

35  
36 COMMISSIONER: Was there traditional owners on Palm Island  
37 before that happened?

38 A. Yes, yes. You've got the traditional owner groups in  
39 places like Palm Island, and then you've got what they call  
40 the historical families, I guess, that have been moved  
41 there through the policies of forced removal and Stolen  
42 Generation or assimilation policies. Andy will be able to  
43 give you more insight into that, but Palm Island - a lot of  
44 the population that is there now are the descendents of  
45 over 60 different tribes of people who were removed from  
46 the mainland, including as far as the Torres Strait and  
47 probably down as far as, you know, over some of the borders

1 as well of Queensland that have been forcibly removed back  
2 in the forcibly removal days and assimilation policies and  
3 were sent to Palm Island. So they're all the descendents  
4 that make up the community of Palm Island, including the  
5 traditional owner groups as well.  
6

7 So my father was from the Townsville/Burdekin area.  
8 Him and his siblings were sent to Palm Island and based up  
9 in the dormitory as children and then years down the track  
10 left the community and came back on the mainland, came back  
11 to their country.  
12

13 It's the same with my family on my mother's side, who  
14 were sent to Woorabinda. They were all moved off their  
15 traditional homelands from all over, from the Torres  
16 Strait - and that's with every Aboriginal reserve, which  
17 I regard as a detention centre, that were established, the  
18 people were removed from far and wide and placed into these  
19 institutions as part of the forcible removal policy,  
20 assimilation policy to break down the culture and the  
21 language.  
22

23 COMMISSIONER: So the attachment to country, if you were  
24 one of those groups that ended up - the 60 groups that  
25 ended up on Palm Island, is there the same attachment to  
26 Palm in those groups, or does their attachment stay with  
27 their original land?

28 A. I think Andy will be able to give you more insight  
29 but, from what I know of the community, they see  
30 Palm Island as home because it's been, you know, three to  
31 four to five generations of families that have been raised.  
32 So they recognise themselves the Bwgcolman people, who are  
33 the historical people that were sent there, and then you  
34 have the traditional owner group, who's Manbarra, so  
35 they're the traditional owners, and then you have the  
36 people Bwgcolman, who are - the people made up of different  
37 cultures, different languages that were taken there. But a  
38 lot of them, as Andy will provide you, they see -  
39 Palm Island is regarded as home.  
40

41 COMMISSIONER: Okay.

42 A. Although a lot of them have, you know, probably in the  
43 last maybe 20 to 30 years found out a bit more of their  
44 history and reconnecting back to where they --  
45

46 COMMISSIONER: Their original country?

47 A. -- initially came from. Yes, whether it's from, you

1 know, Cape York or the Torres Strait or out to the western  
2 areas or further south, a lot of them have reconnected  
3 through the native title process, I guess.

4  
5 COMMISSIONER: Yes. Okay. Thank you.

6  
7 MR McCAFFERTY: Nothing, thank you.

8  
9 MR HUNTER: Nothing, thank you.

10  
11 MS CAPPELLANO: I have no further questions, thank you,  
12 Commissioner. May Ms Onus be excused?

13  
14 COMMISSIONER: Okay. Thanks very much, Ms Onus.  
15 A. Thank you.

16  
17 **<THE WITNESS WITHDREW**

18  
19 MS CAPPELLANO: Commissioner, the next witness is Cathy  
20 Pereira. I call Cathy Pereira.

21  
22 **<CATHY PEREIRA, affirmed:**

23  
24 **<EXAMINATION BY MS CAPPELLANO:**

25  
26 Q. Ms Pereira, do you have a copy of your statement  
27 there?

28 A. I do. Just before we start, may I acknowledge the  
29 traditional owners of the land that we're meeting on today,  
30 the Bindal and Wulgurukaba people.

31  
32 Q. Thank you. And I might need you to speak up a little  
33 bit.

34 A. Sure.

35  
36 Q. Thank you. Can I begin by getting you to  
37 talk - I understand you're the principal legal officer at  
38 ATSIWLS. Can you just tell the Commission about the role  
39 of ATSIWLS?

40 A. Certainly. The Aboriginal and Torres Strait Islander  
41 Women's Legal Service North Queensland have recently  
42 changed its name to First Nations Women's Legal Service.  
43 However, not to confuse things, we'll leave it as it has  
44 been. So our role has been to provide legal advice,  
45 community legal education and advocacy for Aboriginal and  
46 Torres Strait Islander women in North Queensland  
47 particularly. But we do sometimes go beyond

1 North Queensland as well.

2

3 Q. And you provide legal services primarily in  
4 Townsville, but also Palm Island and Ingham, Ayr,  
5 Charters Towers and Mt Isa?

6 A. Yes. We're based in Townsville and we also have had a  
7 DV duty lawyer service to Palm Island since 2015.

8

9 Q. And in that role you have a duty lawyer service on  
10 Palm Island but you also have a duty lawyer service in the  
11 Townsville specialist domestic and family violence court?

12 A. No, we're not part of that DV duty lawyer service.  
13 But I should say we also have a community development  
14 worker on Palm Island, Andrea Kyle Sailor, who is here  
15 today, and she is fifth generation Palm Island. She's very  
16 much connected to the community and works with  
17 the community on Palm Island.

18

19 Q. And we'll hear some evidence from Ms Sailor in  
20 relation to that shortly. How many staff does the service  
21 have?

22 A. We currently have 14, but they're not full-time, not  
23 all full-time. We've grown from a service of about three  
24 to 14 over the period of time that I've been there. So  
25 it's about 13, 14 years.

26

27 Q. And so you've been with the service for about 13 or  
28 14 years?

29 A. Yes.

30

31 Q. How long have you been in this role as the principal  
32 legal officer?

33 A. For all but three months of that time, yes.

34

35 Q. And in the statement and submissions you've provided  
36 to the Commission you outline a lot of detailed issues, and  
37 is it the case that they have come from the feedback of  
38 yourself and the lawyers and the community development  
39 officers with clients of the service?

40 A. Yes, very much so.

41

42 Q. Has it also come from your lawyers' own observations  
43 from representing clients in domestic and family violence  
44 matters?

45 A. Yes, ,in preparing submission we did a survey of our  
46 case work files to try and capture the experiences of the  
47 women that we've assisted.

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Q. And is it the case that in 2021 you also conducted a number of stakeholder and community meetings in light of the taskforce consultation process?

A. Yes. We did have a lot of community consultation ongoing in various capacities; yes.

Q. Now, one of the concerns that is raised in your submission and your statement concerns surrounding police taking incident based approaches rather than - when responding to domestic and family violence rather than looking at patterns of behaviour. Is that something that you have heard and have also observed?

A. Yes. It's quite common, I'd have to say, that there's often not an understanding of the difference between a single incident or a minor incident and a pattern of coercive control involving fear and control and an intention to dominant another person. So the police very often do not make that distinction, even though it's quite clear in the Act I think in section 8 in explaining what the meaning of domestic violence is where you have a look at section 80.

Q. Can I just ask what are the effects - if that does occur, what are the effects that you, the lawyers, see for clients if there's a more incident based approach as opposed to looking at patterns of behaviour?

A. There's a number of effects from that. So the first and most obvious one is misidentification of who the actual perpetrator is. It inflicts more trauma on people clearly. It doesn't protect the people who need to be protected. I think it often leads to extended court proceedings that may be unnecessary. So, for example, where someone has been misidentified, there's quite a bit of ongoing court proceedings in relation to that. So it may be that it's going to proceed to trial because there's no way that someone is going to accept that - if they're the person that needs protection, they're not going to accept that the person who's named as the aggrieved is the person in need of protection.

Q. And you outline a number of case studies in the submission. I won't ask you to speak to all of them. But can you just give an example of the sorts of things you talk about in relation to the client Nancy who you discuss at page 3?

A. Sure. So in that particular case I think it's a

1 particularly egregious example where a woman had been  
2 assaulted, choked, crushed, and was absolutely in fear of  
3 her life called the police. She was able to escape from  
4 the perpetrator, took a knife from the kitchen for her own  
5 protection, although she didn't intend to use it, it was a  
6 way of trying to get the perpetrator to leave her alone.  
7 She called the police at the same time, the police have  
8 arrived, and they have spoken to him and he's given a  
9 version of events. She wasn't there so she doesn't know  
10 what was said. Then the police arrested her as the  
11 perpetrator because she's the person holding the knife when  
12 they arrived.

13  
14 So they've assumed that because she's holding the  
15 knife she's the perpetrator. They have accepted his story.  
16 If they had actually checked the records they would have  
17 found out that he had a history of violent offences and  
18 domestic violence against women in particular as well as  
19 violent offences, at least one violent offence against  
20 another woman who he wasn't in a relationship.

21  
22 Q. Another issue that you raise or a concern that you  
23 raise is what you describe as the victim worthiness  
24 narrative, and you talk about this from page 6. How do you  
25 see this dynamic affecting the clients that you represent?

26 A. There are misperceptions that if a person - I guess  
27 this has been spoken to a lot, probably in these hearings  
28 as well as in much of the stuff that's been written, but  
29 the expectation is that a woman is going to need rescuing  
30 from a situation and if she needs rescuing she's someone  
31 who is compliant, submissive perhaps, and certainly not  
32 expressing any form of defence against the other person.

33  
34 The result of that is that there can be real confusion  
35 with the police about who is the perpetrator. So, for  
36 example, if a woman has done minor retaliation or if she's  
37 acted defensively or if she's done anything that might come  
38 under the list of, you know, the definition of  
39 "domestic violence" in section 8(2) of the Act, then that's  
40 enough to either arrest her or do a cross-application.  
41 It's just a misunderstanding of who is the victim, who  
42 needs protection and understanding patterns of control as  
43 opposed to single incidents again of domestic violence.

44  
45 Q. And a concern that appears to be fairly consistent  
46 throughout the things that you talk about in the service's  
47 submission is a lack of understanding surrounding coercive



1 control as opposed to physical violence. Is that something  
2 that in representing clients you have seen?

3 A. Yes, again it's fairly common. It's not untypical at  
4 all. So where there hasn't been physical violence  
5 particularly but there's been abuse in a number of other  
6 ways then it's often not recognised. Again there's  
7 probably not the tools or something for the police to  
8 actually analyse what's going on and to make correct  
9 judgments on these things. But, whatever it is, there's  
10 often errors.

11

12 Q. So the example you give of Wanda I think in the  
13 submission isn't an isolated example?

14 A. Not at all. No.

15

16 Q. Another concern that you talk about is the imposition  
17 of conditions in circumstances where - additional  
18 conditions on orders in circumstances where they're not  
19 sought by an aggrieved. Is that a concern that you see  
20 regularly?

21 A. It's also very common. So I guess there's a  
22 misunderstanding of what constitutes protection, what sort  
23 of protection is needed at the time, and the other factors  
24 that impact on a person's decision as to whether they want  
25 to continue a relationship or not continue a relationship,  
26 whether they want to have contact with the other person or  
27 not have that contact. So the conditions are often taken  
28 at the incident, at the sort of height of the crisis. So  
29 if a woman, for example, goes to the police station and  
30 says, "No, I'm in fear, get him out of my house," or  
31 something like that, then that's interpreted as, "We need a  
32 condition that says he's got to get out of the house.  
33 There's a no residence condition, no contact condition, not  
34 to approach," and that's not always appropriate.

35

36 So it might have been the height of the crisis, but  
37 the crisis may not be a typical event in that family and  
38 the sort of thing that might have made a difference perhaps  
39 might be to have a co-responder model where there's someone  
40 who can analyse actually what's going on and what needs to  
41 be done and how far the protection needs to go.

42

43 Q. And in your experience how willing - you talk about  
44 the co-responder model as something that might assist first  
45 responding police. But in your capacity as a legal  
46 representative at the court stage how willing are the  
47 Police Prosecutions been in your experience to case

1 conference or negotiate in relation to conditions that are  
2 no longer sought by an aggrieved?

