
TRANSCRIPT OF PROCEEDINGS

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

COMMISSIONER: HER HONOUR JUDGE DEBORAH RICHARDS

**COUNSEL ASSISTING: RUTH O'GORMAN QC
ANNA CAPPELLANO**

**Land Court of Queensland, Brisbane Magistrates Court,
Level 8/362 George Street, Brisbane.**

Monday, 25 July 2022

1 COMMISSIONER: Yes, Ms O'Gorman.

2
3 MS O'GORMAN: Commissioner, today and for a large part of
4 tomorrow the Commission will hear evidence from
5 representatives of groups and organisations who provide DV
6 services and advocacy in respect of mostly those who
7 experience domestic and family violence rather than
8 perpetrators, although there will be some evidence in
9 relation to services provided to perpetrators as well.

10
11 The first witness this morning is Ms Karyn Walsh from
12 Micah Projects. I call Karyn Walsh.

13
14 <KARYN WALSH, affirmed:

15
16 <EXAMINATION BY MS O'GORMAN:

17
18 Q. Ms Walsh, you're the Chief Executive Officer of
19 Micah Projects?

20 A. Yes.

21
22 Q. And you've provided a statement to the Commission
23 which attaches a submission sent also to the Commission on
24 behalf of Micah Projects?

25 A. Yes.

26
27 Q. Do you have a copy of your submission there in front
28 of you?

29 A. Yes.

30
31 Q. Could I ask you, please, to turn to page 4 of it. We
32 can see there the statement that Micah Projects provides a
33 range of support and advocacy services to individuals and
34 families according to their needs and capacity?

35 A. Yes.

36
37 Q. That's correct, isn't it?

38 A. Yes.

39
40 Q. Not all of the services that Micah Projects provides
41 is directly in relation to domestic and family violence but
42 that is a core component of your work; is that right?

43 A. Yes, Micah is funded for the regional
44 domestic violence service for Brisbane.

45
46 Q. All right. On page 4 you set out there the various
47 services that Micah Projects offers. Could I ask you to

1 explain something about those services to us in a step-wise
2 fashion. If we could deal firstly with the safer triage
3 and response services?

4 A. Sure.

5
6 Q. If you could explain what's offered as part of that
7 suite of services?

8 A. The overall funding for the Brisbane domestic violence
9 service is to, you know, support victims and the aggrieved,
10 and to provide leadership in an integrated response across
11 service systems in Brisbane. So in order to do that we've
12 broken our work into teams, and we constantly are
13 reflecting on this to respond to the changing nature of
14 referral pathways, demand and any systems changes that
15 occur.

16
17 So the safer triage and response is our intake
18 screening and information, provides a brief intervention
19 and then we try to keep on top of the Redbourne police
20 referrals, and it then works to allocate to the next team,
21 which is the safer options and support, where we're doing
22 actual case management. So we might go into the more
23 detailed risk assessment, safety planning. We have funding
24 for safety upgrades. But it's a case management model
25 where we're planning the support with the woman but also
26 navigating the other systems that are impacting on her
27 options. So that would be police, Health, Housing,
28 generalist counselling services or specialist counselling
29 services to particular needs that women have. So we're
30 trying to get that balance between responding to women's
31 needs as they articulate them and the risk that is also
32 being discussed and put into a safety plan.

33
34 Q. Now, in respect of the safer options and support suite
35 of services there's a reference to high-risk service
36 coordination?

37 A. Yes.

38
39 Q. What's that?

40 A. We have two positions that are funded to provide the
41 secretariat role as well as coordinate the high-risk team,
42 which all of the departments have a representative who is
43 in the Department of Housing, Justice, Juvenile Justice,
44 Health, Child Safety, and they come together to discuss
45 positions which are - situations that are of high risk, and
46 to work out strategies to ensure safety or to work outside
47 the box in a way if there isn't an immediate response that

1 can be achieved.

2

3 Q. So is it the case that Micah Projects coordinates one
4 or more of the high-risk teams in Queensland?

5 A. Yes, the Brisbane one. All NGOs have the - regional
6 domestic violence services provide that coordination
7 function.

8

9 Q. All right. The safer families initiative?

10 A. We have two positions that support children and their
11 parents, and look at group work around children impacted on
12 by domestic violence, but we also have a specific pilot
13 program that has just finished its second year and looking
14 at - ReNew, it's called, in collaboration with Carinity for
15 adolescent perpetrators of violence.

16

17 Q. Okay. The safe and accountable justice suite involves
18 court support at two of the courts, Holland Park and
19 Richlands?

20 A. Yes.

21

22 Q. As well as four men's behaviour change perpetrator
23 programs?

24 A. Yes.

25

26 Q. How do they work?

27 A. They're basically the higher risk end of referrals
28 only from Corrections, or we do have one early intervention
29 program that is from the court. It's also co-location. So
30 we have a worker that is at the Richlands court and the
31 Holland Park court part time. So it's trying to get those,
32 you know, linkages across the justice system so that women
33 can be supported, either that they're referred from the
34 court to get an uptake of services from BDVS or whether
35 we're alerting them to someone who has particular high-risk
36 factors or needs that need to be addressed in the court,
37 like translators or access to the safe room.

38

39 Q. Then we come to safer communities, prevention and
40 cultural change?

41 A. Yes. This is a role that - you know, it's called the
42 ISS or the ISR, integrated service system, plan where it is
43 our role to try and bring together all the funded services
44 to try and look at how our referral pathways are going,
45 what's the capacity of referral for case management, a lot
46 of raising awareness with small groups and diverse groups,
47 LGBTI and immigration and First Nations women where we try

1 and look at ways that we can promote both
2 domestic violence, what it is, as well as what are the
3 responses and referral pathways.
4

5 We also have funding from the Brisbane South Primary
6 Health Network that is specifically targeted at improving
7 the awareness of GP practices and where GP practices can
8 make a sort of smooth referral for case management so that
9 that sort of system can be more engaged in responding to
10 domestic violence more appropriately.
11

12 Q. And then finally --

13 A. And a financial councillor.
14

15 Q. I see, yes. Yes. There's also the Safer Lives Mobile
16 Service?

17 A. Yes, this is a service that was set up both in
18 response to the number of women that were in motels with a
19 particular partnership with DV Connect when women call and
20 are placed in a motel across Brisbane, and also for an
21 after-hours co-response with the police, with the intention
22 that, you know, it was recognised that many women who were
23 in contact with the police weren't actually taking up
24 services or weren't involved in services. So the goal was
25 both to provide that direct support at the closest point of
26 contact, so when it was safe we could go to the home with
27 the police to support the woman, provide her with emotional
28 support to both give what information she needs to give,
29 but also then more so to take up services afterwards and to
30 try and get a response.
31

32 We were also engaged then when women need to leave the
33 home, get accommodation, or are taken to hospital and often
34 the hospitals take us. We think it's a really good model.
35 It's a struggle getting consistent referrals, but we keep
36 working at it, particularly overnight.
37

38 Q. Well, the Commission has heard some evidence of
39 frustration from some police officers who feel, it seems,
40 that the QPS is the only service that offers 24/7
41 responses?

42 A. We keep reminding them that's not true, in Brisbane
43 anyway. But we do understand it's a constant process of
44 change, and through COVID that's really been impacted on by
45 police being pulled away to other things. But we do think
46 that in Brisbane there is certainly enough that we should
47 be getting referrals every night so that we can go out to a

1 place when it's safe to do so, like if the offender has
2 been taken to the watchhouse or if we can support women -
3 and it's not to get into the detail at that minute but the
4 closest we can meet women to say, "We are a service. We
5 can provide you with support,' and get the accurate
6 information of what's happened in the incident. Then the
7 safety planning and the options that a woman can take can
8 begin. It's based on international evidence, and it is
9 with that purpose of getting women to have more access to
10 the service system because of the recognition that many
11 women who the police do see haven't actually had that
12 contact. In the international evidence, you know, telling
13 women like Redbourne, they are steps along the way, but we
14 know that they don't have as much impact with the higher
15 risk women than they could have if - a direct introduction
16 to a service.

17

18 Q. Your system and your funding set up that you
19 physically have people available overnight outside of
20 business hours?

21 A. Yes, we've got two. We've got two outreach workers
22 overnight - well, 24/7, but most of the calls for
23 co-response would be of an afternoon or overnight or from
24 midnight to six. When there has been referrals they have
25 demonstrated really excellent responses. We've been able
26 to act on things quickly. We have the information sharing
27 that allows us to get the consent of the women. Initially
28 people were worried about the privacy of the perpetrator.
29 I hope that's moved on more. But it's a complex system,
30 with so many frontline police and just two workers how you
31 get that consistent response, and they're changing all the
32 time. But now with the communications system set up we're
33 hoping that we can get on a roll again of getting those
34 overnight referrals.

35

36 Q. You've spoken about the benefit of those case workers
37 who can attend at a point of crisis perhaps overnight or in
38 the afternoon with police and provide assistance by
39 engaging with that woman there and then --

40 A. Yes.

41

42 Q. -- and the benefit that that can have for ongoing
43 service --

44 A. As soon as it's safe to do so, yes.

45

46 Q. Sure. Are there other practical benefits that your
47 workers can bring? Can you take things like safe mobile

1 phones or clothing to women?

2 A. Yes, we can link people with getting a new mobile
3 phone, getting their own phones scanned, you know, really
4 talking through what options there are in terms of if they
5 do need accommodation or not, following through with health
6 issues, particularly when there has been strangulation or
7 other injuries. We've actually had a dedicated nurse,
8 which was from philanthropy funding, who can follow up with
9 some of the women for hospitals, which has been really
10 great. So I think it's the issue of how quickly you can
11 get in, because women after trauma can't necessarily
12 articulate everything that's happened accurately and it
13 comes in stages, whereas working with the police means we
14 get a holistic view straight away, and the police can be
15 clear about the - you know, what they're doing with
16 the offender, we can get information about when they're
17 being released from the watchhouse. That sort of
18 information is invaluable compared to what we would have
19 had prior to these sort of initiatives. I mean, we also do
20 work with the women in the motels overnight, where we
21 provide practical assistance, food, support, emotional
22 support for children as well, but also getting that safety
23 planning started, particularly if women don't want to go to
24 refuge.

25
26 Q. Can I ask you to have a look over the page, Ms Walsh.
27 At the top of page 5 we can see a series of numbers set out
28 there which give us some sense of the number of women or
29 children that you were able to assist in the 2021/2022
30 financial year. Could you just talk us through these so we
31 understand the breadth of the cohort that you're assisting?

32 A. Sure. The total number of women was 4,849. 517 were
33 provided with a co-response. That didn't necessarily
34 include all just the one-off contacts or phone calls.
35 We're still trying to get our data system to get some of
36 that one-off sort of ad hoc stuff, but it certainly does
37 reflect all the people with co-response. And the 3,413
38 Redbourne referrals which we received which - Redbourne is
39 a statewide system. We would really like to and have been
40 communicating with Redbourne about how we can get a
41 differential response that not everything - depending on
42 risk, could some just be to Safer Lives, could some be to
43 our BDVS regional service, and then the Redbournes come in
44 as well. But there's a duplication at the moment, and it's
45 a very heavy workload, and we don't have dedicated
46 Redbourne staff. So we're trying to constantly look at how
47 we manage demand so that we can be able to do the

1 more - the safety planning work that's needed to be done
2 rather than just responding to the crisis and Redbourne,
3 and I think both police and us have a bit of work to do
4 around making that a bit easier, particularly for the women
5 that are higher risk, like where there's repeat offenders,
6 where there's repeat callouts, where there's children
7 involved at night. I think that's something that we're
8 looking forward to continuing to work through because we
9 don't feel we've got it right yet, just the Redbourne
10 referral rate is just so high.