3 A. It varies. But I suppose the one that stands out in  
4 my mind is a difficult one. It was one where there was a  
5 family, there were a number of children, and there was a no  
6 contact condition and then that was later modified.  
7 I don't know who it was varied by, whether it was varied by  
8 the police or whether it was varied by the court or an  
9 application from the aggrieved. But what happened was  
10 there was a modification that said she can have contact  
11 with him or he can have contact with her in relation to the  
12 children or in relation to if there's court orders or  
13 something to that effect.

14  
15 The bottom line is that she wanted someone who was  
16 going to co-parent with her. She wanted to continue a  
17 relationship. Obviously she didn't want to have the  
18 violence, but she needed to be able to have him there to  
19 assist with raising the children. I think it also goes  
20 back to what Aunty Flo had said, which was that a lot of  
21 people are very cognisant particularly if they've grown up  
22 as children of Stolen Generations or they've grown up in  
23 single parent families, they don't want their children to  
24 be subjected to that. They actually want to be what they  
25 see as a whole family. They want to have both parents  
26 there. So those conditions are not necessarily  
27 appropriate.

28  
29 Sorry, I've veered off my story. In this particular  
30 case she actually did want him to be part of the children's  
31 lives and to be there as often as possible. The police  
32 response to that was, well, they can still co-parent even  
33 if there is a no contact condition, which is very sort of  
34 rigid. It forces the family structure into this artificial  
35 arrangement where they're not able to interact as a normal  
36 family because they need to be cognisant all the time of  
37 whether he's allowed to have contact with her or whether  
38 he's not allowed to have contact, whether this is one of  
39 those occasions where it's okay or it's not. You know,  
40 it's just simply not practical on the ground. But that was  
41 the police attitude to it.

42  
43 Q. And do I understand your evidence in relation to the  
44 capacity to case conference or negotiate in relation to  
45 those conditions being that it is mixed, so there might be  
46 some capacity to negotiate with some prosecutors but in  
47 relation to others there is a rigidity?

1 A. Yes, there is; that's true. I would say that, you  
2 know, we put quite a lot of effort into our submissions  
3 when we're case conferencing and we try to present the  
4 whole picture. Some police understand that and - sorry,  
5 police prosecutors understand that and they're willing to  
6 negotiate and develop something that's workable. But  
7 others are fairly sort of rigid on it. I think one of the  
8 reasons for that is they're coming from a criminal justice  
9 lens. The perception is that, "If someone's done the wrong  
10 thing then they must be punished and we're not going to  
11 risk another police call-out." Okay, I can understand  
12 that. But, you know, there needs to be a sort of  
13 pragmatism about it as well and there also needs to be  
14 those other supports for the family. That's where the  
15 co-responder model is so important.

16  
17 Q. Just in relation to a slightly different topic on  
18 police responses, as you mention in the submission there's  
19 a domestic and family violence and vulnerable persons unit  
20 in Townsville. Does your organisation have much of a role  
21 with that unit?

22 A. No, we don't. Not at all. We've had virtually no  
23 contact with them except when we've rung them up to say,  
24 "Who are you and what do you do?" That's really the extent  
25 of it. They're not first responders. They're not involved  
26 in first responses and I can't really say anything more  
27 about it.

28  
29 Q. Your organisation is not part of the integrated  
30 response group --

31 A. No, we're not.

32  
33 Q. Run by that organisation.

34 A. No.

35  
36 Q. Are you part of the working group stemming out of the  
37 specialist court?

38 A. Yes, we are. We've been a part of that from the  
39 beginning.

40  
41 Q. Are the domestic and family violence vulnerable  
42 persons unit a part of that working group with the courts?

43 A. I'm not entirely sure. I don't think so.

44  
45 Q. Have you in your interactions had any --

46 A. No, not particularly. I could be wrong about that,  
47 but I don't think - the police are certainly part of it,

1 and whether those police are from the vulnerable persons  
2 unit I couldn't say.

3

4 Q. Certainly. I do understand your evidence correctly  
5 that you see the introduction of a domestic and family  
6 violence vulnerable persons unit where there are specialist  
7 police in relation to domestic and family violence matters  
8 as a positive development?

9 A. Yes. Yes, definitely.

10

11 Q. And is it the case that the gap that you identify is  
12 that - there are a number of things you talk about, but one  
13 is whether or not that specialty filters down to first  
14 responding police?

15 A. Yes. They do need to be specialists because mistakes  
16 are actually made at the frontline very often, or a lot of  
17 them anyway.

18

19 Q. You've mentioned a number of times about a  
20 co-responder model. What do you see as the benefits of  
21 such a model?

22 A. Co-responder as in - sorry, I guess that can mean a  
23 lot of different things.

24

25 Q. Of course. What do you understand?

26 A. Okay. I would want to see as part of it people who  
27 are embedded in the community. So particularly in discrete  
28 communities there needs to be either police liaison  
29 officers or other people who are actually embedded in the  
30 community. I think there needs to be probably social  
31 workers, dispute resolution people who are associated with  
32 that. There needs to be someone who can look at the  
33 situation in the holistic way and say, "What's actually  
34 needed here?"

35

36 Where someone needs to be taken away by the police,  
37 that's fine, that's part of it. But it's what happens next  
38 that is important as well for the family very often. So  
39 there needs to be a range of services available and places  
40 that people can go for assistance. It's really important  
41 that men who do commit domestic violence can have access to  
42 programs so that they have a better understanding of  
43 domestic violence, because I think in a lot of cases the  
44 impressions we're getting anyway from our clients is that  
45 the men often regret having committed domestic violence.  
46 They know, for example, that if they drink they're going to  
47 be likely to - more likely to commit domestic violence if

1 that's been a pattern in the relationship or even if it's  
2 not been a pattern that, you know, there are certain  
3 triggers that might result in domestic violence. So for  
4 that reason I say that people who commit domestic violence  
5 actually do need to have programs, they need to be  
6 culturally competent, they need to be based on an  
7 understanding of the family and the community dynamics and  
8 so forth.

9  
10 Q. Is it the case that - we've heard there's talk of a  
11 high-risk team starting in Townsville. Have you had any  
12 interactions with high-risk teams?

13 A. No, I haven't. But we have been told there will be a  
14 high-risk team in Townsville. One of the stakeholders I've  
15 spoken to recently spoke very highly of the high-risk team  
16 and the benefits of having everybody at the table, you  
17 know, from Victim Assist to Health to police to sort of get  
18 a better sort of holistic idea of what needs to happen and  
19 where there's a particular risk in a situation.

20  
21 Q. And you've identified and talked in your evidence  
22 about perhaps gaps in policing response in terms of a  
23 co-responder model, the role of the - a further role for  
24 the VPU unit. You also outline in your statement a number  
25 of other recommendations or things that you would like to  
26 see or are currently missing in the police response. I'm  
27 not going to ask you to talk to all of those now, but  
28 I just want to make sure that I have covered the field or  
29 understand your evidence in this regard. Are those other  
30 things that you've identified cultural competence training  
31 imparted by community?

32 A. Yes.

33  
34 Q. Further police training in relation to domestic and  
35 family violence?

36 A. Yes, that's right.

37  
38 Q. Is it the case it's important for that to be developed  
39 by specialists rather than police?

40 A. Yes.

41  
42 Q. Why is that important?

43 A. It's important that police liaise with community in  
44 developing cultural competence and that police also develop  
45 specialisation in domestic violence so that there are  
46 specialist units in police stations and you sort of get  
47 less variation, I suppose, between the response you get

1 from one place and another place. So --

2

3 Q. I think you have answered the question, but certainly  
4 you identify cultural competence as an area and that that  
5 has to developed with community.

6 A. Yes.

7

8 Q. And also the second part of that is you identify there  
9 are further need for further training on domestic and  
10 family violence dynamics, including coercive control and  
11 patterns of behaviour?

12 A. Yes.

13

14 Q. And do I understand your evidence correctly that that  
15 needs to be developed in consultation with support service  
16 providers and domestic and family violence specialists  
17 rather than in-house?

18 A. Yes. Yes, absolutely. That's the other point that  
19 I wanted to make in relation to developing an understanding  
20 of domestic violence and coercive control, that it's really  
21 important to work with some of the other frontline services  
22 such as the domestic violence resource services and women  
23 services, understanding that domestic violence is a  
24 gendered issue. So it's really important to have that  
25 input so that all of those messages get to people who are  
26 trained specialists.

27

28 MS CAPPELLANO: They were the questions that I had for  
29 you, thank you, Ms Pereira.

30 A. Thank you.

31

32 COMMISSIONER: Yes?

33

34 **<EXAMINATION BY MS HILLARD:**

35

36 Q. Just in relation to your reference to there being  
37 people embedded in the community as an ideal response  
38 model - sorry, I shouldn't use the word "response" - as an  
39 ideal approach, there's been some talk about things being  
40 co-located and sometimes multi-disciplinary teams. So can  
41 I just ask a couple of questions about that. One of the  
42 things that arose in an inquest from earlier this year was  
43 a recommendation that there be a multi-disciplinary team  
44 that included Mental Health, Housing, police, a lawyer,  
45 domestic and family violence specialists and social  
46 workers, a men's contact and also Child Protection. Is  
47 that the type of skill set that would suit Indigenous

- 1 communities?
- 2 A. Yes. Again they need to be services that are  
3 culturally competent. So the opinion of one person and one  
4 service is not necessarily going to be one that is a good  
5 fit for that person or that community. So there needs to  
6 be cultural competence, maybe a sort of accreditation  
7 system that you can't be a part of that multi-disciplinary  
8 team unless you have also achieved a level of accreditation  
9 in cultural competence, because otherwise mistakes are  
10 going to be repeated.
- 11
- 12 Q. One of the people or one of the groups in that  
13 proposed model and also - sorry, I'll just focus on that.  
14 One of the groups in that model is someone from Child  
15 Safety or Protection, or Child Protection. Given that  
16 there is a high level of referral for Indigenous women to  
17 DOCS when they become engaged with domestic and family  
18 violence, would that component be suitable in a --
- 19 A. Yes - sorry --
- 20
- 21 Q. I'm only asking specifically because I want to know  
22 the answer.
- 23 A. Yes, and I want to give you the answer as well.  
24 I think having Child Protection in that multi-disciplinary  
25 team is going to be a red flag to parents. Parents are  
26 absolutely terrified of having their children removed.  
27 They're very cognisant of the history of Stolen  
28 Generations. But there are other services who work in the  
29 child protection area who would be appropriate.
- 30
- 31 So, for example, in Townsville there's the Townsville  
32 Aboriginal and Islanders Health Service, TAIHS, which has  
33 people who work with parents in the child protection area.  
34 They would be the appropriate person in that  
35 multi-disciplinary team rather than someone from the  
36 department. Someone from the department I think would  
37 generate a lot of anxiety for the parent in seeing that  
38 person there, just heighten anxieties about children being  
39 removed.
- 40
- 41 Q. And from the perspective of Indigenous women, bearing  
42 in mind the evidence we've heard and you speak about the  
43 fear and that historical intergenerational trauma, if it  
44 was a multi-disciplinary at a location rather than at a  
45 police station does that have a bearing?
- 46 A. I suppose my take on it is that it would be better not  
47 to be at a police station, but only because I know that

1 there's a lot of anxiety around police with the community.  
2 I can't speak with authority about that issue, but I think  
3 that you should hear from Andrea and any other  
4 First Nations people who are giving evidence as to whether  
5 being at a police station would be a barrier.  
6

7 I can see the benefits both sides because on the one  
8 hand having a multi-disciplinary team co-located at a  
9 police station has the benefit that it may change the  
10 culture of the police station rather than police station  
11 being here and multi-disciplinary team being in another  
12 place. However, I guess the benefits of changing police  
13 culture and ensuring that people don't feel there's a  
14 barrier to accessing a multi-disciplinary team is something  
15 that has to be weighed up.  
16

17 Q. You talked about people being embedded in the  
18 community and co-location. You may or may not know there's  
19 been some work done I thought in this area of a police  
20 officer being embedded or working closely with a refuge.  
21 Do you know anything about that?