11
12 Q. Who is it in terms of the organisation or
13 organisations that actually make the referrals to BDVS
14 through that Redbourne system?

15 A. Police. It's a police referral system. But sometimes
16 multiple referrals are made to multiple organisations. So
17 we've got to address the duplication. So we could have a
18 callout for co-response, we could have a Redbourne and we
19 could have a woman ringing us by self-referral. So it's
20 really sort of working through that system. We know that
21 the police favour one system for the state, but Brisbane is
22 a big city. We just want to work through how we can do
23 this better so that we get to the people with - manage
24 people's risk and safety in a more in-depth way rather than
25 just constantly referring to the fact there was a callout.

26
27 Q. These numbers here, do they include people that BDVS
28 assists through the embedded worker in the Vulnerable
29 Persons Unit?

30 A. Yes, but we do think we should probably - we're trying
31 to refine that data in terms of where it's just
32 information. It does include them if we've done case
33 management with them and immediate sort of work. But
34 there's some more refinement around how we work together in
35 the VPUs.

36
37 Q. You've spoken already about some of the co-responses
38 that Micah Projects and BDVS in particular can provide. If
39 you turn over to page 7 there's some further discussion
40 about the benefits of co-response work. Firstly, in the
41 first paragraph on that page, the second sentence reads,
42 "Collaborative and co-location responses with police,
43 foster information sharing, build an understanding of each
44 other's perspectives, and break down cultural barriers
45 between our disciplines, and improve access to services for
46 respondents and the aggrieved."

47

1 Do I take it from that that that collaborative work,
2 the co-response work and the co-location work then in your
3 view are all very positive when they're done well?

4 A. Yes, and they're emerging. Like, it's really five
5 years since we started. VPUs have been a bit staggered in
6 the since that not every VPU operates the same way. But
7 I think that it's important that we each know what our key
8 role is and that we do have that dual purpose of supporting
9 the aggrieved and holding the respondent accountable, that
10 those two things sit side by side, and hearing each other's
11 perspectives on that, and work - what we can do to, you
12 know, provide an effective intervention or to provide
13 effective support and hold the respondent accountable is
14 really critical. It's not just like doing a welfare visit
15 or just checking up on someone. It's really keeping that
16 lens very firmly in our view with our different roles.

17
18 Q. Also in this same section on the next column at the
19 end of the first paragraph in that column you say this:
20 "Co-response work is an excellent way of breaking down the
21 power imbalance between police and victims, and can lead to
22 improving how all stakeholders engage through a trauma
23 informed lens." Can you explain for us why it is that
24 co-response work is so excellent at those things?

25 A. From a practical point of view I think that, you know,
26 the police is a powerful institution. Regardless of
27 intent, people are going to feel intimidated and women are
28 going to feel powerless even when they may have a good
29 response, you know, like, women constantly talk about that
30 sense of powerlessness, and the interventions can reinforce
31 that or they can mitigate it. So I think that the
32 co-response model where a worker can be there just to pay
33 attention to the woman or the aggrieved in a situation
34 where they have just had so much misuse of power from their
35 partner, they're feeling powerless, then it's really
36 important that each time we engage with them at the
37 front - that frontline service that we're mitigating that,
38 that we're trying to improve how we can make the woman feel
39 comfortable or any aggrieved person feel comfortable and
40 just accept that it's not necessarily intention; it's
41 position and role that has such an imbalance of power.

42
43 If people have had criminal histories in the past, for
44 First Nations women, for culturally diverse women, it's
45 very important to understand that that comes from a whole
46 range of different experiences in their life, and having
47 police walk into their house is in fact another traumatic

1 experience. So when you can mitigate that in any
2 situation, whether it's through co-location, home visiting,
3 interviews, it's a really important way of enabling a woman
4 to engage in the process in a more stronger way.
5

6 Q. In the next paragraph you make reference to your
7 workers experiencing negative and defensive police
8 attitudes and behaviours, but say that overall you're
9 seeing from your point of view positive change being
10 created?

11 A. We think that these initiatives are positive change,
12 but they take a lot to implement and it takes a lot to look
13 at how the whole system, particularly where you've got such
14 turnover of staff, you know, police are on a rotational
15 basis in terms of coming out of the academy, which role
16 they play. Like, it's not an easy task. But overall it's
17 better. Yes, there are always those that are cynical about
18 it, that have derogatory comments about women. But, you
19 know, hopefully you can engage in discussion and try and
20 get some change in that. But I think we - that's not our
21 role, but it's sort of a consequence, we hope. I mean,
22 it's the police culture that has to be dealt with by the
23 police as an institution.
24

25 Q. When you say there that you, that is Micah Projects,
26 or your workers experience negative defensive police
27 attitudes and behaviours, precisely what sort of attitudes
28 and behaviours are you referencing there?

29 A. I think there's been a culture of where police want to
30 protect themselves all the time, so they might do something
31 because they have been told to do it, even though they
32 don't really believe in it. They think it will cover them,
33 that, you know, "We don't want to get blamed for this."
34

35 I'd say that's also something that impacts on NGOs.
36 People don't want to be blamed for the death of a woman or
37 don't want to do something wrong that might result in
38 extreme harm or a terrible experience or, you know,
39 consequences such as death. But I think that it's
40 important that that attitude around understanding the
41 dynamic of domestic and family violence in a much broader
42 sense of coercive control, understanding that it is a
43 pattern of behaviour, it's not just an incident, and really
44 underneath it there is a gender or a power construct about
45 relationships and intimacy that does play a role in how
46 people engage in the process of help, of intervention, that
47 needs to be understood. The responsibility of that can't

1 just be placed on a victim. We all need to understand what
2 is the context and the drivers of how women and other
3 people who are aggrieved by domestic violence are impacted
4 on, and it is that abuse of power as well as the actual
5 events that occur.

6
7 Q. Over the page you reference clear differences between
8 domestic violence and mental health responses, and the need
9 for those differences to be more visible and valued within
10 the police response overall. You mention bundling all of
11 that into a VPU not necessarily being the most effective
12 model. What is it that you would propose would be an
13 improvement there?

14 A. I think that it can lead to confusion when there's,
15 like, mental health response, DV responses. In other
16 jurisdictions internationally they have had, you know, a
17 specialist DV team in next to a VPU. You know, we do see
18 the linkages between mental health and respondent's mental
19 health, but we can't collude with that about being an
20 excuse for violence, and I think that there's probably a
21 lot to learn from sharing across these co-responses, and
22 I don't think we ever actually do come together looking at
23 what are all the different perspectives when we're
24 co-responding around mental health, domestic violence. But
25 underpinning the issue for VPUs is that really deep
26 knowledge about a gender focus, power and control, and the
27 issues around trauma informed responses so that they don't
28 misidentify what's happening.

29
30 Q. So from your point of view would there be any benefit
31 to a standalone domestic and family violence unit or a unit
32 of detectives who were able to investigate domestic and
33 family violence?

34 A. I think they should be looked - I think we should look
35 at all options to see whether they would improve. I mean,
36 I'm not party to all of the responsibilities that the
37 police have to look at when they're looking at their
38 structure, but there certainly is some evidence that having
39 that deep knowledge around the dynamics of power and
40 control and coercive control and domestic violence is
41 significantly different to how you respond to mental
42 health.

43
44 Q. Over the page and following you set out the key
45 concerns held by Micah Projects in respect to QPS responses
46 to domestic and family violence. If we could just work
47 through these briefly. The first one that you've

1 identified are inconsistent responses that lead to a lack
2 of confidence in the QPS. In Micah Projects' view, is that
3 a problem in part because if a woman or an aggrieved person
4 has a negative experience with police they're less likely
5 to call for help from the police a second time?

6 A. Absolutely. We all need to get our first contact
7 right and our first response right, and if people need to
8 have confidence that the people are (a) going to listen,
9 believe them and respect them, given that they are still
10 investigating, and how people engage with women or the
11 aggrieved when they first meet them is a critical indicator
12 to whether that trust is going to grow. Like, if it
13 doesn't, then people just may not come back again.
14

15 Q. A second concern that you identify is the
16 misidentification of women as respondents and collusion
17 with male perpetrators. Can we deal firstly with the issue
18 of misidentification of women. From Micah Projects'
19 experience, are you able to say whether that's a one-off
20 problem or an isolated problem or something more
21 widespread?

22 A. I don't think it's one-off or isolated. It's not
23 there all the time in every case. But there's certainly
24 plenty of examples of where how a woman is seen to be the
25 respondent when it's actually a dynamic that hasn't been
26 looked at, what's the history of her victimisation, what's
27 the history of how the whole pattern - and I imagine with
28 coercive control that this kind of training will really be
29 focused when the legislation changes because it is about
30 the pattern versus the incident. It is about how any
31 First Nations woman may respond to trauma and the police
32 presence is different, women from culturally and
33 linguistically diverse backgrounds needing translators -
34 there's a whole lot of things that really need to be looked
35 at in an improvement way. I think there's plenty of
36 research to back that up.
37

38 Q. Can I ask you about collusion or the perceived problem
39 with collusion then. On page 12 of the submission in the
40 paragraph on the left-hand column about partway down you
41 say, "Survivors have stated that the male-dominated police
42 culture can lead police to buddy up or side with men to the
43 detriment of the safety of women and children." Can I ask
44 you this: is there a tension between the need to avoid
45 giving aggrieved people at least the perception of buddying
46 up on the one hand but on the other hand safety operational
47 requirements for police officers attending a critical

1 incident needing to make sure they're de-escalating a
2 stressful situation and in particular potentially an
3 elevated male in that situation?

4 A. Yes, definitely. I think, though, there are many men
5 who present very well as if they're calm and collected, and
6 the woman is out of control, and I think understanding
7 those dynamics is really important. Like, what you see
8 isn't always necessarily representing what's happened.
9 There needs to be some questioning, and this is where women
10 need I think to have the confidence that they're going to
11 be heard.

12
13 Q. And at least so far as Micah --

14 A. They are up against a male who's presenting very well.

15
16 Q. I see. So what I was going to ask was at least so far
17 as Micah Projects hearing from women the perceived problem
18 of the buddying up by police with a male is not limited
19 only to situations in which the male was presenting in a
20 heightened way but potentially in circumstances where the
21 male is presenting in that, to use the language, charming
22 way?

23 A. For the person who's been victimised it's, well, if
24 you're hearing them, you know, having a chat and not really
25 taking it seriously or perceptions of laughter or - you
26 know, those sorts of issues have an impact on whether
27 they're going to trust moving forward.

28
29 Q. All right. If we can move over the page then to the
30 third concern identified in your submission. It is, as
31 I understand it, the view that domestic and family violence
32 is a personal or relationship conflict remains embedded
33 within police culture generally. Firstly, is that
34 something that you or that your workers experience is the
35 perception that some or many police officers think domestic
36 and family violence is a home, behind-closed-doors
37 relationship problem?

38 A. I think that it's changing. Like, it's not rampant,
39 that, but there are plenty of examples where they think
40 it's personal conflict, and whether that's because of the
41 way in which questioning has happened or the way that
42 things have, you know, unfolded, I think that we're seeing
43 it really referred to more as the crime that it is. But
44 there's also examples where people are saying, "I feel he's
45 going to kill me," and they don't feel taken seriously. So
46 I think that there's a real mix in - and particularly if
47 it's repeat callouts or perceptions about why doesn't the

1 woman leave, why are we being called out to the same - you
2 know, the level of frustration with that needs to be
3 mitigated against by clear training around why that's the
4 case and why different questioning may be necessary over
5 time.

6
7 Q. And maybe what you're saying there ties into the next
8 concern about police language diminishing the experience of
9 women and children, and I think what you're referring to
10 there at least in part is the language that's coming
11 through in the Redbourne referrals about an incident and
12 how the women or the children have been behaving?

13 A. Yes, definitely. I mean, the example there, "they're
14 both as bad as each other", or, you know, other issues
15 where the woman is somehow stirring him up or, you know,
16 the way in which it's recorded needs more attention.
17 Hopefully with coercive control and the emphasis on the
18 dynamic and the pattern of abuse that kind of questioning
19 or that kind of interpretation will change, because it's
20 really the pattern that needs to be established, not just
21 looking at every individual incident.

22
23 Q. Is the concern that you have there not so much that on
24 any given or for any given incident the police may have got
25 it wrong that they are in fact both as bad as each other,
26 for example - is the concern more that that sort of
27 language that you're seeing over many referrals over a long
28 period of time is reflective of some systemic attitudes
29 that are concerning to you?

30 A. Yes, definitely. I think that the attitudes towards
31 women is something that needs addressing and needs to be,
32 you know, constantly talked about and reflected upon in
33 their practice. You know, I think "they're both as bad as
34 each other" doesn't really tell you anything about why
35 police have been called to an incident anyway, and some of
36 the dynamics that occur need to be just articulated better,
37 and that's a training issue. It's not people's personal
38 view. Like, police need to put aside their personal views
39 sometimes when they're assessing and engaging with
40 situations like domestic violence, and, you know, it's
41 reflective of a general cultural view in society about what
42 happens in relationships and what happens in - where men do
43 see women as possessions, where they do want to control
44 their behaviour, but are very good at hiding it when
45 they're in front of authority.

46
47 Q. Over the page you talk about the next concern being a

1 need for continuous training and knowledge development.
2 The things you say there are probably self-evident given
3 what's come before, but in particular I note that you
4 suggest that intensive domestic and family violence
5 training including external training with DFV practitioners
6 must be continuous. What sorts of things can either your
7 workers or other expert domestic and family violence
8 practitioners offer police?

9 A. I think we can offer police our perception and
10 understanding of the dynamics of how victims experience
11 domestic violence and what sort of behaviour can occur when
12 you're in a state of trauma. I think we can offer, you
13 know, the need to provide people with a safety environment
14 in order to actually give the police the information that
15 they need. I think there's, you know, so many different
16 subsets of domestic violence, whether it's strangulation or
17 whether it's post-separation child protection and family
18 law court issues, all of these things impact on the dynamic
19 and they're constant. Police need to understand the
20 systems. And some police may be going through some of
21 those systems themselves. So they need to understand that
22 relationship between how these systems impact on how women
23 and other aggrieved engage with them and give them the
24 evidence and give them the information they need rather
25 than just be too quick.
26

27 I also think, you know, while we're working together
28 in a more collaborative way, we should be doing more
29 training together and more understanding of the work that
30 we're doing so that we can deepen that work and get it to
31 where it needs to be. With the number of people coming
32 through, we're always having to prioritise, how are we
33 going to prioritise. So I think the more we do
34 collaboration and joint work in the system as a whole, that
35 piece of work requires joint training and joint debriefing
36 and joint reflection, not just reflection in the police and
37 reflection in our service. It needs to be, "Well, let's
38 keep working on this so that we can really develop this as
39 a consistent and quality intervention."
40

41 Q. If funding permitted it, do you have people within
42 your organisation who would be willing and able to either
43 engage with police training units to develop training
44 programs for police and/or attend at the academy to
45 actually provide input to new recruits coming through?

46 A. We have attended the academy and we have facilitated
47 women coming with us to share their experience. It is all

1 a matter of, you know, what's our role and our funding and
2 our capacity. But I do think the system needs to look at
3 where this occurs, whether it's from direct service
4 providers or whether there's specialty training providers
5 who engage with service providers to get current input
6 about how it's going. It's something that I think is just
7 essential to having an integrated system and a good quality
8 response.

9
10 Q. Over on page 15 you make reference to the need for
11 improved recognition of adolescent violence in the home.
12 Do I take it from what you say in this section that it's
13 really a subset of the concern that you identified earlier
14 that police need to move away from, to those that still
15 adhere to it, the view that domestic and family violence is
16 a relationship interpersonal conflict issue and see it as a
17 crime?

18 A. In this case it's often referred to as a parenting
19 issue, and the mother is often blamed more than whatever
20 else is going on in the family or understanding the dynamic
21 with the father, so, yes, it's a subset of it, and probably
22 linkages with the juvenile justice system.

23
24 Q. You talk then about the need for clear communication
25 channels and followup with police. Does that flow from
26 reports that Micah Projects workers receive about women
27 feeling left out in the cold in respect of their own court
28 proceedings because their touchpoints aren't always
29 available or the police officers aren't letting them know
30 when their next court dates are, that sort of thing?

31 A. I think that it's a combination, but some - you know,
32 as police are giving their personal phone numbers where
33 they have to because that's how the system works, but then
34 when they're on leave or when they're not around, you know,
35 how does that communication system work so that there's a
36 diversion system and people can talk to somebody else,
37 particularly for extended periods - some police have
38 developed really great relationships of trust and
39 confidence. So when they're on leave what happens? You
40 know, it's important I think to have a more effective
41 communication flow so that it's not just dependent on the
42 one person but the system.

43
44 Q. In section 4.8 you talk about a need for improved
45 recruitment of police, particularly to ensure that the
46 service is attracting people who have high skills in the
47 area of empathy and respect for diversity. Does that

1 reflect at least in part changes in the QPS and what we as
2 a society expect of its members that you've seen even in
3 the course of your career?

4 A. Definitely. We're a much more diverse population.
5 There's much more knowledge about diversity and
6 understanding why diversity impacts on how people
7 experience violence, how they experience power. So I think
8 really having a diverse workforce is critical for all of
9 us, and for the Queensland police, with such a massive
10 workforce, it's even more critical that people can see that
11 diversity reflected in recruitment.

12
13 Q. Now, finally you say in - sorry, not finally, second
14 last, you say in section 4.9 that there's a need for
15 improved responses particularly in respect of First Nations
16 people as well as people of culturally and linguistically
17 diverse backgrounds or other minority groups. In
18 particular you make reference in the case example there
19 about refusal of access to an interpreter. How big a
20 problem do you sense that is for people who come from
21 culturally and linguistically diverse backgrounds?

22 A. I think it's a very consistent problem, and that's a
23 systems problem of how do we work out how you get access,
24 who pays for it and how it's offered as a matter of
25 routine, not just a matter of judgment.

26
27 Q. Okay. Do you have a sense of how frequently it's
28 happening, that from your point of view the women or the
29 children are not provided with access to an interpreter
30 when they're trying to explain themselves to police?

31 A. I haven't got a percentage, but it's frequent enough.
32 We can facilitate that through the service that we provide,
33 but it's not always requested or it's too late, we've got
34 to do it later on. But I think it is something that needs
35 a lot more improvement across all our systems.

36
37 Q. Finally, you do advocate for the establishment of a
38 victims commissioner in Queensland, and you say, and I'm
39 looking at the second column on page 18, that from the
40 experience of Micah Projects there's not a culture of
41 continuous improvement in the QPS and that senior police
42 can at times be very defensive or dismissive of feedback or
43 the questioning of police practice. Is that something that
44 you speak of from either your experience or your workers'
45 experience of attempting to raise concerns at a high level
46 with the service over the years?

47 A. I think it's both that, plus what we hear in the

1 media. I think that there has been a bit of, you know,
2 debate about even having this Commission or the complaints
3 process. I think, though, we need something outside the
4 complaints process that can look at trends, that is a safe
5 place, that it balances, you know, the Human Rights
6 Commission, which looks at the human rights of everybody,
7 it puts the charter of victims' rights much more as
8 something that is real, that can be accountable for, and
9 that, you know, all systems need accountability outside
10 their own system. So we do favour the appointment of a
11 victims commissioner as long as it's got the power to
12 actually get the information when they see trends and
13 complaints from women or experiences of women.
14

15 You know, sometimes women don't want to go through a
16 complaint process as such but they want to share their
17 experience, and that insight is incredibly valuable to
18 everybody. So we think that's an ongoing issue that just
19 needs to be balanced so that victims really do have an
20 advocate in the system that is able to then investigate and
21 monitor complaints and trends of complaints, and then put
22 forward continuous improvement to police and to anybody, to
23 everyone.
24

25 Q. Now, the next witness that we're going to hear from is
26 one of your embedded workers at a vulnerable persons unit
27 here in Brisbane. Is there any benefit, in your view, of
28 the converse situation, having a police officer embedded
29 within BDVS, for example?

30 A. We're about to begin that trial to see how that goes.
31 We're really committed to seeing how it can work the best.
32 There's a lot to work out, and it's never happened before.
33 But us - BDVS and Ipswich are both piloting that, and we
34 haven't commenced it yet, but we certainly feel that it's
35 something to look at and to see how we go.
36

37 MS O'GORMAN: Okay. Thank you, Ms Walsh. Those are the
38 questions that I have for you. Some of my friends might
39 have questions too.
40

41 COMMISSIONER: Thank you. Ms Hillard.
42

43 **<EXAMINATION BY MS HILLARD:**
44

45 Q. Ms Walsh, just in respect of the embedded trial that
46 you were speaking about out at Ipswich, is it contemplated
47 that that would involve your worker going on a callout with

1 the frontline officers, if safety permits, obviously?

2 A. Because we're doing that already in other teams, we
3 would absolutely welcome that. We see that as a valuable
4 intervention. But we haven't, as I said, started, and, you
5 know, we'll be working through and it will be evaluated as
6 to what is the effectiveness of that strategy.

7

8 Q. One of the things that you mentioned was about the
9 number of people - in your statement, rather, that you
10 mention is the number of people that you assist at page 5,
11 the 2021-2022 financial year. Can I just clarify, where
12 there is a referral done to BDVS there is a screening
13 process and then women are taken on for assistance and case
14 managed; that's right, isn't it?

15 A. Not all women. Some people ring just for information.
16 Some people can be referred to another service that's
17 closer to them or more - we're not only managing risk.
18 We're actually responding to the needs that women ring up
19 and say, "This is what I need," so we can link them with
20 the resources and services in the community that can
21 respond to that need, as well as identify/understand the
22 pattern of risk and assist women with safety planning, or
23 it may be even just discussing with women her options or
24 understanding what is happening to her that, you know, "Is
25 it domestic violence? This is what I'm experiencing." So
26 it's a whole range of things from that initial education
27 and awareness of what domestic violence is in a
28 relationship to what are the options for dealing with it
29 too, how to navigate what's happening in some of the
30 systems, if they're in housing or police or going to court
31 or post-separation, particularly around children and the
32 family law court.

33

34 Q. So if we're looking at the figures here can I just
35 make clear, and perhaps you can respond, the 517 that were
36 provided the co-response model, that's not the ones that
37 are just assessed as needing a co-response model; they're
38 the ones that participated in the co-response programs that
39 you already have?

40 A. Yes.

41

42 Q. You would have, you would agree, for more than the 517
43 women who would benefit from --

44 A. They're the ones that have been referred.

45

46 Q. In relation to the work that you're doing and working
47 with the police, and you spoke about the positive aspects

1 of that and the collaboration, one of the historic issues
2 has, you would agree probably, information sharing with the
3 police. In respect of past issues or potential systemic
4 issues, in your experience has there been information
5 sharing from the police when there is an escalation of
6 risk, charges how effective has that been?