22 A. I don't, no.  
23

24 Q. In relation to some of the questions that you were  
25 asked about the incident based responses and the like,  
26 I can only speak from the experiences of Women's Legal  
27 Service, from clients that engage there. The experience  
28 has often been that when they get misidentified they also  
29 often get charged as well as become a respondent on an  
30 application for a domestic and family violence order. Is  
31 that something that you have observed for Indigenous women  
32 as well?

33 A. Certainly becoming a respondent on a domestic violence  
34 application, yes. Yes, and also the charging; yes.  
35

36 Q. Do you have a view about whether the Police Service  
37 and the police in this area have a good understanding that  
38 that's really like a systems abuse by a perpetrator  
39 effectively coercing them to do those actions against who  
40 is the real victim?

41 A. Absolutely. I think this is where it's necessary to  
42 have tools to identify where there's been coercive control  
43 because - and I would suggest that a person probably  
44 shouldn't be charged until there's been a proper assessment  
45 of whether there's actually been an offence committed and  
46 whether it's appropriate to charge in all the  
47 circumstances.



1  
2           So one of the examples that I gave was of a woman who  
3 had done very minor property damage, not aimed to cause  
4 fear but just a matter of frustration; so, for example,  
5 breaking a piece of crockery or something like that, all  
6 right. In that situation I can't recall if she was charged  
7 but I believe she was, charged with causing property  
8 damage. It was ludicrous because there was no intention to  
9 cause fear, it didn't cause fear.

10  
11           In actual fact what was happening was that he was  
12 weaponising the police against her. He called the police.  
13 I saw the body-cam footage of the police interviewing the  
14 person who - the partner, basically. The attitude of the  
15 police was very friendly towards him, and he repeatedly  
16 said, "I just wanted her to stop, that's all. It was an  
17 argument. I just wanted her to stop." So he's weaponised  
18 the police. The police asked him, "Do you need protection  
19 and feel afraid of her?" No, he doesn't feel afraid of  
20 her. No, he doesn't feel like he needs protection. But  
21 the police have decided to go ahead with an application  
22 anyway. The circumstances of it was so inappropriate  
23 I can't even begin to explain that. It was absolutely one  
24 of the - it was systems abuse. And it happens.

25  
26           I mean, there have been other cases where mental  
27 health services have been weaponised against women. That's  
28 actually not uncommon either. So, yes, systems abuse is  
29 quite common. I think one of the worst examples of systems  
30 abuse was another case that I was involved in that really  
31 went on for a very extended time where the perpetrator had  
32 an ulterior motive, I'll say, in relation to the children.  
33 He was intending to commence family law proceedings and he  
34 wanted the children out of her care. He weaponised - well,  
35 he committed systems abuse, and I don't know whether that's  
36 the sort of thing that would have been recognised, but that  
37 was most definitely what was going on.

38  
39 Q.   I'll just pick up on a couple of things in your answer  
40 there. You've been practising for a long time working  
41 solely with Indigenous women; is that right?

42 A.   Yes.

43  
44 Q.   And these examples that you're giving, they're not  
45 just isolated incidents; they're very common experiences?

46 A.   Yes.  
47

1 Q. And when I say "common experiences" they're not just  
2 things that women are telling you; they might just be  
3 things that women are telling you, but would you agree that  
4 these are things that you as a lawyer are seeing the  
5 evidence of that support these things that they're saying?

6 A. Absolutely. Any examples I've given I haven't used  
7 any cases where it's just hearsay. It's where we've  
8 actually seen the evidence. So, yes.

9

10 Q. And in relation to the police responses around that  
11 from your perspective how can they be improved in this  
12 particular area?

13 A. In the area of?

14

15 Q. Sorry, the regional area in Townsville?

16 A. In Townsville, okay. For a start having that  
17 co-responder model, having specialists in domestic violence  
18 in police stations to make sure that responses are  
19 appropriate and measured and proportionate and that they  
20 don't end up traumatising or abusing the person who's  
21 actually the victim of domestic violence. There needs to  
22 be a very high level of cultural competence. In the  
23 Townsville regional area I think about 8 to 9 per cent of  
24 the population is Aboriginal or Torres Strait Islander,  
25 identify themselves, and of course you've got discrete  
26 communities like Palm Island. So it's very important to  
27 have cultural competence. I think there needs to be also  
28 tools to help police assess coercive control.

29

30 Q. In respect of some of the issues that Women's Legal  
31 Service Queensland hear of for their clients that they  
32 represent one of the complaints or a common complaint is  
33 women will attend a police station or they will make a  
34 complaint to police and they are turned away.

35 A. Yes.

36

37 Q. Is that something that is common with Indigenous or  
38 First Nations women?

39 A. Yes, it certainly is. We have sent women down to the  
40 local police station, which is two blocks away from where  
41 we are, and said, "You need to make a complaint." They  
42 have come back and said, "No, they're not listening to me."  
43 We've had someone go down with them and sometimes they're  
44 still not listened to. We've had women try to call police  
45 to attend someone with the (indistinct) peacekeeping force.  
46 Police are very reluctant to do that. They don't see that  
47 apparently as their job so much and they have got more

1 important things to do. So, yes, women's complaints very  
2 often are trivialised.

3

4 Q. Once again is that something that is common in your  
5 experience in representing ATSI people?

6 A. Yes, I have to say - I'd have to say that it's - it  
7 occurs, you know, with some frequency; yes.

8

9 Q. And you're talking about having worked for many years.  
10 Is this something that occurs as with all of your examples  
11 even recently, in recent months, recent years?

12 A. Yes.

13

14 Q. In respect of turning up at the police station or  
15 making a complaint one of the other things that Women's  
16 Legal Service Queensland hear from clients is also that  
17 when they attend their details are often not taken,  
18 therefore there is not a DV occurrence log that is made.  
19 Is that something that is common with Indigenous clients  
20 that you have observed?

21 A. Yes, it is. So usually if I'm suggesting that someone  
22 go to the police and make a complaint then I'll talk to  
23 them about, you know, making sure that a statement is taken  
24 because if they just talk to you and then they send you  
25 away that's not the same thing and it's not going to be  
26 recorded. So I try to make that distinction with them  
27 because it is very common for women to just be turned away  
28 or someone, you know, just talks to them and then that's  
29 the end of it or maybe they say someone is going to get in  
30 touch or something but they never do. But I try to make  
31 sure that they actually ask if they can make a statement.

32

33 Q. In terms of breaches of domestic violence orders that  
34 are in place you mention on page 7 of your statement some  
35 difficulties about that, but you also talk about escalating  
36 threats and stalking behaviours. So it's just at the last  
37 paragraph, your example of Wanda.

38 A. Yes.

39

40 Q. Can I just ask about the breaches as well and making  
41 those complaints to police. One of the issues common for  
42 Women's Legal Service Queensland clients has been their  
43 difficulty in breaches being charged and difficulty in  
44 getting criminal charges connected with a breach when a  
45 breach is charged.

46 A. Right. I think in this particular example it was  
47 extremely difficult to get the police to take it seriously,

1 and it was also very difficult to get any breaches against  
2 that person, and certainly no criminal charges were made.  
3 Whether it's typical, I can't say. But I would suggest it  
4 probably is given that women's complaints are often  
5 trivialised. So, yes.

6  
7 Q. Do you have any experience or have you seen where  
8 there are repeat breaches circumstances where police might  
9 charge stalking, for example, or is that quite rare; they  
10 don't really consider it? So if there are multiple  
11 breaches of an existing order it will probably amount to  
12 stalking charges; is that something that you've seen the  
13 police rarely charge or consider?

14 A. It's pretty rare. From my experience that's very rare  
15 for stalking charges to be brought. I can't think of a  
16 single case. But, you know, that's my experience. So,  
17 yes, it is quite rare.

18  
19 Q. One of the questions I asked one of the earlier  
20 witnesses today, I'm not sure if you were in the back of  
21 the room, was around charges being laid and the decision by  
22 a First Nations woman to decide to lay charges. Do you  
23 have a view about the appropriate point in time on when  
24 that should be discussed with the woman? Is it at that  
25 crisis situation or is it a much more considered approach,  
26 from the perspective of First Nations women?

27 A. So from the experience of the people that I've worked  
28 with it's much better to wait until there's a considered  
29 time to do that. Doing it at the point of crisis is not  
30 likely to get the best result. As I say, when people are  
31 in crisis they may be misunderstood, they're obviously very  
32 heightened at that time, and it may not be typical of how  
33 their day-to-day interactions are, and it's probably more  
34 appropriate to look at it at a point where there's been an  
35 assessment of what sort of offence has been committed,  
36 whether there's a pattern of it, whether it's a single  
37 incident, whether the woman needs protection, the  
38 protection of it, and that the police have given her an  
39 opportunity to express her views of whether or not she  
40 wants to press charges.

41  
42 It may also be - just to look at the converse  
43 situation, it may be that in a crisis situation she's going  
44 to feel too afraid to say, "Yes, I want charges laid."  
45 But, having considered it and perhaps gotten to a safe  
46 place, she might well be in a position to say, "No, I'd  
47 like him to be charged." Yes.

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Q. And in your view or do you have a view about there being room for improvement with providing information when that conversation happens about charges about how the victim can be supported and what the court process actually (indistinct)?

A. There's a desperate need for that. So I've had a lot of women just very distressed by - I can think of one woman in particular, but she's not atypical, it's reasonably common, where she had to go and sit through a trial day after day with almost no support, nobody telling her what's going on, not really understanding it, and then she said at the end of that, "Nobody asked me to give evidence. I was just told to go and that was it." So she came to us after the event. We weren't supporting her through the event. We weren't aware of it until she told us about it.

That's only one example, but it's really quite common where the woman is the complainant and the victim, she often does not understand the legal procedure, she's often not supported, there's not a whole lot of police support, they're more concerned with the procedure rather than the victim, and they don't understand the impact on the person who's going through that.

Q. You mention in your statement reference to the Human Rights Act?

A. M'hmm.

Q. One of the things is the Victims Charter of Rights of Queensland which talks about the right of a victim to be informed and to be told and to be engaged?

A. Yes.

Q. Is that something that you think there is room for improvement with police awareness about that?

A. Yes, absolutely. I just rely on everything I've said so far, but there needs to be a big improvement in that area.

Q. You mentioned generally in your evidence about police responses. Can I just talk about delays in calls for service and calls for service being provided when there is a call for police assistance (indistinct). I appreciate that sometimes there might be logistical problems in the sense of geography in getting there. But, whether it's geography or whether it is resistance, can I ask you does

1 it matter when there is a delay that results in a woman  
2 disengaging?

3 A. Yes, again, it doesn't so much matter what the reason  
4 is. The impact is the same. If the woman is not getting  
5 assistance then she's not going to feel inclined to - it  
6 could have a number of impacts. She could feel  
7 traumatised. She may feel disinclined to call the police  
8 the next time. She may decide to find her own way of  
9 dealing with the situation that could potentially put her  
10 in danger.

11  
12 Q. You speak in your submission about poverty and  
13 disability and those types of things. We perhaps  
14 understand them as intersectional features. So when they  
15 all intersect the impact is exponentially worse for the  
16 individual. When we talk about poverty and those sorts of  
17 issues do you think that the police have a good  
18 understanding of how that impacts on the domestic and  
19 family violence, first of all, and then how does that  
20 influence their responses?

21 A. Look, I still think that the way that the police are  
22 looking at it is through a criminal justice lens. That  
23 means that when they look at it they're interested in, "Has  
24 an offence been committed? Can we define this as domestic  
25 violence? What are we going to do about it?" They're not  
26 really thinking about the pig picture, and that's why I say  
27 there's a need for the co-responder model that actually  
28 does look at those sorts of things.

29  
30 But certainly with poverty, I mean, that's a huge  
31 reason for women not necessarily wanting to separate from  
32 their partners. Housing is very scarce in Townsville and  
33 even more so in Palm Island. Poverty is a factor that's  
34 going to impact on the family and how they're going to  
35 survive, particularly if the perpetrator of  
36 domestic violence is also the breadwinner. So there's a  
37 lot of things that will impact on it, and police aren't  
38 trained to consider those things and consider what  
39 conditions they're seeking - how the conditions they're  
40 seeking are going to impact on the family as a whole.