7 A. Look, I think it's not consistent but it's happening
8 now with the legislation, you know, with the Domestic and
9 Family Violence Protection Act. You know, the information
10 sharing, we primarily work with consent, but we do have the
11 ability with police to refer without consent and - whether
12 there's a risk to self or others, and we do have some
13 excellent information sharing that has occurred where
14 I believe we have been able to together swiftly put a woman
15 in a more safer position. It's just not consistent.
16

17 Also, you know, we share for the purposes of safety
18 planning and understanding for us. You know, prior to
19 these information sharing practices being rolled out we
20 would only rely on what the woman could understand or
21 remember about a protection order. It was very hard to
22 trace where in the police system we could find out that
23 information. So that's an improvement that, you know, for
24 some people has really enabled a swift response where
25 safety has been managed and the outcome has been good.
26 It's just not always consistent.
27

28 Q. When you say "consistent", consistent between police
29 stations, regions, postcodes, all of that, or just one
30 area?

31 A. No, it's across the board. It's also us learning that
32 we have to - what we can do for consistency as well. But
33 in Brisbane it's a big system. You've got different
34 districts, different stations, different responses. So
35 that's something that I think we just continually want to
36 work on improving. We'll probably just always have to
37 reflect on is it working, what do we need to do to make it
38 better.
39

40 Q. One of the examples on page 9 that you were taken to
41 with the support that was provided, the third dot point
42 down talks about how the person can help and assist the
43 aggrieved. In your experience, can you say whether it's
44 more or less common for police to properly explain the
45 court process to a victim, how they'll be supported, how it
46 works, what can be put in place to help them through that
47 process when they're discussing charges?

1 A. That's probably more something that would occur
2 through the VPU, not at the direct incident. There's too
3 much else going on at the callout stage, but --
4

5 Q. Have you seen it at the VPU stage or --

6 A. I think again it's mixed of understanding what will
7 happen at court. But it does happen, and sometimes it's
8 effective and sometimes it's left out, and that might be
9 something we pick up or would refer.

10
11 Q. You spoke about and you were asked some questions
12 about the buddy-up perception and the attendance at a site,
13 and this is on page 12 of your statement. Can I just ask
14 about this. In circumstances where there has been a social
15 worker or specialist worker attend with police at the
16 crisis incident, has that been better managed because they
17 have been able to have explained to them they're just
18 engaging with the guy or the bloke, "they're not going to
19 disbelieve you"?

20 A. Yes, I think that that - it has mitigated that
21 perception, particularly where the respondent wants the
22 victim to see that they are being respected by the police
23 or that they have sort of got more power in the
24 relationship. But there are incidents where the police
25 have dealt with that themselves as well. It's just again
26 that it's not the consistency across the board.
27

28 Q. One of the common experiences of the lawyers and women
29 who engage with Women's Legal Service Queensland has been
30 that people attend the police station and are often turned
31 away or a referral is made. Is that something that is
32 common that you're aware of with the clients that you
33 engage with?

34 A. Yes, women regularly report their dissatisfaction with
35 attending a police station. I don't think police stations
36 are necessarily set up in a way that can give that in-depth
37 response that women really are expecting because they've
38 made that amazing decision to go there in the first place
39 and just how important that decision is. But, you know,
40 they do need to have the capacity to go into a room and
41 have a private conversation, not one over the counter with
42 whoever's around that might hear it. I don't think every
43 police station would have someone dealing with customer
44 service that would necessarily be able to respond in the
45 way that women are expecting.

46
47 Q. One of the second related areas connected to that is

1 that women are attending, we are told, police stations and
2 their personal details aren't even being taken, so there's
3 no DV occurrence. Is that something that is common amongst
4 your clients?

5 A. We've certainly had women report that.

6
7 Q. In respect of complaints and policing the police, if
8 I can describe it in those words, in respect of your
9 clients making complaints about police is there any
10 experience that you would say that has been a satisfactory
11 outcome for them or negative outcomes for them that you see
12 commonly either way?

13 A. I don't think many women go through the complaints
14 process. However, in the joint work that we're doing we
15 are in a - we do have the ability to give police feedback,
16 and sometimes police will act on that feedback, someone at
17 a higher level will make a decision and say that was wrong.
18 So I do think the more there is that ability to work
19 together and give that feedback, but there's also occasions
20 when that feedback would be dismissed.

21
22 Q. In respect of the referrals - and you've mentioned or
23 you spoke a little bit about the Redbourne referrals today.
24 They're just the ones that come through from police on that
25 process. There are other sources for referrals outside the
26 Redbourne referrals, though, aren't there, from police?

27 A. Yes. They're really trying to consistently get the
28 use of the Redbourne. I mean, the problem for us with
29 Redbourne is it's just so - we're expected to respond in
30 three days. We're getting referrals from everywhere else
31 as well as women self-referring. I mean, those numbers are
32 the numbers that we've worked on. But we've got to manage
33 60,000 phone calls a year as well, and those calls have to
34 be answered as well as this work undertaken. So Redbourne
35 is certainly something that we constantly want to work
36 through because of the demand on our service.

37
38 We don't want to be just a crisis short-response
39 service, and the process of having to respond to the
40 Redbourne makes you that. We want to be able to do the
41 more in-depth work because we know that that means the
42 women will get a more appropriate response when they have
43 made that decision to engage. It's just the volume and
44 probably the information we get, like, you know, the
45 information - sometimes the PAFs are attached, sometimes
46 they are not. The information can be really vague. It can
47 be really discriminatory in its language to women. So

1 I think that needs some work on.

2

3 Q. One of the witnesses last week spoke about some
4 difficulties with the Redbourne referrals about when a
5 person is misidentified and they know that they're
6 misidentified but they still have to go through the process
7 for the perpetrator or the wrong person. Is that an
8 experience that you've had with the Redbourne referral?

9 A. That they have identified the - yes, we have regularly
10 seen that the person - when we either know them or we
11 engage with them when they're actually the aggrieved.

12

13 Q. Do you have a view one way or another about the police
14 perception that once a referral is made then that is - in
15 most cases that's the end of their role?

16 A. I think from a systems point of view that's a really
17 dangerous attitude, and we would love to see that attitude
18 change so that the Redbourne isn't the effective indicator
19 of a good response. The engagement with the woman or the
20 aggrieved is the effective engagement, and the
21 accountability of the respondent, and what's happened with
22 the respondent to understand their pattern of behaviour or
23 dealing with the breaches or - I don't think a referral is
24 a reflective indicator of a quality response, and I think
25 the whole system can be caught up in that sometimes. But
26 it's only one small element of what an inter- - a
27 cross-system is about. But they feel if they make it,
28 "Well, we've done our job." That's a really dangerous
29 attitude for anyone to have

30

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

33

34 MR McCAFFERTY: Nothing, thank you, Commissioner.

35

36 MR HUNTER: Nothing, thank you.

37

38 MS O'GORMAN: Might Ms Walsh be excused?

39

40 COMMISSIONER: Thanks very much, Ms Walsh. Thank you for
41 coming in. You're excused.

42

43 <THE WITNESS WITHDREW

44

45 MS O'GORMAN: The next witness is Emma Wilson. I call
46 Emma Wilson.

47

1 <EMMA WILSON, affirmed:

2
3 <EXAMINATION BY MS O'GORMAN:

4
5 Q. Ms Wilson, you're an embedded specialist DV advocate
6 based at the Vulnerable Persons Unit in South Brisbane?

7 A. That's right, yes.

8
9 Q. And, as I understand it, you've been there since March
10 of 2022?

11 A. That's right, yes.

12
13 Q. You're there as part of the Brisbane Domestic Violence
14 Service, of course?

15 A. Yes, yes.

16
17 Q. Could you please give us a brief summary of your
18 professional background prior to starting with BDVS?

19 A. Yes. So I have an undergrad in human services.
20 I also have an undergrad in arts with a major in psychology
21 and a minor in criminology, and I also have a masters of
22 counselling, all from the University of Queensland. Before
23 this when I was doing my masters I was completing it at
24 Queensland Homicide Victims Support Group. So I did
25 support there as well through that agency. I've done
26 student placements at Child Safety as well as Children by
27 Choice. I've also done volunteer work for Arafmi and for
28 yourtown.

29
30 Q. All right. We know that you've been at the VPU at
31 Brisbane South since March of this year --

32 A. Yes.

33
34 Q. -- but you've been with BDVS for some two years, as
35 I understand it?

36 A. Coming up to two years, yes.

37
38 Q. All right. Would you give us a sense then of the
39 different roles that you have fulfilled whilst you've been
40 at BDVS?

41 A. Yes. So I've actually filled five positions while
42 I've been there. When I began I was sitting across three
43 different teams. So I was in the intake and assessment
44 team. I was also part of the court support team at
45 Holland Park and Richlands, and then also the Safer Lives
46 mobile unit on a Friday. From that I moved into case
47 management, and then from case management I've moved into

1 VPU.

2

3 Q. Okay. Did you mention just then - and I'm sorry if
4 I didn't hear you say it - that you have been in that court
5 support role at the two courts, Holland Park and Richlands?

6 A. Yes, yes.

7

8 Q. All right. Thank you. Now, you are here today
9 primarily to talk about your experiences of being an
10 embedded worker at the Vulnerable Persons Unit at Brisbane
11 South. Firstly, can you explain for us the constitution,
12 the makeup of that unit

13 A. So the structure of the unit?

14

15 Q. Mm-hmm.

16 A. So there's an OIC, which is the officer in charge, and
17 they sit obviously to oversee everyone. Then they have
18 three sergeants that do the reviews of the DVs that happen
19 within a 24-hour period, and then they have another senior
20 officer there that does the - goes out and does the
21 followups with me or/and another officer. Then you've also
22 got the HRT for QPS will go between both north and south,
23 and that's three people, I believe. They also have a
24 mental health co-responder and worker there as well, and
25 they have the serious violence team, which are two
26 detectives that are full time and two that rotate in, as
27 well as the rotational officers that come in and out of the
28 VPU.

29

30 Q. At least a couple of days a week you're also
31 physically located there working alongside those personnel
32 that you've just described?

33 A. Yes. So I'm actually in the VPU four days a week and
34 then back in the office one day a week.

35

36 Q. Okay. In terms of the shifts that you do at the VPU,
37 is one of those a co-responder shift?

38 A. Yes. So it's on a Monday from 2 pm to 10 pm.

39

40 Q. Now, we heard from Ms Walsh just a little earlier that
41 BDVS is funded to provide this co-response model. When
42 you're undertaking a co-responder shift, are you there
43 physically at the station available to go out with police
44 officers or police crews if you're called upon to provide
45 assistance?

46 A. That's right, yes.

47

1 Q. And would they be general duties crews rather than
2 officers within the Vulnerable Persons Unit itself?

3 A. So the officer who I'm with will be a VPU officer and
4 then the general duties crews will go to the triple zero
5 call at the incident, and, once they have established that
6 it's safe, that's when we would go.

7

8 Q. All right. And that would be you and another officer
9 from the VPU; is that right?

10 A. Yes. That's right, yes.

11

12 Q. How often is it that you are actually called on, you
13 and your partner, for that shift to go and attend an
14 incident?

15 A. Unfortunately I've never actually done it. We've
16 never been called on.

17

18 Q. All right. Do you know whether general duties crews
19 are aware that you and the vulnerable persons officer are
20 available for that purpose?

21 A. I believe that's where the barrier is, is that the
22 general duties officers aren't aware that I'm available for
23 that.

24

25 Q. Now, you do other shifts at the Vulnerable Persons
26 Unit. Could you give us a sense of the sort of work that
27 you would be doing on the shifts that are not dedicated to
28 being a co-responder model?