41  
42 Q. In relation to some of the complaints or concerns that  
43 are raised for women who engage with Women's Legal  
44 Service and the lawyers that work there is that often when  
45 we talk about conditions it seems to be very frequently  
46 this all or nothing approach or a very heavy-handed  
47 approach in seeking conditions without little thought for

1 it. Do you see or how do you see that that can be  
2 improved? I mean, training is one. But other than that?  
3 Let me make this suggestion: would it have something to do  
4 or would there be a role for a community justice group in  
5 an Indigenous community, for example?

6 A. Absolutely. A community justice group is incredibly  
7 important, but again that goes back to co-responder models  
8 or having a multi-disciplinary team, having someone who's  
9 embedded in the community. So I'm thinking particularly  
10 Palm Island, but I'll let Andrea speak to that. Consulting  
11 with a community justice group about what's appropriate and  
12 what's not would make a huge difference, I think. In terms  
13 of there's this family - they would be able to give a lot  
14 of information. I'll let Andrea speak to it.

15  
16 Q. You may or may not have been present when Mr McKenzie  
17 was giving his evidence, but the domestic and family  
18 violence specialist court at present doesn't have the  
19 Community Justice Group spot at the table. Bearing in mind  
20 that you're a lawyer, you go to court, you do those  
21 applications, do you see a benefit in that involvement in  
22 assisting, first of all, and then when we look at police  
23 responses, Police Prosecutions engaging?

24 A. Yes. So I can see benefits both ways. So if police  
25 consult with the Community Justice Group then they're more  
26 likely to get a better outcome because quite often there  
27 will be a better understanding because the Community  
28 Justice Group is very much embedded in the community. So  
29 they will probably understand the situation better.

30  
31 In terms of the court I have to admit I've never  
32 thought about that. But it sounds like a good idea to me  
33 to have the Community Justice Group sit in DV court in some  
34 situations.

35  
36 Q. When we're talking about responses to domestic and  
37 family violence and referrals through to Murri Court  
38 matters don't go automatically through to Murri Court when  
39 there's a charge; is that right?

40 A. I don't deal with the criminal side of things at all.

41  
42 COMMISSIONER: They don't. There has to be agreement by  
43 the person.

44  
45 MS HILLARD: I thought so too. Commissioner, those are my  
46 questions. Thank you.

47

1 MR McCAFFERTY: Nothing, thank you.

2

3

<EXAMINATION BY MR HUNTER:

4

5 Q. Just a couple of very quick questions. Can I ask you  
6 about a case study regarding Nancy?

7

A. M'hmm.

8

9 Q. The one where there was a failure to take account of  
10 the extensive history involving her partner?

11

A. Yes.

12

13

Q. Do you know when that was?

14

A. I can't give you an exact --

15

16

Q. Are you familiar with the devices that are now used by  
17 police called Qlites?

18

A. No, I'm not.

19

20

Q. Would you agree that if there was a portable device  
21 that police could have on them when attending at a domestic  
22 incident that enabled them to quickly ascertain what the  
23 history was between the parties that would be --

24

A. Absolutely, yes.

25

26

Q. All right. Thanks. In relation to the case study  
27 No.4 concerning Mary?

28

A. Yes.

29

30

Q. This is the no contact and the ouster condition?

31

A. Yes.

32

33

Q. You say he was arrested and there was an order made as  
34 a result of an incident. Do you know what that incident  
35 involved, that is what level of seriousness was associated  
36 with that incident?

37

A. I can't really answer that question, sorry.

38

39

Q. Okay. You accept that the nature of the police  
40 response may well have been based upon how her partner had  
41 behaved?

42

A. Yes.

43

44

Q. Do you know whether she herself had said to police  
45 that she wanted, for example, a no contact condition or an  
46 ouster condition?

47

A. I can't say for certain in that particular case.



1 I can only say that it's possible that she had said at the  
2 time. Sorry, I actually can't - I'm not sure I can answer  
3 that question.

4

5 Q. We do know, though, that she then sought to have the  
6 no contact and ouster condition varied?

7 A. Yes.

8

9 Q. But the situation was complicated because, although he  
10 had been referred to a men's group for some counselling  
11 regarding his behaviour, he refused to engage with them?

12 A. I think the situation was that he had been in custody  
13 and hadn't been able to access programs there. So I think  
14 that might have been the defining factor in it.

15

16 Q. And I suppose, depending upon how serious the incident  
17 was, is it fair to say that you could understand why police  
18 might take a conservative approach to the relaxation of  
19 some conditions?

20 A. I think the important thing here is that was the  
21 domestic violence ongoing, and it wasn't in this situation,  
22 and that police can't keep on referencing the worst  
23 incident they're aware of and make that the defining  
24 element. I realise that from a criminal justice point of  
25 view that makes perfect sense. But in terms of, you know,  
26 what does the family actually need and having to look at it  
27 holistically, it's just not appropriate.

28

29 Q. Okay. Do you know whether there had been any previous  
30 episodes of domestic violence between that --

31 A. No, sorry.

32

33 Q. You don't? So there may have been?

34 A. There may have been.

35

36 Q. And whatever occurred on this occasion it was  
37 sufficient to result in him being remanded in custody?

38 A. Yes.

39

40 MR HUNTER: All right. No further questions. Thank you.

41

42 MS CAPPELLANO: I have no further questions, thank you.

43

44 COMMISSIONER: Thank you very much, Ms Pereira. You're  
45 free to leave.

46

47 <THE WITNESS WITHDREW

1  
2 COMMISSIONER: I understand you want to have a chat to the  
3 next witness.  
4  
5 MS CAPPELLANO: Yes, thank you.  
6  
7 COMMISSIONER: We'll just adjourn. Let us know when  
8 you're ready.  
9  
10 MS CAPPELLANO: Thank you.  
11  
12 **SHORT ADJOURNMENT**  
13  
14 MS CAPPELLANO: Thank you, Commissioner. I call  
15 Andrea Sailor.  
16  
17 **<ANDREA SAILOR, affirmed:**  
18  
19 **<EXAMINATION BY MS CAPPELLANO:**  
20  
21 Q. Ms Sailor, do you have a copy of your statement there  
22 if needed?  
23 A. I do.  
24  
25 Q. And free to refer to that if you do need it throughout  
26 your evidence?  
27 A. Thank you.  
28  
29 Q. Ms Sailor, do I understand correctly you're the  
30 community development worker on Palm Island for ATSIWLS?  
31 A. Yes, I am.  
32  
33 Q. Do you also have further roles in community?  
34 A. Yes, I do.  
35  
36 Q. Do you want to explain that to the Commission?  
37 A. Yes. I am a member of the Community Justice Group on  
38 Palm Island as well, and have been for seven years also.  
39 I'm also an elected councillor on the local authority,  
40 local council. Yes.  
41  
42 Q. Did you grow up on Palm Island?  
43 A. I spent my second half of my life on Palm Island. My  
44 mother was born and bred on Palm Island, and we moved away  
45 in later years, and we returned back in the 80s to  
46 Palm Island.  
47

1 Q. And is your family historical owners?

2 A. Yes. I am one of six generation Bwgcoldman we call  
3 ourselves, which is all the tribes of Palm Island. I'm a  
4 traditional owner for the Whitsundays. However, for the  
5 benefit of the Commissioner, I have a strong attachment to  
6 my traditional lands, which is undergoing native title at  
7 the moment.

8  
9 COMMISSIONER: You said that's in the Whitsundays?

10 A. Yes, that area. And I'm also a Bwgcoldman woman as  
11 well. So I have a strong attachment to Palm Island. So my  
12 mother is buried on Palm Island. So my heart is with Palm  
13 as well. We didn't take her back to the traditional lands  
14 because she was born on Palm Island and grew up there.

15  
16 COMMISSIONER: Thank you.

17  
18 MS CAPPELLANO: And in terms of your role as a Justice  
19 Group member, you've heard evidence today about how the  
20 Justice Group works in Townsville. Are there any  
21 differences with how the Justice Group operates on  
22 Palm Island?

23 A. Yes, there is. The Palm Island Justice Group is very,  
24 very involved with the court system on Palm. The Justice  
25 Group in Townsville I believe is made up of a group of  
26 Elders as opposed to Palm Island, we're a cross-section of  
27 the community. So we have younger people, we have our  
28 Elders and we have my group that sits in the middle.

29  
30 COMMISSIONER: So how many are in the Community Justice  
31 Group on Palm?

32 A. So there's 25 members on the Justice Group. There are  
33 about 10 that are active at the moment. Because of work  
34 commitments, a lot of people aren't able to do it. But  
35 they still are committed members as well.

36  
37 MS CAPPELLANO: What is the role of the Justice Group on  
38 Palm Island?

39 A. The justice groups are legislated and the main - not  
40 the main - we sort of made the Justice Group on Palm to  
41 suit Palm Island. So we look after the AMP, alcohol  
42 management plan. We sit on the liquor accord as well. We  
43 get highly involved in the courts, both criminal and DV.  
44 We've heard today from Mr McKenzie that the Justice Group  
45 in Townsville doesn't get involved in the DV specialist  
46 court. However, the Justice Group on Palm Island does; not  
47 to the extent of sitting in the courtroom of course, closed

1 court, but ATSI Women's Legal Service might have a client  
2 and may have been misIDed or something's happened and we  
3 will request the Justice Group to provide a cultural report  
4 and say the upbringing of this person, give a really clear  
5 background or what they have gone through, some of our  
6 clients and parents have been murdered, either one of their  
7 parents have been murdered, a long history, you know, the  
8 Elders will let us know as well as we know the knowledge of  
9 each of the families.

10  
11 COMMISSIONER: Is that for both parties, you give the  
12 cultural reports?

13 A. Only from ATSI Women's Legal Service perspective, when  
14 they are the respondent as opposed to the aggrieved.

15  
16 COMMISSIONER: Okay. I get you.

17 A. But I haven't known QIFVLS or Queensland Legal Aid to  
18 do that for the male respondents.

19  
20 MS CAPPELLANO: So that court report as far as you're  
21 aware from your Justice Group, that involvement occurs for  
22 respondents?

23 A. Yes.

24  
25 Q. Is that taken into account in the making of an  
26 application or is that taken into account in terms of  
27 criminal matters?

28 A. In the making of an application, yes, just to sort of  
29 give just a background to court in relation to DV, what  
30 sort of upbringing they have had; not that that's a  
31 reflection on every person what they are today but --

32  
33 Q. Yes, of course. In terms of - sorry, just in relation  
34 to the Justice Group involvement, and obviously you do wear  
35 a lot of hats and so your knowledge would also come from  
36 those other roles that you hold, do you have any sense of  
37 the level of understanding of people at court who come  
38 before the domestic and family violence courts as to the  
39 processes, as to the outcomes?

40 A. Yes. Sadly a lot of the clients that attend DV court  
41 have very low education, very, very - poverty, low income,  
42 not many people in the family work, and therefore their  
43 understanding isn't quite clear. So part of the Community  
44 Justice Group on Palm Island with the specialist court is a  
45 DV unit that's been created. So with that DV unit there's  
46 three employed. So there's a coordinator and there's a  
47 male court support officers and a female court support

1 officers. I believe that's the case here in Townsville as  
2 well.

3  
4 Q. And this is part of the specialist court, is it?  
5 A. Yes.

6  
7 Q. And are those people there providing support services  
8 like counselling or is it a support service to understand  
9 court processes?

10 A. Understanding court processes.

11  
12 Q. And who are the people in that service? Where are  
13 they taken from? Who are the support workers? Are they  
14 court staff or --

15 A. No, no, no, they're just locals. Two locals. A male  
16 and a female. Of course Karl explained today the men's  
17 business and women's business. So they're quite separate.  
18 So that's why we have a male support officer and a female.

19  
20 Q. And were you also involved in the Murri Watch program  
21 on Palm Island?

22 A. Yes, I was. I was the weekend worker.

23  
24 Q. And, although I understand you don't have that role  
25 currently, through those different roles that you have do  
26 you see yourself and also hear accounts from the people  
27 that you deal with of interactions between those people and  
28 the police?