29 A. Yes. So on the other shifts we would be going out and
30 doing followups. So that would be with two officers at the
31 Vulnerable Persons Unit and myself going to the residence
32 or safe places of the aggrieveds to follow up after an
33 incident has happened. That can vary from, you know, one
34 person to five people in a day, and it can be an entire
35 day. Also a part of my role is I hold a small case
36 management as well. So I'd be offering ongoing support to
37 those women as well.

38

39 Q. And you work closely, by the sounds of --

40 A. Yes.

41

42 Q. -- your shift and the work that you do, with officers
43 from the Vulnerable Persons Unit. What's your experience
44 of the level of professionalism, commitment and
45 understanding of domestic and family violence issues
46 displayed by those officers who, firstly, are permanent
47 within the unit?

1 A. I would say it's very good. It's of a high standard.
2 They have a really clear passion and want to change and
3 want to adapt as well with new - with everything rolling
4 out and all the new policies and procedures that do come
5 into place. They obviously have a vested interest in
6 stopping the cycle and making sure that there are good
7 long-term outcomes for women and children that have
8 experienced domestic violence. Yes, I would say it's good.

9
10 Q. We've heard evidence on another day in another week
11 from a police officer who works in the Vulnerable Persons
12 Unit where you are about the sheer number of checks that
13 are required to be done almost every shift in terms of the
14 incidents that have occurred beforehand. From your point
15 of view, is that done in a very thorough and meaningful way
16 by those police officers?

17 A. Yes, the sheer quantity of it is quite overwhelming at
18 times and I think, you know, with just police assessing the
19 risk as well, you know, because it's a co-response model
20 and because we do have a good relationship in that sense is
21 that I can also bring to the attention of police as well
22 different aggrieveds that may have not been picked up. So,
23 with that, juggling it and also the fact that we don't just
24 attempt once to engage, it's definitely a number of times
25 and a number of different ways to engage as well. Yes,
26 I would say that you try your hardest as well to get there
27 in the end, yes.

28
29 Q. You mentioned just now that part of your work is
30 bringing certain issues or risks to the attention of
31 the officers who are doing those checks. I'm still just
32 talking about the permanent officers who are there?

33 A. Yes.

34
35 Q. When you bring those sorts of issues to their
36 attention, particularly if it's something where you're
37 suggesting that the police may have made a mistake, how do
38 those officers deal with that? Do you feel free and
39 welcome to raise your concerns?

40 A. Absolutely. Definitely. With the permanent staff
41 that are there I've never felt hesitant in bringing to
42 their attention maybe something that has been missed or an
43 aggrieved that has been misidentified, to explain what's
44 going on, obviously with consent, to say to them, "Listen,
45 this is where those barriers" - "This is where this has
46 gone wrong," and they have been very willing to hear and
47 attempt at least to rectify that.

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Q. So, from your point of view, that level of engagement between you as the embedded DV specialist advocate and worker and police officers who are there in that Vulnerable Persons Unit on a permanent basis, that relationship seems to work well?

A. Yes, absolutely. I was very lucky. I feel like I inherited a lot of respect just from the women who have come before me and have established that relationship with the VPU, and because it has been going on for a number of years I think that that is very solid.

Q. The Commission has heard that the Vulnerable Persons Unit there at South Brisbane is not only staffed by permanent QPS personnel but also has on a regular basis rotating staff coming through. Firstly, do you get a sense of where those rotating staff are coming from, or is that beyond what you have visibility over?

A. I usually don't have any idea where they're coming from. I think it's whoever is available within the south district from different police stations. That's what I believe is the case, but I can't say for sure.

Q. How long are they there for?

A. It's varied, completely varied. There's no real consistent time that they are there for.

Q. Do you know whether they each have put up their hand and asked specifically to be there or whether some have been told to go there, or do you not know?

A. I don't know when they have - like, when they have come to the station I know that it is mixed, that some are able to put their hand up and say that they volunteer and they want to go in to learn, and others have just been picked to go.

Q. Across the board then in terms of those rotating positions as opposed to those who are there on a permanent basis, what's your observations or experiences about their level of professionalism, commitment and understanding of domestic and family violence issues?

A. I would say it's varied. I think that some officers who are coming into the VPU are very excited to be there, want to upskill, want to learn the different processes to do their job better and so that they can take it back to their stations and kind of proceed with that. I would say that others are potentially put there because there's

1 whatever's going on for them and they're not particularly
2 interested and don't have a passion at all to kind of
3 engage.
4

5 Q. All right. So far we've been talking about your
6 observations and experiences of police officers within the
7 Vulnerable Persons Unit particularly. But you've had the
8 opportunity through your work generally at BDVS but also
9 through your placement in the Vulnerable Persons Unit to
10 see how general duties crews respond to domestic and family
11 violence?

12 A. Yes.

13
14 Q. And I take it from the remainder of your statement
15 that your view of general duties' understanding of the
16 issues of domestic and family violence is not so
17 favourable; am I right?

18 A. Yes, that's fair.

19
20 Q. Can I ask you about some particular statements that
21 you make in your submission?

22 A. Yes, sure.

23
24 Q. If I can ask you firstly, please, to turn over to
25 page 2?

26 A. Yes.

27
28 Q. And I'm looking at the bottom paragraph on that page
29 firstly. Here you say in the second sentence, "QPS
30 generally fail to see the risk to the aggrieved and the
31 children on a regular basis." Firstly, are you talking
32 there about the VPU officers or about general duties crews?

33 A. General duties crews I would say.

34
35 Q. And what's the source of your knowledge for developing
36 that perception?

37 A. At the time that they're responding to it I don't
38 think that there is enough - and it's echoed with what
39 Karyn said before about really understanding what is going
40 on at the time, and so then the measures that are taken to
41 then prevent anything going forward or trying to assess the
42 risk, it doesn't meet the requirements because they have
43 failed to identify what's actually happening.
44

45 Q. And is that then picked up - if it comes through to
46 the Vulnerable Persons Unit, is it picked up and fixed at
47 that point?

1 A. I would say generally yes. Fixed - picked up on, yes.
2 Fixed, I would - it varies.

3
4 Q. Okay. You also say in that paragraph that this
5 system, being the QPS responses, usually fails to recognise
6 a pattern of behaviour by a respondent and that the QPS
7 lacks insight into how their system can assist aggrieved
8 women and what their role in the situation can be. Where
9 you talk about a lack of insight into how their system can
10 assist aggrieved women, are you talking about an apparent
11 reluctance to charge criminal charges associated with
12 domestic violence or something more broadly?

13 A. Yes, I think looking at it as a crime rather than just
14 a relationship issue or referring to it as that is
15 definitely something that I think lacks within QPS, but
16 also I think that the officers themselves don't realise how
17 significant their role is in that experience or in women's
18 experience with QPS, when they do come into contact with
19 that system, how the officer themselves is actually such a
20 big part of their experience and how it could potentially
21 go so wrong or so right. That's maybe something that the
22 QPS fail to realise, is that they do play such a big role
23 in it and that they can have such a big impact.

24
25 Q. Over the page and towards the top of that page you
26 make this statement: "QPS will regularly give inconsistent
27 or wrong information and advice to aggrieveds that are at
28 risk." In what role at BDVS did you amass the information
29 that you base that opinion on?

30 A. In each of my roles when I'm receiving feedback from
31 an aggrieved about what their interactions with the QPS
32 have been has always been a little bit different. The
33 inconsistent advice is definitely something that has been
34 identified a number of times, but also sometimes it's just
35 completely the wrong information, and that's come out in
36 our safety planning where I've said, you know, like, dive
37 deeper into that conversation that potentially they have
38 had with an officer to find out what the context of that
39 information was. I'm not there to give legal advice or do
40 anything like that, but I would then at that point, knowing
41 what I know over - across all of my positions within BDVS,
42 strongly suggest that they speak to a lawyer or I would
43 probably contact VPU for one of those officers to give that
44 aggrieved a call if that's what is needed.

45
46 Q. Okay. In those circumstances where you have contacted
47 the VPU identifying that you think that an aggrieved person

1 has been given the wrong information, to your knowledge
2 does the VPU then make that contact --

3 A. I believe so.

4

5 Q. -- and rectify --

6 A. They attempt to, yes.

7

8 Q. You go on to say that QPS will regularly misidentify
9 the main aggressor in an incident and who is the person
10 most in need of protection, which leads to the
11 misidentification of who is the aggrieved and who is the
12 respondent. Is that based wholly or in part on your
13 experiences within the courts where you've provided support
14 as part of your BDVS role?

15 A. I would say mainly in the courts but also at VPU as
16 well. That's to do when there is a woman identified as the
17 respondent which is clearly - given more information or our
18 previous engagements or whatever that looks like, police
19 have made that mistake, yes.

20

21 Q. Now, further down that paragraph you do say, "QPS will
22 rarely ever admit if they have made a mistake or attempt to
23 rectify this." Is that a reference to occasions when, in
24 your view, the woman has been misidentified as the
25 respondent? Have you seen examples of the police officers
26 being unwilling to pull an application or withdraw the
27 application in the court setting?

28 A. Yes, absolutely. But I think they also then rely on
29 the court systems to maybe rectify that, that potentially
30 then that woman will give more evidence in a courtroom that
31 will sway the magistrate or, you know, rely on that far too
32 heavily. When you've got that situation where an aggrieved
33 has been misidentified as a respondent, that in itself is
34 extremely traumatic. Then to not only attempt to rectify
35 that but potentially sometimes not having the knowledge of
36 how to rectify that and not then bothering to ask the
37 question to then rely on the court to make that decision is
38 pretty hard.

39

40 Q. In the next paragraph you talk about QPS - and again
41 I think you're talking about general duties by and large,
42 are you?

43 A. Of the - yes.

44

45 Q. Sorry, I should explain what I'm referring to. You
46 say, "QPS have a limited knowledge of how to appropriately
47 engage with aggrieveds that from Aboriginal and Torres

1 Strait Islander backgrounds or culturally and
2 linguistically diverse communities." Again, are you
3 talking here about QPS members generally, including the
4 VPU, those at the VPU, or are you talking about your
5 observations of general duties' responses?

6 A. I would say the general duties. I think the VPU do
7 have a better understanding and gauge on this and how to
8 appropriately interact with those communities. General
9 duties officers, I still think there needs to be a lot of
10 training going forward with how to engage and get the
11 information that's needed.

12
13 Q. You mention a little further down use of PLOs?

14 A. Yes.

15
16 Q. How do you consider that they're used well?

17 A. Yes, so when I've seen it - and I've only seen it at
18 VPU where the officers have tied in a PLO to come out and
19 do a co-response as well as me, a PLO and the police
20 officer there to engage in a really meaningful conversation
21 to get all the information that's needed and desirable to
22 make good judgments going forward. I've seen it happen.
23 It works brilliantly.

24
25 Q. Have you ever seen it not be beneficial to have a PLO
26 involved at that point?

27 A. No, I don't think I have.

28
29 Q. Okay. Now, in the next paragraph you talk about a
30 culture of values within the QPS that aligns with best
31 practice principles from domestic violence services would
32 greatly improve the response from QPS to aggrieved women.
33 What is it that you mean by that statement?

34 A. So I think it's, you know, what we've mentioned
35 previously as well, is that there is a general culture
36 within QPS that still has a way to go but that can be
37 rectified with education and getting on the same page as
38 well within DV services and how we approach the situation.

39
40 MS O'GORMAN: Thank you. Those are the questions that
41 I have for you. Thank you, Ms Wilson.

42
43 **<EXAMINATION BY MS HILLARD:**

44
45 Q. Ms Wilson, you gave some general evidence about police
46 giving wrong information or wrong advice. If I can just
47 ask a few questions about that. One of the experiences of

1 clients and the lawyers from Women's Legal Service
2 Queensland has been that it can be quite common for the
3 police to say things like, "You don't need to turn up to
4 court," whereas there is an impact of that. Is that one of
5 the examples, or can you say anything about that?