29 A. Yes, yes, regularly.

30  
31 Q. And is that generally but also in relation to domestic  
32 and family violence matters?

33 A. Generally.

34  
35 Q. And Palm Island, as we've heard a number of times even  
36 through evidence this morning, is a place with a very  
37 specific history.

38 A. Yes.

39  
40 Q. And also quite specific relationships with police.  
41 Are you able to just provide some background to that?

42 A. Yes. So Palm Island is very, very complex with the  
43 numerous tribes, the Stolen Generation or removed to  
44 Palm Island, my great grandparents being part of that  
45 removal as well. So having all those different tribes  
46 there was tension from the start.

47

1           In 1930 on Palm Island we had - the superintendent, he  
2 went crazy and shot the doctor and doctor's wife and  
3 family. So one of our local members of the community was  
4 instructed by the police at the time to shoot Curry, which  
5 he did, and he was then sent to prison for what he had  
6 done. So there's that mistrust and negative attitudes  
7 towards police from 1930. Everybody's aware of the 2004  
8 riots as well which has certainly not amended police  
9 relations on Palm Island. And in 2022 the relations are no  
10 better than they were in 1930.

11  
12           Our Justice Group coordinator works closely with  
13 the police on our behalf. I personally - I do work with  
14 the police as well. I have never once been called to  
15 assist or support any women in the watchhouse, only except  
16 through Murri Watch when I was called to go there. I'm  
17 more than happy to support women in the courthouse - sorry,  
18 in the police station, because it's quite intimidating, the  
19 police station, because there are police up and down and  
20 it's very cold - I mean temperature wise it's cold. Yes,  
21 and it's an old fab building because the old police station  
22 was burnt down of course in the riots. So, yes, I've never  
23 been once called to assist and support any women.

24  
25           Q.    And you say in your statement that there is this  
26 ongoing mistrust and fear of police by community?

27           A.    Yes, yes. And I think that stems way back from  
28 history, and it's continued on throughout until today.  
29 Particularly, you know, I say to women the first thing to  
30 do with a DV application when they want to vary it is to go  
31 and obtain a copy of their DV order. So I send them away  
32 to do that and they never come back. That's because they  
33 just don't want to go to the police station and grab that.  
34 So, yes, it's - and then of course what happens is a  
35 breach.

36  
37           Q.    Now, in terms of you say in your statement there are  
38 no police liaison officers.

39           A.    No, that's right.

40  
41           Q.    Do you have an indication of why that's the case on  
42 Palm Island?

43           A.    No. Last year I sat on the interview panel for the  
44 PLO, one of the PLO positions, and she declined the  
45 position and still to date we don't have any PLOs. We did  
46 have three, and two of them were not locals, which caused a  
47 lot of resentment in the community.

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Q. When was that?

A. Sorry?

Q. When?

A. Last year, because we haven't had PLOs for a long time, or well and truly this year. So when the PLO - you know, when the community members would say, "Why don't you F-off back to your own community," "Oh, we're just trying to clean up - we're just trying to clean the community up." "Well, F-off back to your own community and clean your own community up." So there's no respect, yes, with the PLOs as well.

Q. Do you think there would be respect if PLOs were from community?

A. Partly, yes. But we believe the community in general, the council in general, believe that a different model of police, local police, needs to be on Palm Island, more powers, equal powers, not just sort of the jackey-jackeys there.

COMMISSIONER: So you mean local Indigenous actual police officers?

A. Yes. Trained. I realise that Florence said that, you know, Aboriginal people, "Why do you want to be a police officer? Don't be stupid." And that is the case. But I think with training and the fact that they can contribute - and there are a lot of young people that did want to enter the police force on Palm.

MS CAPPELLANO: Do you know any police officers who are from community that are policing elsewhere?

A. There is one. He is a sergeant at a station in North Queensland. He's not from Palm, but he has strong connections to Palm. His mother was a teacher there for many, many years and his father was an electrician there. He's attended the Indigenous family violence forums each year as well. We have an annual Indigenous family --

Q. On Palm Island that's specific or is it more general?

A. More general. So we have one in Mackay or, you know, this year it was held in Brisbane, the year before, you know, a different part, Cairns. He's always attended those and he has a lot of respect from community as well. Yes.

Q. You think that's something, having local First Nations

1 police officers from community or with ties to community  
2 would make a difference to those relations?

3 A. And probably particularly as the OIC. We've had - our  
4 OIC, he's done 10 years on Palm, I think it is, and we  
5 need - and in that time there hasn't been a lot of  
6 engagement by the police force on Palm.

7  
8 Q. What do you mean by that?

9 A. Well, we have an annual Army game with one of the  
10 local teams, footy teams, and that's an annual event held  
11 on Palm. You know, the police have not sort of - they know  
12 that Palm is a very strong football community. So there  
13 has never ever been a footy game with the police. It's a  
14 good opportunity for the fellas on the field, too, to sort  
15 of, you know, get the aggression out and then shake hands  
16 after, sportsmanship and that sort of thing.

17  
18 Theirs is an adopt a cop program at one of the  
19 schools, but it's not working because the bullying at the  
20 school is just out of control. Those children tend to come  
21 from very prevalent domestic violence homes. So the poor  
22 kids come from their homes into the schools and the  
23 bullying is there. So there's no adopt a cop.

24  
25 COMMISSIONER: Sorry, did you say there's no adopt a cop  
26 program, or there is one?

27 A. There is one, but it is not working with the state  
28 school, yes.

29  
30 COMMISSIONER: So just the one school?

31 A. Yes. We have two schools on Palm Island, though, a  
32 Catholic school and a state school.

33  
34 COMMISSIONER: There's none at the Catholic school?

35 A. No.

36  
37 MS CAPPELLANO: And what about attendance at other  
38 community days?

39 A. No. Sorry, they do. One most recent - we had a  
40 community get-together challenge last year, again a footy  
41 carnival of locals, and the detectives walked in fully  
42 geared up with their gun and full wear. That to the  
43 community is really unacceptable. It's unacceptable  
44 walking into a court. It's unacceptable on Palm because it  
45 gives the impression that something is going to happen and  
46 they're going to need their gun to either do something to  
47 somebody or defend themselves. It's also done when going



1 to the local store. I asked an officer once, "Do you think  
2 there's going to be an armed robbery or something? Why are  
3 you walking around" - like, if you're going on lunch, just  
4 leave it in the police station. So that causes anger,  
5 distrust again.

6  
7 COMMISSIONER: So the officer in charge has been there for  
8 10 years?

9 A. Yes.

10  
11 COMMISSIONER: The police perception is that he's doing a  
12 really good job, but you would disagree with that?

13 A. Yes. I do.

14  
15 COMMISSIONER: And is that because he's not engaging with  
16 the Elders and the Community Justice Group and --

17 A. He doesn't engage with the Justice Group directly.  
18 It's only through the Community Justice Group coordinator.  
19 There is clearly - I think as we speak there could be a  
20 petition as well to have him removed. But there's a clear  
21 line between helping certain people in the community and  
22 not helping certain people.

23  
24 COMMISSIONER: So favouritism?

25 A. Very much so. Very much so.

26  
27 COMMISSIONER: And one of the things we've heard that  
28 helps when police are on community is just rather than  
29 driving around the community walking around and chatting?

30 A. Yes.

31  
32 COMMISSIONER: Does that happen?

33 A. No. Not that I've seen. No.

34  
35 MS CAPPELLANO: And in terms of cultural awareness of new  
36 officers when they come to the island do you have any sense  
37 of whether new officers are culturally aware or whether  
38 there's any training programs that you or other community  
39 members are involved in?

40 A. Yes. Sadly, we have a change of police all the time.  
41 So we never really get to know police on Palm. People are  
42 moved in. People are moved out. Palm Island itself is a  
43 specialist community as well. So along with the DV  
44 specialist courts there needs to be specialised officers  
45 that go into Palm. The cultural awareness training needs  
46 to be delivered locally and that of course that would be by  
47 the Community Justice Group members. The history of Palm

1 is quite different to Townsville.

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Yes, we have different protocols as well in relation to funerals, sorry business, for Palm compared to Townsville; different again. Just the fact that knowing your community as well, officers wouldn't have a clue who I was. I'm just another white lady that just walks around the community because of my coloured skin. However, I am just as much as the community as anybody else is.

So we're not regularly called on as well for our knowledge. The biggest issues would be if the police would speak with us first, the Community Justice Group or the ATSI Women's Legal Service, we could solve a lot of problems on Palm Island in relation to domestic violence. When the police are called to DV incidents automatically two people are charged - no, sorry, automatically a domestic violence order is placed on them with no conditions, no contact --

Q. By them do you mean both parties or one party?

A. One party. The majority of the time it's the male of course. And in the incidences when it's the female it's because they haven't been - they're afraid to report to police for fear of repercussions from the partner as well, "Why did you do that? You didn't have to. Now you've got me into trouble." Then the women are over fear when they turn up for court, "No, I didn't want to do it. I didn't do it. The police did it." So then when there's no contact it causes a lot of problems because then ATSI Women's Legal Service has to then do a variation.

Q. Did you say that's generally automatic?

A. Automatic.

Q. Mandatory conditions plus no contact?

A. In most circumstances, yes.

Q. Okay. Sorry, continue on.

A. So each fortnight Palm Island court sits two days a week every fortnight on Palm Island, a Tuesday and a Wednesday. Tuesday is a criminal court; Wednesday is the specialist DV court. About 25 on the DV court list each fortnight, and probably half of those are still on foot. So we do have a lot of new applications as well every fortnight.

1           With the criminal charges a high percentage is alcohol  
2 management offences. A high proportion is contraventions  
3 of domestic violence. Then the remainder is mainly traffic  
4 offences, or it might be a stealing offence or something  
5 like that. But both is the alcohol and domestic  
6 contraventions. When police officers are called to an  
7 incident and a DV is put on then there is a substantive  
8 charge as well of assault, wilful damage.

9  
10       Q.    As well as the contravention?

11       A.    Yes. Not at that stage. Just --

12  
13       Q.    As well as the application

14       A.    Yes, as well as the application.

15  
16       Q.    You said that local knowledge from the community  
17 organisations isn't being utilised by the QPS, particularly  
18 in relation to the family histories and that that can have  
19 a direct effect on situations where domestic violence  
20 orders have been taken out in circumstances where there's  
21 not relevant relationships.

22       A.    Yes.

23  
24       Q.    Is that the case and can you explain that?

25       A.    Yes, that's a big issue at the moment. So what is  
26 happening is that when the police are called to an  
27 incident - our family connections is very complex as well.  
28 So I have grandchildren. They're not my direct  
29 grandchildren but they are my cousin's grandchildren, so  
30 they are my grandchildren. So when police are called to an  
31 incident they might say - she might say, "My uncle over  
32 there hit me." So the police automatically put an  
33 application on the respondent, and when it gets to court  
34 then it's the lawyers then have to - are struggling. The  
35 lawyers are struggling to understand - ATSIILS is struggling  
36 to understand and the QPS are struggling to understand.  
37 "But she called him uncle." But that's out of respect. So  
38 there's no bloodline. So it's causing a lot of problems as  
39 well.

40  
41       Q.    Can I just ask you this: is that sort of issue  
42 something that in your view would be able to be resolved  
43 easily just with communication with community?

44       A.    Yes. So just, say, I was in the police station the  
45 other day and speaking with the officer in charge and he  
46 just said, "Look, I've got to go. We've been called to a  
47 DV incident." So at that point then the best thing would

1 be if they could then contact the male - this is during  
2 working hours, during the day, quite early in the morning  
3 actually, I think it was around 10 o'clock, if they called  
4 the DV support worker through the Community Justice Group,  
5 both of them, to go out to the incident and then relevant  
6 relationship would be solved, sort out - the locals would  
7 be able to tell the police, "They have been in a  
8 relationship for, you know, 40 years. They have got nine  
9 children. She's not going to leave him. They need  
10 contact. She needs assistance." That sort of stuff. So  
11 from that point then, okay, condition only or in writing  
12 for contact. So a lot of things can be resolved right from  
13 the incident.

14  
15 Q. You also say in your statement that police don't take  
16 information at the front counter in a culturally  
17 appropriate or trauma-informed way often making  
18 misogynistic or belittling comments. What do you mean by  
19 that?

20 A. So a client had a broken arm from a domestic violence  
21 incident and I asked her to go to the police station and  
22 obtain her DV order because she wanted to vary her order.  
23 She said, "No, can you go?" And I said, "No, I can't. You  
24 have to attend." So with a lot of encouraging I finally  
25 got her into the police station. So you sit at the  
26 reception and you wait, and an officer finally came out  
27 arms folded and standing behind the counter. "So what's  
28 the problem?" Of course there's a problem. Why else would  
29 anyone want to go to the police station?

30  
31 I felt terrible for the client. So she sort of was  
32 just sort of really withdrawn. I just said, "We're here.  
33 She would like to get a copy of her DV order, please."  
34 "Yeah," so went and got it and it was brought back. Those  
35 sorts of mannerisms is inappropriate as well. That gets  
36 back to that - and Florence mentioned it and I think that  
37 Mr McKenzie mentioned it this morning about the trauma  
38 training. The young girl has just been bashed from pillar  
39 to post. She's afraid of her partner because she shouldn't  
40 have done that, she shouldn't have got an order. She  
41 didn't get the order. It was automatically put on her by  
42 the police. So she said, "I didn't do this. I didn't do  
43 this." So she's already traumatised and then having to be  
44 traumatised even more attending the police station.

45  
46 Mr McKenzie mentioned that this morning. The Murri  
47 grapevine is a really good media outlet. It flies around

1 the community like wildfire. "Don't go to the police  
2 station. Don't go and see that officer." I always see a  
3 different officer every time because of the shifts,  
4 I guess, and the rotation. So I never really get to know  
5 any of the police officers. We have DV meetings once a  
6 month. We haven't had any for two months because of all  
7 the sorry business. The officer in charge used to come to  
8 the meetings but no longer - nobody represents the  
9 Queensland police force.

10  
11 Q. So who goes to those meetings?

12 A. So there's ASTI Women's Legal Service, Victims Assist,  
13 the Women's Centre, the Men's Centre, the Diversionary  
14 Centre, all of the relevant stakeholders, Ferdy's Haven,  
15 which is the rehab. So all the relevant --

16  
17 Q. Would there be representatives of the Justice Group  
18 there?

19 A. Yes, definitely. So the Elders come in to the DV  
20 meetings, the Elders of the Justice Group, because the  
21 younger ones all work.

22  
23 COMMISSIONER: So how long since the police have been  
24 there?

25 A. I would say easy eight months. When the PLOs, we  
26 said, "Look, you can send the PLO." I'm not really  
27 100 per cent sure on this but I've been told that there are  
28 three DV officers in the station. So I don't know whether  
29 we've had three or whether there are three. But definitely  
30 there would be one, but they never come to the meetings  
31 either.

32  
33 MS CAPPELLANO: And other government agencies like Housing  
34 or --

35 A. Yes, the Department of Housing comes in as well  
36 because DV is affected by the housing as well.

37  
38 Q. You referred in your statement to PICC?

39 A. Yes, the Palm Island Community Company. So that's an  
40 organisation that's administering all of these programs at  
41 the moment. So the Women's Centre, the Justice Group, they  
42 auspice the funds for all of those. It was a response  
43 I think after the riot where law and order had to be put  
44 back into the community, they needed stability. So the  
45 Palm Island Community Company came in to put resources in,  
46 and unfortunately they forgot to leave the community  
47 because they're still there. They're not providing --

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Q. You refer to SelectAbility?

A. Yes.

Q. What's that?

A. SelectAbility is mental health. They attend our meetings as well. We had a - this is a really, really tragic and sad story. We have an Elder that lives in designated senior units, and she is a vulnerable Elder with mental health issues and also physical mental disability as well. So she's got two of her family members living with her at the moment. So the Department of Housing said, "There's nothing we can do to get them out. If she's invited them in, then we can't get them out," unless we go to QCAT. So that's a big long process.

The police said there's nothing they can do as well because they don't have an order from Housing to say, "Can you remove them from the premises." So the police have said, "There's nothing we can do."

I sat with the police last fortnight said - sorry, I'll go back first. So ATSI Women's Legal Service put in a DV application. She is forced to walk day and night to go and score marijuana for them. She's forced to find food for them day and night. They smoke marijuana all day every day in her house and it affects her breathing, her health. She's told all this to the police. So ATSI Women's Legal Service said - and they threw all her clothes out and made her to sleep outside in the garage.

So ATSI Women's Legal Service have done an application for ouster and a domestic violence because of the way they're treating her. They swear at her. They threaten to bash her. Our application was thrown out. It didn't have enough substance. We then two weeks later applied again with another DV application. It was again remanded because it still wasn't sufficient evidence. So now we're in the process of providing an affidavit - preparing an affidavit for her with SelectAbility because of all the incidents.

I did go to the police station after the second incident of the court and the officer in charge there said, "Look, what about if we try and charge them with trespass." I said, "Let's do something." But then he had - "Sorry, I've got to go." So he left. He then left Palm and we've got a new OIC in there now at the moment.

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Q. Is that an acting?

A. Yes, sorry, both of those were acting at the time. So then I've got to go back and start all over again. So we're hoping that the affidavit this time gets up in court.

Q. You also talk --

COMMISSIONER: Sorry, now I'm confused. The OIC that was there for 10 years is not there at the moment?

A. No, I don't believe so. I haven't seen him there in the last three weeks.

MS CAPPELLANO: Is it your understanding that someone is relieving for a short period of time?

A. Yes, there was. Yes, there was one officer, and then he was relieving I think for two weeks; and now we've got another officer in there that's been there a week.

Q. You talk in your statement about there being trouble with police priorities, particularly surrounding the ferry and the alcohol management plan, as opposed to responding to domestic and family violence matters?

A. Yes.

Q. What are they?

A. I guess it's a perception, too, in the community. Ferries run six days a week to Palm and at each of the ferries there is always a police vehicle there. We had sorry business on Thursday - yesterday, sorry - and the police were at the ferry. We had asked - the Justice Group had asked that not police presence when there's sorry business, but they were there.

Then on other occasions sometimes three of the police vehicles are at the ferry as well, and there's normally two officers in each. So we see six officers down at the ferry and yet in the community when noise complaints, party complaints, fights are being called particularly at night time they're non-existent. But I can understand the large parties the police - rocks are thrown at the vehicle; so I understand that. But during the day is a different matter because they can clearly identify who they are. Not having PLOs is difficult, too, because they can't identify the offenders as well.

Q. You also raise issues in relation to the opening hours

1 of the police station. When is the police station opened  
2 generally?

3 A. Normally it's nine to four I think. It's closed every  
4 day from 12 to one because the receptionist goes to lunch,  
5 so it's not manned by anybody else, it's not left open.  
6 The receptionist is a local. So if she's sick nobody is to  
7 replace her. If she's on sorry business, which she was in  
8 April this year for a week, the station was closed for the  
9 entire week. I had a client go to the Justice Group and  
10 say, "Look, I need to go and talk to the police about a  
11 domestic violence incident." They then grabbed me. We  
12 went then to the police station, knocked on the door, no  
13 answer.  
14

15 Q. What time was this?

16 A. This was in the morning, so before lunch, but it  
17 didn't matter anyway because it was closed all day. Then  
18 in the afternoon the justice coordinator who sits directly  
19 across from the police station saw a male, a quite  
20 prominent member in the community, go to the police  
21 station, knocked on the door and the door was opened and he  
22 went in. So he would have been seen on the camera outside.  
23 So it gets back to that choosing who's who. Yes, "Better  
24 open the door," yes.  
25

26 Q. And what occurs if there's an incident after hours  
27 or --

28 A. So after hours the police station is not open. So the  
29 woman has to either ring Triple 0, because the police  
30 station is not manned, so if you ring the local number for  
31 the police station it's not going to answer. So you have  
32 to ring Triple 0. Then or alternatively you have to get  
33 online and go to Policelink. The week when the police  
34 station was closed the - actually I think there was a  
35 notice on the door, yes, there was, saying, "Contact  
36 Policelink." So for people who are illiterate, people who  
37 don't have data, credit for their data on their phones, and  
38 trying to look at lodging a complaint, I even had trouble  
39 lodging a complaint. I lodged a complaint of break and  
40 enter in November last year and I'm still waiting for a  
41 response from the police about what's happened with the  
42 matter.  
43

44 Q. Did you follow that up?

45 A. Yes, I did. I went to the police station and I asked  
46 what's happening with it, and they said that, "Officer so  
47 and so was dealing with it and he's on holidays." So



1 I just left it. I've just left it. I assume that nothing  
2 has been done - sorry, I assume that the offenders weren't  
3 dealt with because they were children, but at least let me  
4 know that.

5  
6 So, yes, Policelink is quite difficult to understand,  
7 which section you go to, what is it, an assault. When a  
8 woman is under stress and traumatised the last thing she  
9 wants to do is try to get on and try and, you know,  
10 navigate her way on Policelink. So it's easier for us just  
11 to make a phone call. So what they do then is they come to  
12 ATSI Women's Legal Service and then I get on Policelink and  
13 do it for them.

14  
15 Q. So when a Triple 0 call is made --

16 A. Sometimes they don't end up doing the Triple 0 call  
17 or --

18  
19 Q. So when do get - when does ATSI Women's Legal  
20 Services; at that time or later?

21 A. Later.

22  
23 Q. Okay.

24 A. Yes. That's only in the instances when the office is  
25 closed.

26  
27 Q. Yes.

28 A. Yes.

29  
30 Q. You talk at paragraph 14 of your statement - and,  
31 Mr Operator, I might just get that placed up on the screen.  
32 You talk about clients indicating that they experience  
33 negative attitudes in their interactions with police in  
34 relation to domestic and family violence matters, and then  
35 you list a number of these attitudes. Are you able to  
36 provide examples of any of those matters which you refer to  
37 there?

38 A. Yes. So I did mention that the incident where we went  
39 to the police station with that young girl and, yes, she  
40 was made to feel, you know, unwelcome. When the  
41 receptionist should also - and we have male and female  
42 officers --

43  
44 Q. Mr Operator, would it be okay if you please put  
45 paragraph 14 --

46  
47 OPERATOR: Paragraph 14, thanks. I just missed the

1 reference.

2

3 MS CAPPELLANO: Thank you.

4 A. So she was spoken down to; she felt very intimidated.  
5 It should have been a woman that attended the front  
6 counter, a little bit more sympathetic as well. When  
7 police officers also - not so much just police officers but  
8 when anybody uses the term "you", "you people", that's  
9 clearly identifying that we are a different group of  
10 people.

11

12 Q. And what sort of context would that be used?

13 A. So when you go to the police station and say, "You  
14 people need to stop doing" whatever it might be at the  
15 time, and I'd always say, "You people? Who 'you'," them  
16 not knowing who I am. "He needs to stop or she needs to  
17 stop, you know, harassing."

18

19 We have another unidentified group of people on  
20 Palm Island, too, who are known as the sister girls. So  
21 they identify as female but they're males. They are  
22 really, really vulnerable. I've gone to the police station  
23 with one of them as well and the way that they spoke to  
24 them as if - the real hate for homosexuals. "You're the  
25 one who keeps continuing to cause all the problems. You're  
26 the one who is harassing." So they would say, "Excuse me,  
27 no, I'm not. I'm here to make a complaint."

28

29 So I attended the police station late last year with  
30 my brother. He believed that he was going to be run over  
31 by a couple. They said to him, "Are you sure this  
32 happened? You're not imagining that they swerved towards  
33 you?" He said, "There is no reason in the world why  
34 I would come into a police station. I wouldn't come to the  
35 police station. And I'm telling you this. But if you  
36 don't want to do anything, you don't want to believe me,  
37 that's fine." So he got up and walked out. So there are a  
38 lot of those cases as well where people are not believed  
39 that, you know, things have happened.

40

41 Yes, with domestic violence with getting back to that  
42 sister girl, they believed that he was the respondent - he  
43 was the aggressor when in actual fact he wasn't. It was  
44 clearly seen in the community that he wasn't. They were  
45 just agitating him. They were egging him on. They were  
46 calling him really horrible names as well.