6 A. Yes, definitely I've heard that many times, that they
7 don't need to turn up to court, that they don't need to do
8 anything further, whereas the reality of it is there's, you
9 know, another pathway as well.

10
11 Q. One of the other common experiences has been about
12 it's a parenting matter or it's a family dispute, "You need
13 to go somewhere else to sort that out"; is that something
14 that you can comment on?

15 A. I mean, other than just generally hearing that
16 throughout my time at BDVS there's not much I could add to
17 that, yes.

18
19 Q. In respect of whether or not there would be a charge
20 and talking to them about charges and advice about that, is
21 that information that you can add to?

22 A. Do you mean charges in like a criminal offence or?

23
24 Q. Discussing with the victim about whether or not
25 charges be laid and the advice given to them or lack of
26 advice or whatever the experience might be?

27 A. Yes. Again, that would be generally at my time at
28 BDVS, is that there has been inconsistent or wrong advice
29 given about that as well.

30
31 Q. You said in one of your answers before that where
32 there is a mistake or an error that's picked up it goes to
33 the VPU officers in the embedded team and you said that
34 they attempt to try to fix it. If I can just ask you about
35 the words that you used, "they attempt to try to fix it".
36 Can you give us some examples of where they have tried
37 unsuccessfully?

38 A. I think when I say "attempt" what I mean is that
39 there's obviously policing procedure and what that looks
40 like. So attempting to would be bringing it to the
41 attention of the officer that did respond to let them know
42 that there's more information, that there's potentially
43 information sharing that could happen, that there would be
44 a better or a more appropriate response to have for that
45 particular circumstance. But then beyond that too
46 sometimes their hands are tied because there is policies
47 and procedures around that that that is what it is.

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Q. Are you aware of whether they get pushback at times from officers when they attempt to rectify these mistakes?

A. I believe so.

Q. You say you believe so. Is that something that you've observed or that you have seen because of the way that these victims or people that you engage with come through in that embedded service?

A. I've seen it before, but, again, it's not particularly within my VPU experience itself but across my whole time at BDVS.

Q. If I could just go back to the embedded work that you do, and you said that you're not being sent out as a first response in the conventional sense but then you do more of the followups. Can I just clarify something. When you do the followups is that only a followup when something is actually classified as a DV occurrence by the frontline officers who attended?

A. I believe - so it can be either a DV occurrence, it can be an incident where police have taken out a PPN. It can also be a DV other, which is another term that they use, and it can also be for a private application that is launched in court.

Q. If the police identify it as DV other or not DV, either of those types of scenarios, are you aware of whether you still do a followup or not?

A. That - the only one I know of - that I have known, that I have heard of - so again this comes back to probably policing procedure that can speak to this better than me - is that if it's not classified as a DV I don't believe it would be reviewed by the VPU.

Q. When you're doing the embedded role, you spoke about sharing of information and things like that, are you reliant on information from frontline officers and the risk assessment information when you go and do that first followup, or is it not even that information?

A. You get a general outline of what's happened of the incident that's from the frontline officers. I think what I would do is I would make my own assessment anyway and engage with the aggrieved on that level and have my own time with that person to get a better understanding of it.

Q. When you're doing the assessment you're referring to

1 the risk assessment or the CRASF?

2 A. Yes. Yes, yes.

3

4 Q. Very lengthy to administer in full, it takes about an
5 hour and a half; is that right?

6 A. It can. It varies, yes.

7

8 Q. You talked about it being usually at their residence
9 or at some other safe place. In the station where you're
10 embedded is there a safe place at the station for them to
11 come to the station if that's what they would prefer?

12 A. No, I don't believe that VPU's - stations as they're
13 set up have any capacity to actually have general public
14 come into them. So they're just kind of stations with only
15 police officers. They don't - yes.

16

17 Q. And police interview rooms perhaps?

18 A. No, they don't have any interview rooms. It's like
19 a - yes, no, it's not set up like that at all.

20

21

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

24

25 MR McCAFFERTY: Nothing, thank you.

26

27 MR HUNTER: No questions, thank you.

28

29 MS O'GORMAN: Might Ms Wilson be excused?

30

31 COMMISSIONER: Yes. Thanks, Ms Wilson. Thank you for
32 coming in.

33 A. Thank you.

34

35 <THE WITNESS WITHDREW

36

37 COMMISSIONER: Should we stop now?

38

39 MS O'GORMAN: Thank you.

40

41 COMMISSIONER: We'll have morning tea.

42

43 **SHORT ADJOURNMENT**

44

45 COMMISSIONER: Yes.

46

47 MS O'GORMAN: Thank you, Commissioner. The next witness

1 is Jacelyn Parsons. I call Ms Parsons.

2

3 COMMISSIONER: Thank you.

4

5 <JACELYN PARSONS, affirmed:

6

7 <EXAMINATION BY MS O'GORMAN:

8

9 Q. Ms Parsons, you're here today as a representative of
10 WWILD Sexual Violence Prevention Association?

11 A. Yes.

12

13 Q. And you have provided for the Commission's benefit a
14 statement dated June 2022?

15 A. Yes.

16

17 Q. And you have a copy of that statement here with you?

18 A. Yes, I do.

19

20 Q. All right. Thank you. Can I ask you, firstly, about
21 WWILD. Are you in a position to give the Commission a
22 sense of how many clients WWILD might have assisted in,
23 say, the last financial year?

24 A. Approximately 150 clients.

25

26 Q. All right. And, as your statement makes clear, WWILD
27 supports both young people and adults with intellectual
28 disabilities who have experienced domestic and family
29 violence in their own lives?

30 A. Yes, that's correct.

31

32 Q. And in particular there's an emphasis on sexual
33 violence as a subset of domestic and family violence more
34 generally?

35 A. Yes, that's correct.

36

37 Q. All right. Now, in assisting those clients you have a
38 number of different workers who fill different roles within
39 the organisation; is that right?

40 A. Yes.

41

42 Q. How many workers in total do you have?

43 A. Approximately 20.

44

45 Q. Okay. Can you talk us through the different roles
46 that you have within the organisation, perhaps starting
47 with the sexual assault counsellors?

1 A. Yes. So we have four sexual assault counsellors on
2 staff. Two have a bachelor of social work, one has a
3 psychologist background, and the fourth has a master in
4 counselling degree.

5
6 Q. Yes.

7 A. So they're our four sexual assault counsellors. We
8 also have two victim of crime case manager roles; one is
9 myself. In addition to that we also have two project
10 workers who do some work on different projects that we're
11 funded for. We also have our manager, Gillian O'Brien; and
12 then we also employ four peer community educator roles, who
13 are women with lived experience of intellectual disability
14 and sexual violence and domestic violence; and then we also
15 have an intake worker and two finance administrators as
16 well.

17
18 Q. You mentioned that you are one of the victims of crime
19 case managers. How long have you been in that role for?

20 A. I began my role in late 2020.

21
22 Q. Prior to being with WWILD what was your background,
23 including your qualifications?

24 A. So prior to --

25
26 COMMISSIONER: Sorry, Ms Parsons, are we missing someone?
27 You said you've got 20 workers but you've only told us
28 about 16.

29 A. Yes, sorry --

30
31 COMMISSIONER: That's all right.

32 A. So we also do have a disability royal commission case
33 manager. I think that's everyone. Sorry, we've had a
34 couple of staff changes.

35
36 COMMISSIONER: That's completely fine. I was just
37 wondering if you had missed someone.

38 A. Sorry.

39
40 COMMISSIONER: It's all good. Thank you.

41
42 MS O'GORMAN: Coming back to you and your role in
43 particular - firstly, do you have a social work degree?

44 A. Yes, a bachelor of social work. I graduated in 2020
45 from Griffith University. I also have a grad certificate
46 in domestic and family violence responses from QUT.

47

1 Q. Okay. And you've been in that role, I think you said,
2 for about two years?

3 A. Yes.

4
5 Q. How often do you personally have interactions between
6 police officers and one of your clients?

7 A. Sorry, that's a hard answer to - hard question to
8 answer, sorry. Part of my role finds me often being the
9 liaison between a police officer and a client. So I would
10 have frequent contact with police on behalf of a client and
11 also frequent contact with both client and police in the
12 same setting, same conversation.

13
14 Q. All right. So, just to give us a sense of what it is
15 that you do for a client as part of your case management
16 role, talk us through that?

17 A. So my case management role - so we have clients
18 referred to us at different points. Some clients become
19 engaged with us before they have had any police interaction
20 around a specific matter, after they have had police
21 interaction, so it can kind of depend. It's my role to
22 support clients to make a decision around reporting to the
23 police if they so choose and then assisting them through
24 that reporting process.

25
26 Q. I'll just stop you there. When you talk about helping
27 a client to make a decision about reporting and assisting
28 them, you're talking about reporting domestic and family
29 violence that they have suffered at the hands of somebody
30 else, are you?

31 A. Yes, and sexual assault.

32
33 Q. And sexual assaults, okay. How does that work? A
34 client might disclose something to you in the course of
35 your assisting them?

36 A. M'hmm.

37
38 Q. And then you have discussions with that client around
39 whether or not they want to report it to police; is that
40 right?

41 A. Yes, that's correct.

42
43 Q. If they do decide that they want to make a complaint
44 to police or report to police, how do you go about
45 assisting them to do that?

46 A. It's definitely led by the client. It always involves
47 the conversation of how they wish to engage police, if

1 that's, like, via phone, via online, via in person, and
2 then following the client's wishes; it's following that
3 direction.

4
5 Q. Have you ever attended with a client at a police
6 station in order for that client to make a first complaint
7 about domestic and family violence to police?

8 A. No, not attended.

9
10 Q. Okay. What about making phone calls to police to
11 arrange a time for an interview at your client's house?
12 Has that ever occurred?

13 A. Yes, on the phone, and I've also made online reports
14 as well.

15
16 Q. When those arrangements are made by phone or online,
17 how long does it take between making that phone call or
18 making that online request and having a police officer
19 attend to meet your client?

20 A. In my experience it's definitely varied.

21
22 Q. Okay. Have you ever had the experience of being
23 present with your client when they have made the report to
24 police, whether that be by way of a written statement or by
25 way of a 93A interview?

26 A. Yes, I have.

27
28 Q. Can you talk to us then about your observations of
29 when those kind of interactions go well? I'm talking
30 either about times when you've sat in with a client and a
31 police officer during a reporting process or times when
32 you've liaised between the client and the QPS. What does
33 it look like when that goes well?

34 A. I think definitely over the phone when the QPS
35 personnel that I'm liaising with are open to information
36 regarding a client's communication needs, open to
37 communication around their disability and what that looks
38 like. Also, a lot of my role is advocating for a 93A. So
39 when a situation goes really well it's usually when that
40 QPS has agreed to doing that 93A.

41
42 Q. I might stop now in terms of getting your evidence
43 about when things go well, how that looks, and just move to
44 talk to you about 93A interviews, because, as I understand
45 it from your statement, when things don't go well it's
46 often around the willingness or otherwise of a police
47 officer to take a 93A statement from a client; is that

1 right?

2 A. Yes, that's correct.

3

4 Q. I might just now take you to the legislation and the
5 relevant parts of the OPM, and ask you to explain firstly
6 your understanding of the law and the police procedures,
7 and your interactions with police in terms of trying to get
8 93A interviews for your client?

9 A. M'hmm.

10

11 Q. You've explained to me on the phone that you are
12 familiar with the law that applies in relation to 93A
13 statements?