47

1 Q. Was there an investigation and applications made in  
2 that case?

3 A. Applications were made for him.  
4

5 Q. But by police or privately?

6 A. No, that was done privately. The police had done one,  
7 but the cross-app that he did was done by the DV unit. He  
8 couldn't - the police wouldn't do one for him.  
9

10 Q. The DV unit is the?

11 A. The Justice Group, through the Justice Group.  
12

13 Q. And that's the unit you talked about with the monthly  
14 meetings?

15 A. No, that unit - well, they do, they coordinate it.  
16 But there's a coordinator, a male support worker and a  
17 female support worker.  
18

19 Q. And you say that you're treated differently  
20 because - to how other people with darker skin might be  
21 treated?

22 A. Yes, which is to me an advantage because I can clearly  
23 see it when I walk in the police station and they'll sort  
24 of look over everybody and say, "Are you right?" So  
25 they'll look to deal with me first. Then I'd say, "No, I'm  
26 here with the client." Then it's a disadvantage, too,  
27 because I would like to be treated how they are because  
28 I would certainly have something to say about it. The way  
29 that they treat the people on Palm is really unacceptable.  
30

31 Q. You talk about local issues within community relating  
32 to domestic and family violence, and one of those issues  
33 you raise is misidentification of First Nations people as a  
34 perpetrator.

35 A. Yes.  
36

37 Q. Is that First Nations women?

38 A. Yes, definitely. So the women are very, very hesitant  
39 to report DV. So a lot of the incidents just build, build,  
40 build, build, build up over a long period of time until  
41 they finally snap. Like I think Florence or Cathy might  
42 have mentioned, when they get to the incident the woman is  
43 the one with the knife in her hand. So, "You're charged."  
44 They are flown out. If it's not a court day, if it's any  
45 day other than a court day, they are flown to Townsville to  
46 appear here in the Magistrates' Court the next day. Then  
47 when they're taken they don't have their key card, they

1 don't have any money on them. So they are left here. They  
2 end up down the park sometimes or roaming around.

3  
4 Q. By here you mean Townsville?

5 A. Townsville, yes. So then they have to wait for the  
6 next ferry or the next payday to get back home. It causes  
7 problems then with their children. The mother's gone. The  
8 father's at home, you know, so meals aren't being prepared.  
9 So the Justice Group has approached as well to say in  
10 instances like that, "Just wait first and talk to us first  
11 before you send people off." But that hasn't happened.

12  
13 Q. In terms of you said that happens on occasions when  
14 court's not sitting the next day.

15 A. Yes.

16  
17 Q. How often does the court sit?

18 A. Two days a fortnight. Tuesday criminal court.  
19 Wednesday DV specialist court.

20  
21 Q. You have also talked about police making no contact  
22 orders leading to unnecessary breaches.

23 A. Yes.

24  
25 Q. And that that being the norm rather than the  
26 exception.

27 A. Yes, it is.

28  
29 Q. You talk at paragraph 18 about two instances of women  
30 being transported to hospital for injuries suffered from  
31 domestic and family violence but no order being taken out.  
32 A. Yes.

33  
34 Q. Did that occur recently?

35 A. Yes, one of them was six weeks ago.

36  
37 COMMISSIONER: Paragraph 18?

38 A. Yes. So she was severely assaulted by her partner.  
39 She was transported to the hospital. The police are then  
40 called when there are incidents like that. I'm not sure  
41 what happened there, why a DV order was never put in place.  
42 I'm not sure whether she was supposed to go back to the  
43 police station and do her statement. Her aunt, who is the  
44 coordinator of the Justice Group, went to her and said,  
45 "Okay, you've ended up in hospital. Look at what he's done  
46 to you. Let's go make and the statement." "Yeah, yeah,  
47 yeah." Then when she went back to pick her up, "No,

1 I don't want to do it. I don't want to do it. We're right  
2 now. It's okay. We're right." So I'm not sure why that  
3 was never, ever followed up. And he was never charged with  
4 assault as well.

5  
6 MS CAPPELLANO: And is the situation you're talking about  
7 there indicative of the reluctance of community to engage  
8 with police?

9 A. Yes, definitely. Like I was saying that women will  
10 put up with domestic violence continually before it gets to  
11 a point of explosion, really, I suppose. Since coercive  
12 control has sort of come out there are women my age group  
13 that have said to me, "I never realised that this type of  
14 thing was domestic violence." So women are still suffering  
15 with it as well; you know, money being taken off them, the  
16 way they're treated, spoken to, degraded, yes. But there's  
17 no physical domestic violence.

18  
19 Q. So would you say in your observation say there is a  
20 lack of understanding within community, that coercive  
21 control and behaviours amount to domestic and family  
22 violence?

23 A. And even domestic violence in general, yes,  
24 definitely.

25  
26 Q. There's a lack of understanding within community that  
27 that's something that's unacceptable?

28 A. Yes.

29  
30 Q. Is there anything further that you want to say in  
31 relation to domestic violence, police responses, given your  
32 roles? They were all the questions that I had, but just to  
33 confirm that there's nothing.

34  
35 COMMISSIONER: I just have one question. At paragraph 21  
36 you've got every week there are approximately 25 cases. Is  
37 that every fortnight?

38 A. Sorry, Commissioner, that's every fortnight.

39  
40 COMMISSIONER: That's okay. I just wanted to make sure  
41 I've corrected that.

42 A. Yes, sorry, that's every fortnight.

43  
44 COMMISSIONER: That's good.

45 A. What else do I have to say? No, that's it. Thank  
46 you.

47

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

3  
4 COMMISSIONER: Is there a shelter on Palm Island for  
5 women?

6 A. Yes, there is. That's run by the Palm Island  
7 Community Company.

8  
9 COMMISSIONER: Ms Hillard?

10  
11 **<EXAMINATION BY MS HILLARD:**

12  
13 Q. What's the capacity of that shelter?

14 A. I believe eight women.

15  
16 Q. It only takes women

17 A. Yes, and boys under 12.

18  
19 Q. Does it take the children of the women?

20 A. Yes.

21  
22 Q. And are they housed in individual rooms or in  
23 apartments?

24 A. Individual rooms.

25  
26 Q. So is it the case, for example, that if they're in the  
27 shelter they might be there with their three children in  
28 one room?

29 A. Yes, that's correct.

30  
31 Q. And it's really just crisis accommodation; is that  
32 right?

33 A. Yes.

34  
35 Q. And do you know or can you say how long on average  
36 people remain in that, bearing in mind that it's crisis  
37 accommodation?

38 A. A client of ours went there and she was asked to leave  
39 after a week. So I'm not sure why. But, yes, so she had  
40 to go back into her DV situation.

41  
42 Q. Or leave her community?

43 A. Leave her community.

44  
45 Q. In respect of your service that is based on  
46 Palm Island itself I just want to ask about you. You live  
47 there on the island?

1 A. Yes.

2

3 Q. And Women's Legal Service have a specialist - your  
4 Women's Legal Service have a specialist office on the  
5 island as well?

6 A. Yes.

7

8 Q. And one of the PLOs earlier this week talked about  
9 feeling like she had a police station sign on her house  
10 because people would come to her for help all the time. Is  
11 that something that you experience?

12 A. Regularly, yes. We have different suburbs on the  
13 island. So people will drive from the other suburbs to  
14 come home as well seeking assistance. The Palm Island  
15 Community Company has had the women's centre on Palm Island  
16 for 10 years, but they still don't have a domestic violence  
17 program for women.

18

19 Q. And is the centre, despite it being on there for  
20 10 years, is it a specialist domestic and family violence  
21 centre or based on your last answer it's not?

22 A. No.

23

24 Q. So am I right then to assume that there's no specific  
25 social worker or domestic and family violence trained  
26 worker that's on Palm Island?

27 A. Yes, there is, but she's not Indigenous and she  
28 conducts the men's program. We've told her that it's  
29 culturally inappropriate for her to be doing that, but she  
30 said, "Well, but I'm white," so she continues to do those  
31 programs there.

32

33 Q. So you have people come into your home seeking help  
34 all hours of the night, no doubt?

35 A. Yes.

36

37 Q. And coming to your office when the office is open  
38 during the day seeking help?

39 A. Yes.

40

41 Q. And you mention in your statement that there's no  
42 police liaison officer, no PLO out there. How do you bring  
43 that information about these people seeking help to the  
44 attention of police? Is all that you can do is tell them  
45 to go or go with them down to the station?

46 A. So I have a home phone where we are. We don't have  
47 signal where I live. So I get on the --

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Q. You don't have internet or phone signal?

A. Sorry, we have internet signal but we don't have mobile signal. So they can't use their mobile phones there, but I have a home phone. So I have a landline. So I ring Policelink for them and sit with the client or the person and wait for the police to turn up at my residence so they come, the police come home.

Q. And in relation to those responses one of the things that is reported to Women's Legal Service Queensland from our clients is that there is sometimes a delay in responding. Is there a delay in those responses of calls for help through the Policelink?

A. Yes, definitely. Because normally after, like, weekends and that the police are out and about in the community dealing with other matters because chasing up (indistinct), parties, numerous things. So I have to have the client sitting at home with me, up to an hour; so then just sitting with them waiting for police. The officers then have to take them away from home and their home as well for safety.

Q. You mention there that the police might have multiple other things to do.

A. Yes.

Q. I suppose the reason for the delay doesn't really matter, but what sort of impact does that have on the woman when you're sitting there? Do they want to leave? Do they --

A. Always, yes. No patience. Wondering what's going on at home; wondering if he's going off; wondering if he's gone drinking; wondering how the kids are. Yes, no patience at all. A couple of times I've rung back, "What's happening? What's happening?" Yes. I did have the OIC's number so I would ring him direct, "What's happening? What's happening?" But I think he changed it because too many people had his number, I think, that were ringing direct.

Q. Is that the one that was there for 10 years?

A. Yes.

Q. Who might not be there at present?

A. Don't believe he is, yes.



1 Q. In relation to the lady, the example that you gave of  
2 the young girl going to the hospital --

3 A. Yes.

4  
5 Q. And having her arm broken I think you said and then  
6 seeking some assistance. You might have heard me ask other  
7 witnesses this question earlier on today. How do you see  
8 it being more effective to be able to have that  
9 conversation about the charges happening rather than at  
10 that crisis or that treatment stage of the medical  
11 treatment? How do you think that could work for your  
12 community?

13 A. Like I mentioned, get the DV support workers there at  
14 the time of the incident to see what they want to do, too.  
15 The DV support workers should be trained in knowing how to  
16 work with them and explaining to them the pros and cons.  
17 There's no con, I guess, for a DV order. But certainly  
18 what's best for protection for them. You can leave the  
19 island. We've got a client of ours who has been undergoing  
20 DV, and she's seen as the perpetrator for months now.  
21 She's ended up fleeing the island. So she's left. He's  
22 not from there. He's not Indigenous. She's now left her  
23 community to get away from him. So she said, "Because he's  
24 not going to leave. He's been here for a long time and  
25 she's not going to move." So she's had to flee the  
26 community.

27

28 Q. Is she one of those people - this is not the same lady  
29 at the hospital?

30 A. No, sorry.

31

32 Q. So back to the lady at the hospital, and I'll come  
33 back to the respondent situation, so back to the lady at  
34 the hospital do you see that your community would see a  
35 benefit in having the social workers going back and  
36 re-engaging or the police going back and re-engaging and  
37 following up the charges after that crisis initial  
38 response?