14 A. Yes, that's correct.

15

16 Q. So what I might do is provide you with the relevant
17 part of the Evidence Act, firstly. I have a copy of these
18 provisions for you, Commissioner. You've talked about
19 having or considering that you have an advocacy role for
20 your clients in terms of trying to persuade a police
21 officer to take a statement from a client in the form of
22 what you refer to as a section 93A statement. When you
23 refer to such statements are you referring to the
24 statements which are made possible pursuant to section 93A
25 of the Evidence Act 1977?

26 A. Yes.

27

28 Q. Okay. In particular you're talking about the
29 provision which says that in any proceeding where direct
30 oral evidence of a fact would be admissible then any
31 statement tending to establish that fact contained in the
32 document shall be admissible if, and we're looking at
33 subsection(a) here, a person with an impairment of the mind
34 at the time of making the statement is providing the
35 statement and had personal knowledge of the matters in it,
36 in the statement?

37 A. Yes.

38

39 Q. All right. In your experience, 93A statements are
40 primarily taken by way of a video recording?

41 A. Yes.

42

43 Q. Done at a police station or at the client's home?

44 A. I have seen them done at a police station, at a
45 client's home and also in a hospital as well.

46

47 Q. Before we move on to your advocating on behalf of a

1 client to be able to give a statement in that way, why is
2 it that in your experience some people feel more
3 comfortable - and I'm talking about your clients who suffer
4 from intellectual disabilities - giving their evidence by
5 way of a video-recorded conversation than by way of a
6 written statement taken in a police station?

7 A. A lot of people with intellectual disability can have
8 problems with comprehensions, their reading and writing,
9 also memory struggles, sequencing, which can make it really
10 hard to make a report in sequence, and can also cause
11 struggles when needing to read back that written statement
12 to make sure that they have actually - the statement is
13 conveying what they have said correctly.
14

15 Q. Do you ever get clients reporting to you that they
16 feel more intimidated to give a written statement than they
17 do to have that conversational form of statement giving?

18 A. Yes, a lot of clients that WWILD have worked with
19 aren't actually aware that a 93A is a possible option for
20 them. They're only aware that they're allowed a written
21 statement.
22

23 Q. Okay. And, as we've established, you from time to
24 time take on the role of advocating on behalf of your
25 client as to why that person should be able to give their
26 evidence to the police officer or make their report by way
27 of a 93A statement?

28 A. Yes.
29

30 Q. You say in your statement or your submission to
31 the Commission that from time to time you get pushback from
32 police officers about whether or not that's even possible?

33 A. Yes, that's correct.
34

35 Q. And, as I understand it from various aspects of your
36 statement, that in part appears to be because some police
37 officers appear to think that 93A statements are only
38 possible to be taken for a juvenile or a young person
39 rather than a person with an impairment of the mind?

40 A. Yes, that's in my experience.
41

42 Q. Can I take you through two parts of the OPMs then that
43 become relevant to the taking of a 93A statement. Firstly,
44 I think you've been provided, if you flip a couple of pages
45 through, with chapter 6 of the OPM. Chapter 6 deals with
46 persons who are vulnerable, disabled or have cultural
47 needs; that's right?

1 A. Yes.

2
3 Q. This is a document that you're familiar with and have
4 made yourself familiar with in order to advocate on behalf
5 of your clients?

6 A. Yes, that's correct.

7

8 Q. If we go over to page 4, can you see the section there
9 headed 6.3.3, "Interviewing persons with a vulnerability,
10 disability or cultural need"?

11 A. Yes.

12

13 Q. Are you familiar with the requirement that when an
14 officer intends to interview a person with a vulnerability,
15 disability or cultural need the officer should take
16 whatever action is necessary to compensate for that
17 vulnerability, disability or cultural need or comply with
18 legislative requirements?

19 A. Yes, I am aware.

20

21 Q. Then can you see that the next sentence advises a
22 police officer who might be having recourse to the OPM to
23 find out what they should do in this way: "In the case of a
24 child or a person with an intellectual impairment,
25 section 93A of the Evidence Act may apply and officers
26 should refer to section 7.6.5, 'Recording of evidence of a
27 child witness', of this manual"? To your understanding, is
28 that the only section within the OPMs which talks about the
29 requirements that might apply to the taking of a
30 section 93A statement of a person with an intellectual
31 impairment?

32 A. To my knowledge, yes.

33

34 Q. All right. So then the police officer would have to
35 go to chapter 7, which is separate in the sense that it
36 deals mostly with children?

37 A. Yes.

38

39 Q. Could you go, please, over to chapter 7. If you take
40 the bulldog clip off your documents you'll see that they're
41 stapled separately. It might make it easier to find. So
42 I think you've been provided there with only an excerpt
43 from chapter 7?

44 A. Yes.

45

46 Q. But the section 7.6, "Interview with a child or person
47 with an impairment of the mind". If that police officer

1 wanting to know whether they can do a section 93A statement
2 for a person with an impairment of the mind or an
3 intellectual disability wanted to find out more they would
4 go, as per chapter 6, to section 7.6.5?

5 A. Yes.

6

7 Q. That's on page 25 of the document in front of you.
8 The page numbers are up the top.

9 A. Sorry.

10

11 Q. Can you see there the section 7.6.5, "Recording of
12 evidence of a child witness"?

13 A. Yes.

14

15 Q. And here, in terms of understanding whether or not a
16 police officer would be able to take a section 93A
17 statement from one of your clients, the officer would read,
18 'An officer interviewing a child witness or person with an
19 impairment of the mind under section 93A statement made
20 before proceeding by child or person with an impairment of
21 the mind of the Evidence Act should be aware of the
22 conditions described in that section and should as a first
23 preference use video and audio facilities to record that
24 statement where practicable"?

25 A. Yes.

26

27 Q. Then you can see, can't you, that the remaining small
28 number of paragraphs after that don't do anything more to
29 assist a police officer to decide whether someone who is a
30 client of yours with an intellectual disability is someone
31 who is eligible for the taking of a 93A statement?

32 A. Yes.

33

34 Q. Is it your experience then that sometimes you get
35 police pushing back on whether or not they're even able to
36 take a 93A statement from your client and referencing those
37 sections to indicate that they don't think that they can?

38 A. Yes, in my experience I've had police personnel tell
39 me that 93As are only eligible for children.

40

41 Q. Now, where you have been successful in advocating for
42 the police officer to take a 93A statement from your client
43 in that video-recorded conversational style rather than the
44 written statement, generally speaking in your experience is
45 that better evidence taken from your clients; that is,
46 people who have intellectual disabilities?

47 A. Yes, better evidence.

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Q. All right. What's the other benefit? In addition to it being better evidence, is there any other benefit for your client moving forward in the statement having been taken in that manner?

A. We also see a benefit when - if the matter does proceed to court, if there has been a 93A done that is submitted as the client's statement in the court process they don't actually have to retell their statement to court. They just have to ask - sorry, they just get questioned on their statement. So there's no need to revisit that statement for them.

Q. And why is that important?

A. It does minimise some retraumatisation through the court process. I have only worked with a person who had provided a written statement through the court process, and that experience was quite traumatic for her.

Q. You mean the experience of then subsequently going to court and retelling that experience?

A. Yes, correct.

Q. Have you had any experiences where a police officer has agreed to take a 93A statement at first instance but you've later been told that that statement would not be admissible in that form in a courtroom?

A. No.

Q. Can we return then to what things look like when they go well. In light of the evidence that you've just been giving, I take it that the taking of 93A statements for the majority, if not all, of your clients is preferable?

A. Yes.

Q. That when things go well that would include a police officer being open to your advocacy on behalf of the client that it would be appropriate to take a 93A statement?

A. Yes.

Q. What about police officers after the taking of a statement? If court proceedings are initiated, what about the role of the police officer for your client moving forward in terms of keeping your client updated about court and court dates, things like that? What does it look like when that aspect of their job done is done well?

A. Clients have definitely said that they feel a lot more

1 supported by the police when the police that they have
2 interacted with have kept them updated around court
3 proceedings. We've had a client who talks about a police
4 officer who attended court with her and continued to
5 interact with her after the court proceeding as well.
6

7 Q. I might be picking up on a different case study than
8 the one that you're just mentioning, but I did see
9 reference in your statement, if I recall correctly, to
10 exactly that situation that ended up resolving in a not
11 guilty verdict, but the client nonetheless reporting back
12 to you that they felt they had at least been supported
13 through the system and could bear the not guilty verdict
14 more easily?

15 A. Yes, that's correct.
16

17 Q. What about working collaboratively with you? Do
18 police officers ever continue to keep you in the loop in
19 relation to your client moving through the court processes?

20 A. In my experience, I've worked with some really good
21 police personnel who have been really good at doing that
22 collaborative work and keeping us in the loop as well as
23 the client. But I've also had the experience where it's
24 often my role to continue to advocate and to chase the
25 police personnel on further information.
26

27 Q. Okay. In those cases does that come about because you
28 have a situation where the police are not keeping your
29 client directly advised as to the progress of their matters
30 or not keeping you in the loop as well?

31 A. Yes, that's correct.
32

33 Q. We've been talking about what happens when things go
34 well. Can you give us insights about what happens for your
35 clients in a negative way when things are not going well?

36 A. A lot of my clients have had really negative
37 experiences with the police in the past. So in future when
38 something does come up and they weigh up between wanting to
39 report and not wanting to report often times they don't
40 want to have any contact with police due to that negative
41 past experience.
42

43 Q. What about clients who might find themselves in a
44 domestic and family violence situation and the police
45 arrive at their doorstep, you're not there at the time as
46 the support worker, do your clients report that they are
47 always asked whether they have a support worker and whether

1 they want the support worker present?

2 A. In my knowledge, no client's been asked.

3

4 Q. What about not in that moment, which might be a moment
5 of some crisis in the home, for example, but moving forward
6 if a police officer wants to take a statement from your
7 client as an aggrieved person, in your experience are those
8 people routinely asked whether or not they want their
9 support worker present with them?

10 A. In my experience it really does vary. I've often had
11 police try and dissuade the client from wanting to have a
12 support person. I've also had an experience when I was
13 supporting a client to attend a 93A they were also trying
14 to dissuade that client into not having a support person in
15 the room.

16

17 Q. And what effect does that have on your client?

18 A. Most of my clients are engaged with WWILD because they
19 feel like they would like additional support around the
20 police system. I can only speak from my experience, but
21 I feel like there's a really big miscommunication or
22 I guess - sorry, I guess different information given by
23 different police to the client saying that either they're
24 allowed a support person or not allowed a support person.
25 So it can make the process really, really difficult and
26 really confusing because you're getting different
27 information from different people.

28

29 Q. Okay. Of course, given what we were talking about
30 before, police officers not being open to taking a 93A
31 statement from a client would factor into when in your
32 experience things are not going well?

33 A. Yes.

34

35 Q. All right. Can I take you to page 2 of your
36 statement. I want to ask you now about WWILD's involvement
37 with police training processes. I can see on page 2 under
38 the heading "Issues with identifying women with
39 intellectual disabilities you make reference to your
40 involvement in iSecure training?

41 A. Yes.

42

43 Q. You say there WWILD workers provide ongoing training
44 to QPS detectives as part of the QPS iSecure training. You
45 go on to say, "We've also in the past contributed to the
46 iCare training." But, as I understand it, you're not
47 presently contributing to the iCare training as well?

1 A. Yes, that's correct. Not currently.

2

3 Q. Okay. So, dealing firstly with the iCare training,
4 that's the training that's offered in respect of the
5 interviewing of children and people with an impairment of
6 the mind?

7 A. Yes, that's correct.

8

9 Q. And previously you had been engaged by the QPS, I take
10 it, to come in and assist with their training in respect of
11 interviewing skills for police who are interviewing
12 children and those with an impairment of the mind?