39 A. I think it would be better if both because the police  
40 can give that stronger image of protection, I think.

41

42 Q. (Indistinct) "I'm here to help you"?

43 A. Yes, to make you safe.

44

45 Q. Back to the other example that you've provided about  
46 the respondents or women as respondents, you talked about  
47 them being misidentified. Can I just ask a couple of

1 questions about that. I presume from what you're saying  
2 that the responses on Palm Island are all by male police  
3 officers? Are there any female police officers?  
4 A. There are. Sometimes it's a female as well. They  
5 have been using the detectives of late as well, and there's  
6 one female detective there as well because she's come to my  
7 house.  
8  
9 Q. So the female detectives will come out to the house?  
10 A. Yes.  
11  
12 Q. Bearing in mind what we've heard today about the  
13 gender responses and that sort of need, is that better from  
14 your perception for that woman who sought your help?  
15 A. Yes, definitely. Definitely.  
16  
17 Q. And in relation obviously to the other people at the  
18 police station you said that when people have gone there  
19 from time to time they might be turned away.  
20 A. Yes.  
21  
22 Q. Or it might be closed?  
23 A. Yes.  
24  
25 Q. Are there women officers available at the station on  
26 any shift, or you're not really sure?  
27 A. I'm not really sure. Yes, I'm not sure. There's not  
28 an equal ratio of male to female police officers, and  
29 there's definitely not one male one female for every shift  
30 that I know of, because I always see two males, two males,  
31 regularly during the day.  
32  
33 Q. When you talked about your women going to the police  
34 station or other scenarios and trying to get charges, does  
35 that also apply to reporting breaches?  
36 A. Sorry?  
37  
38 Q. You have difficulty with them sometimes they get  
39 turned away, you mentioned.  
40 A. Yes.  
41  
42 Q. Sometimes they're not believed?  
43 A. Yes.  
44  
45 Q. I think you were talking about criminal charges?  
46 A. Yes.  
47

1 Q. I'm talking about breaches of a domestic and family  
2 violence order. Is that something also that you have seen  
3 that it extends to the breaches of that order, getting  
4 police to charge a breach?

5 A. No.

6  
7 Q. Are they more ready to charge a breach in your  
8 experience?

9 A. Automatically when they're called to an incident the  
10 charges are made if it's clear that there's an assault. If  
11 it's just a basic domestic violence incident then they  
12 aren't. But because we're such a small community the  
13 police know who have contact orders and not. So a lot of  
14 the orders are technical - I don't know what the word is -  
15 orders where they're just seen together. So the police  
16 have said, "We've seen you together. You know you're not  
17 supposed to be together." So the police are - particularly  
18 I guess the OIC because he knows a lot of the people. So a  
19 lot of the times it's just that being together.

20  
21 Q. And it's difficult because you can't apply a blanket  
22 consideration to it, but I suppose in some of those being  
23 seen together scenarios they could be where an order has  
24 been put in place contrary to their wishes about contact?

25 A. Yes, that's correct.

26  
27 Q. It might not be in every case but sometimes that might  
28 be the case?

29 A. Yes, and they will stay together. The couple that I'm  
30 just thinking of most recently where they were seen  
31 together, he said, "But I was just mowing the yard." "But  
32 you're not allowed at the premises." "Yes, but I'm only  
33 mowing the yard." So there's that not quite clear of the  
34 conditions as well. "You're not allowed to go to the  
35 premises." "Yeah, but I'm just mowing the yard." They  
36 have been together 25 years. He's been to gaol numerous  
37 times for breaches. They'll go back together.

38  
39 Q. I think you might have already answered this but when  
40 people have orders made again them on Palm Island when the  
41 court sits out there the Community Justice Group for  
42 Townsville has some sort of role in explaining them --

43 A. Yes.

44  
45 Q. In if I can use the phrase Murri speak or the language  
46 that they understand.

47 A. Yes.

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Q. Is that something that you do or that you take upon yourself or that the Justice Group does?

A. I do for our clients along with the solicitor as well, and if they still don't fully understand I'll follow up. The DV support workers are supposed to do that, but it's not done.

Q. When you say the DV support workers are supposed to do that they're the ones connected with the court when the court comes and sits?

A. Yes, that's right.

Q. And they are the people that are only there on the court days?

A. They work full-time, but they attend and sit outside at the court as well.

Q. Are they male and female?

A. One male, one female, two locals, and the coordinator is non-Indigenous.

Q. Okay. One of the examples you talked about was about engagement with police and you use - make reference of it in your statement to meaningful engagement about the Army game and the football game?

A. Yes.

Q. Can I ask about a specific gendered approach to engagement with women. Is that something that you have seen with the police out there to try to engage with the women on Palm Island, considering statistically they are the ones most likely to be victims?

A. No. Never.

Q. And how do you think or do you have a view on how that could possibly be achieved or be done? The Commissioner asked you about walking around and talking. So there's that.

A. Yes, that would be helpful, possibly. Yes, that would be helpful. Also the female attending the DV - I guess not so much the female but certainly one of the officers at least showing a bit of community involvement by coming to the community run meetings, because all those agencies or a majority of them are the local staff that turn up there.

Q. So if they turn up to the stakeholder meetings then

1 they're hearing the stories of the women via you and other  
2 people who attend?  
3 A. That's right, and all the concerns, yes. So we have  
4 the operational working group as well for the DV specialist  
5 court. We had one yesterday, actually. There were a few  
6 things that were raised that we see through the courts, but  
7 it wasn't a matter for the courts. It was a matter for the  
8 actual police and the solicitors. So we don't really have  
9 a forum where we can raise the issues. So the police don't  
10 turn up. So they're not aware of what happens, what things  
11 we see in the community, unless we raise it strongly with  
12 the coordinator of the Justice Group, and then she'll go  
13 and meet with the officer in charge of the police and raise  
14 those issues with them.  
15  
16 Q. And is that the person who sometimes has a perception  
17 of receiving favouritism?  
18 A. No.  
19  
20 Q. Okay. In respect of the work that you do you rely  
21 probably very heavily upon volunteers, the Community  
22 Justice Group?  
23 A. Yes.  
24  
25 Q. Some of them might be paid but some of them would be  
26 volunteers?  
27 A. Yes.  
28  
29 Q. In respect of how many people, you said there were 25  
30 members and there are 10 active who are committed?  
31 A. Yes.  
32  
33 Q. The 10 active, are they paid?  
34 A. No. The only people who are paid as if they do court  
35 attendance on Tuesday, and we normally have two Elders that  
36 attend court, so the magistrate might want to know a bit of  
37 background, "What do you reckon," to the Elders, what do  
38 they think, so they get a payment of \$100 each per  
39 fortnight.  
40  
41 MS HILLARD: Just excuse me. You've spoken about most of  
42 the matters. I just wanted to check that I had covered  
43 almost everything. Thank you, Commissioner. Those are my  
44 questions.  
45  
46 COMMISSIONER: Thanks, Ms Hillard. Ms Sailor, I meant to  
47 ask you we've heard that there are Protective Service

1 officers on the island?

2 A. Yes, that's correct.

3

4 COMMISSIONER: And they're locals mostly?

5 A. Yes, they all are.

6

7 COMMISSIONER: How does that work? Is that good? Would  
8 you say that's a successful initiative?

9 A. Last week the PCYC was trashed, absolutely trashed.  
10 So Protective Services is a concept, I believe, by the  
11 officer in charge of Palm, and Palm was a pilot program for  
12 it. So we've engaged I think there's nine Protective  
13 Services officers and they're only responsible for  
14 government buildings. So if the council gets smashed, if  
15 the Catholic school gets smashed, then they're not required  
16 to --

17

18 COMMISSIONER: They're probably not able to.

19 A. No. So I don't - and, Protective Services, also an  
20 officer sits at the courthouse each Tuesday and Wednesday  
21 while court's on, which is really good, because in case  
22 there's an incident, DV or just an altercation between  
23 people at the courthouse, which normally happens, they know  
24 who they are and they will intervene straightaway. So  
25 previously we had security flown from Townsville, and they  
26 wouldn't have a clue who was arguing, who was fighting.  
27 They just couldn't sort of pick up on the arguments quick  
28 enough. So that's really good. Finally in a month's time  
29 we're going to be using the safe room, is going to be  
30 operational. So that's taken at least five years to get in  
31 place. So, yes, one month's time we're going to be using  
32 the safe room. But, yes, Protective Services --

33

34 COMMISSIONER: So it's good that they're local?

35 A. Yes.

36

37 COMMISSIONER: The downside is they don't have - they can  
38 only go to government buildings?

39 A. Yes.

40

41 COMMISSIONER: But it's working well at court?

42 A. Yes.

43

44 COMMISSIONER: Is that a fair summary of it?

45 A. Yes, definitely.

46

47 COMMISSIONER: Mr McCafferty?

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MR McCAFFERTY: I have nothing, thank you, Commissioner.

**<EXAMINATION BY MR HUNTER:**

Q. Can you recall the last time there was a local PLO on Palm?

A. Last year some time.

Q. Has there been --

A. Sorry, I take that back. They weren't local.

Q. I'm talking about local.

A. Okay. So the last time a local was? There was one at the PCYC, but they weren't attached to the police. They were attached to the PCYC. He was only there for a short time. That would have been earlier this year. He was there maybe a month and then he left.

Q. Because there was a PLO on the island back at the time of the trouble in 2004, wasn't there?

A. Yes.

Q. And he had to - in fact left the island?

A. He left the community, yes, that's right.

Q. Was he a local?

A. Yes, he was.

Q. And have there been local PLOs since that man's departure?

A. Yes, there was.

Q. One of the reasons that man left, I assume, was because he was present when the man that died was arrested?

A. Yes, and he was blamed, yes.

Q. Do you think that feeds into the reluctance of locals to be PLOs because they're seen to be aligned with the police?

A. No. I know of a few community people that have put their hand up for PLOs. But when I sat on the panel with the police for the police liaison officer the list was long, probably four locals, but there was a lot of interest from the mainland but no accommodation for them, see.

Q. And so were no locals offered a position?

1 A. One was and she declined it.  
2  
3 Q. Okay. Now, obviously you're familiar with the mayor,  
4 Mayor Sam?  
5 A. Yes.  
6  
7 Q. And I assume you talk to him about the issues with the  
8 police that you've told us about?  
9 A. Yes.  
10  
11 Q. Does he to your knowledge share your views?  
12 A. No. He raised it last week, I believe, at a forum.  
13  
14 Q. In Cairns?  
15 A. Yes, in Cairns. So, yes, he has a special model of  
16 policing on Palm Island which he has spoken about.  
17  
18 Q. This is at the First Nations mayor summit last week in  
19 Cairns?  
20 A. Yes, that's right.  
21  
22 Q. Would it be right to say that, as you understand it,  
23 he spoke speaking of the relationship between community and  
24 police in very praiseworthy terms?  
25 A. Yes, I believe that, yes.  
26  
27 Q. And that he said that the local community have a good  
28 relationship with the local police. Did you know that  
29 that's what he said?  
30 A. No, I don't. I didn't go to the forum last week with  
31 him.  
32  
33 Q. All right. But as far as you knew he shares  
34 your - the views that you've expressed to us here about --  
35 A. It doesn't sound like it by the way your --  
36  
37 Q. No, but I'm --  
38 A. Are you saying --  
39  
40 Q. That's why I'm asking you about it. We're surprised,  
41 that's all.  
42 A. My views on the ground I can assure you that the mayor  
43 is not on the ground all the time as much as I would say  
44 I was at the courts dealing with police on a daily basis.  
45 We definitely have different views.  
46  
47 MR HUNTER: Okay. All right. That's all I have, thank



1 you.

2

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

5

6 COMMISSIONER: Thank you. Thanks, Mr Sailor. Thanks for  
7 waiting all more morning to get on, too.

8

9 **<THE WITNESS WITHDREW**

10

11 MS CAPPELLANO: They're the only witnesses for these  
12 sittings.

13

14 COMMISSIONER: We'll just adjourn. Mr McCafferty, are we  
15 going to miss your input in Mt Isa? Are we going to get it  
16 remotely, are we?

17

18 MR McCAFFERTY: Possibly remotely, Commissioner.

19

20 COMMISSIONER: We can just record, "I have no questions"  
21 and play it.

22

23 MR McCAFFERTY: Put up a placard perhaps.

24

25 COMMISSIONER: All right. We're still investigating  
26 whether we can do it remotely, but we'll let you know.

27

28 MR McCAFFERTY: Thank you.

29

30 **AT 1.32PM THE COMMISSION WAS ADJOURNED UNTIL MONDAY,**  
31 **25 JULY 2022**

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