13 A. Yes, that's correct

14

15 Q. To your knowledge, does any organisation who assists
16 people who have intellectual disabilities contribute to the
17 training that's given to QPS about how to conduct such
18 interviews?

19 A. No.

20

21 Q. Do you know why it is that WWILD stopped being
22 involved in the provision of that training to QPS
23 personnel?

24 A. It was a capacity and financial struggle.

25

26 Q. A funding issue for your organisation?

27 A. For our organisation, yes.

28

29 Q. You do, though - that is, WWILD does provide input or
30 assistance in respect of the iSecure training?

31 A. Yes, that's correct

32

33 Q. Firstly, can you explain to us what the iSecure
34 training is?

35 A. Yes. So the iSecure training is a approximately
36 two-hour training that we provide to QPS detectives around
37 responding to sexual assault with people with intellectual
38 disabilities.

39

40 Q. As part of that two-hour training that's provided,
41 what are the skills that are focused on by your trainers?

42 A. So we focus on police personnel identifying someone
43 with an intellectual disability and focusing on ways that
44 they can adapt their communication when speaking and
45 interviewing a person with an intellectual disability.

46

47 Q. Is it always easy - would it always be easy for

1 someone in the position of a police officer to identify
2 that your clients necessarily have an intellectual
3 disability on a first meeting with them?

4 A. No, we've had lots of QPS personnel tell us that they
5 do struggle with identifying a person with an intellectual
6 disability and are often concerned about the right
7 questions to ask to find that information out.

8

9 Q. I take it from some of the statements made in your
10 statement that your clients are not always willing to
11 disclose to people, let alone a police officer on a first
12 meeting, that they have an intellectual disability or the
13 scope of that disability?

14 A. Yes, that's correct.

15

16 Q. So, given those two things, I take it it's pretty
17 important that police officers are trained to ask the right
18 questions to ascertain if somebody does or does not have an
19 intellectual disability?

20 A. Yes, that's correct.

21

22 Q. You mention the desirability of asking questions
23 around the fact of a disability rather than directly asking
24 somebody, "Do you have an intellectual disability?" What
25 are the sorts of questions that police officers can be
26 asking people in the circumstances?

27 A. So part of our - part of the iSecure training we talk
28 about again some of those questions to kind of navigate to
29 determine if someone has an intellectual disability, such
30 as checking around their supports, if someone attends with
31 a support worker, asking some questions around that, asking
32 some questions around, like, Centrelink pensions,
33 Centrelink payments.

34

35 Q. Okay. You've mentioned that people from your
36 organisation are involved directly in that training?

37 A. Yes.

38

39 Q. Which of the roles within your organisation go out and
40 deliver the training?

41 A. Primarily the victim of crime case managers.

42

43 Q. Okay. In addition to helping police identify whether
44 or not someone might have an intellectual disability and to
45 work out the extent of that, do you also assist police
46 officers to identify the barriers that people like your
47 clients face in terms of their interactions with police?

1 A. Yes, that's also part of the training.

2
3 Q. What's the feedback that you've had from police
4 officers about that aspect of the training and its
5 usefulness or otherwise?

6 A. To my knowledge, the feedback hasn't really been about
7 that part of the training. It's more been around
8 identifying and communication, to my knowledge.

9
10 Q. All right. So you say --

11
12 COMMISSIONER: Who are you training? Is that detectives?

13 A. Yes.

14
15 MS O'GORMAN: And they're the detectives who are
16 undertaking the iSecure training?

17 A. Yes.

18
19 COMMISSIONER: So are they specialist detectives?

20 A. Mostly CIB detectives attend the training.

21
22 COMMISSIONER: From just general stations or from sexual
23 assault units or?

24 A. We don't normally get a list of where all the
25 detectives come from. The last couple of trainings they
26 have been from rural stations. But the training is open to
27 everyone, I assume.

28
29 MS O'GORMAN: Just before you mentioned that you don't get
30 feedback so much in respect of explaining to the detectives
31 the barriers that people with intellectual disabilities
32 might face but you do in respect of how to identify
33 somebody who might have an intellectual disability and also
34 communication?

35 A. Yes.

36
37 Q. So do you also assist with training these detectives
38 in how they might tailor their communication with someone
39 who has an intellectual disability?

40 A. Yes, that's part of the training.

41
42 Q. What sorts of things do you train or do you tell
43 detectives about tailoring their communication styles?

44 A. So all of the communications style training has really
45 come from the clients that we work with. So we really
46 advocate for police personnel taking their time with the
47 person, breaking down information and procedures in an

1 easy-to-understand manner, treating the person with
2 respect, and also explaining the 93A process and that there
3 is a benefit for someone disclosing that they do have an
4 intellectual disability to police, and we have had clients
5 say that if they - sorry - knew that there was a benefit --

6
7 COMMISSIONER: Do you want some water?

8 A. That's okay. Thank you so much. Sorry, I've had
9 clients say that if they knew there was a benefit to
10 disclosing their disability that they would be much more
11 open to disclosing to police.

12
13 MS O'GORMAN: I see. You're referring there to the
14 benefit in the form of perhaps the availability of giving
15 their evidence or their statement to the police by way of
16 that video-recorded conversation rather than the
17 written-style statement?

18 A. Yes.

19
20 Q. All right.

21
22 COMMISSIONER: I suppose if the police decide their
23 disability is not such that it's a 93A, if they can have a
24 support person there when they're giving their statement,
25 it's also useful?

26 A. Yes.

27
28 MS O'GORMAN: In addition to the training that is provided
29 by the victims of crime case managers who go out to the
30 academy as part of this iSecure training, do you take with
31 you one or more of your peer facilitators that you referred
32 to earlier?

33 A. Yes, we do.

34
35 Q. So that's a woman with an intellectual disability who
36 has experience of suffering domestic and family violence
37 herself?

38 A. Yes.

39
40 Q. Is it one or more than one woman who goes out to any
41 one training session with you?

42 A. Usually one peer facilitator and two victim of crime
43 case managers to each training.

44
45 Q. From your observation, is there particular benefit
46 that that peer facilitator brings to the training session
47 for the detectives who are there?

1 A. Yes, that's feedback that we've got from the police
2 personnel that they definitely appreciate having someone
3 with lived experience who can talk to police experiences
4 they have had in the past and what worked well and what
5 didn't work well, and actually hearing it from a person
6 with lived experience. It's really beneficial for them.
7

8 Q. All right. You - that is, WWILD, the organisation
9 that you work for, doesn't presently provide training to
10 police officer recruits at the academy around domestic and
11 family violence or to general duties police officers about
12 domestic and family violence?

13 A. No, we don't.
14

15 Q. I understand obviously it's a funding issue, but were
16 funding available for your organisation do you have people
17 there who are willing and able to provide that sort of
18 training?

19 A. In my knowledge, yes, there would be.
20

21 Q. Given your observations of the benefit of having peer
22 facilitators explaining their lived experience to
23 detectives, do you think there would also be benefit in
24 having those peer facilitators attend to help deliver
25 training to general duties officers or police recruits to
26 explain the lived experiences of women who have suffered
27 domestic and family violence who are living with an
28 intellectual disability?

29 A. Yes.
30

31 Q. All right. Those are the questions that I have for
32 you, thank you, Ms Parsons.
33

34 COMMISSIONER: Ms Hillard?
35

36 **<EXAMINATION BY MS HILLARD:**
37

38 Q. Ms Parsons, you were asked a number of questions about
39 supports and you gave some evidence about support people
40 and the importance of those. Can I ask about the other
41 information that might be helpful to your clients. If the
42 police, for example, were to talk about the court process,
43 how many times they might have to go to court, what was
44 involved in court and how they could be helped in going to
45 court, would that also help them as well?

46 A. Yes.
47

1 Q. Do you think that there is perhaps a perception of,
2 and I use the word, paternalising that when a person has a
3 disability that decisions have to be made for them without
4 consulting them?

5 A. Definitely.
6

7 Q. When you spoke about your advocating role in that sort
8 of space about speaking and giving a voice to those people,
9 how has that been affected when you're dealing with the
10 police about getting them to understand that they can speak
11 for themselves?

12 A. In my experience and in working with different police
13 personnel there is often a misconception that a person with
14 an intellectual disability can't make any decisions for
15 themselves, and also questions around their capacity to
16 consent and capacity to understand everything, yes.
17

18 Q. You're talking about capacity to consent. Can I just
19 clarify. You're talking about capacity to consent to
20 charges and the court process, is that what you mean, or
21 are you referring to something else?

22 A. I guess capacity to consent to any decision.
23

24 Q. In your statement and the annexure to it you reference
25 or you refer to preconceptions about rape and sexual
26 assaults involving your clients. Is that one of the other
27 things that you have to advocate for to police, that they
28 have capacity to consent to sex?

29 A. Yes, we do a lot of advocacy around capacity to
30 consent and around the misconception that a person with an
31 intellectual disability doesn't have capacity to consent.
32 There's a lot of advocacy around that.
33

34 Q. Bearing in mind that you reference sexual abuse a
35 couple of times in your statement, are you able to say or
36 do you have something you want to comment on about the
37 approaches by police when your client is disclosing a
38 sexual assault that's occurred in a domestic and family
39 violence setting?

40 A. A case study that we reference in our submission is
41 around a client who was wanting to speak to the police
42 around a domestic and family violence matter and a sexual
43 assault matter. Through that reporting - and that client
44 really struggled with sequencing and really needed - and
45 I guess needed to tell her story from what the police may
46 have thought was a disjointed point of view. They really
47 struggled with working with that client because she was

1 disclosing domestic violence instead of sexual violence,
2 which is what they thought they were there for, which
3 didn't result in a very good experience for her just due to
4 that misunderstanding and I guess inflexibility.

5
6 Q. Have you ever had any experience with your clients
7 where they're wanting to make a disclosure of a sexual
8 assault in a domestic and family violence setting that the
9 police haven't pressed charges?

10 A. Not in my experience. Not in my experience, no.

11
12 Q. In respect of a couple of your answers where you spoke
13 about some negative experiences of your clients in the past
14 and that influences whether or not they'll engage with
15 the police in the future, are you able to elaborate on some
16 of those examples of those negative experiences that your
17 clients have told you?

18 A. Yes. Recently I supported a client after she had
19 engaged with the police process. She had already provided
20 a written statement to detectives around a sexual assault.
21 The client reported that she had disclosed her intellectual
22 disability to the detectives herself, but the detectives
23 made no accommodations to - I guess to change their
24 communication or to offer her additional support around
25 that disability. The client then spoke about feeling
26 really blamed and judged by the detectives after making her
27 statement, and she said that she felt like the detectives
28 were blaming her for wanting to find a boyfriend, for
29 wanting to date, and that the detectives had talked to her
30 about having concerns around her safety and capacity to
31 have a relationship.

32
33 That client now speaks around that police experience
34 really, really negatively. She is now having extreme
35 mental health concerns following that incident, and she
36 expresses that she's now really scared of what the police
37 will do and actually just is really, really scared of the
38 police now following that interaction.

39
40 Q. So the example there is quite a very specific example,
41 but is it the case that your experience is that it is a
42 common experience of your clients that they complain about
43 this attitude of disbelief that they're telling the truth
44 when they engage with the police?

45 A. That's really common.

46
47 Q. Is it also a common experience of your clients that

1 when they're engaging with the police that the consent
2 issue and their ability to consent because of their
3 disability gets viewed negatively?

4 A. Yes.

5

6 Q. Just in respect of the training that you deliver, was
7 I correct in writing it down it's two hours?

8 A. Yes, about an hour 45 to two hours, that's correct.

9

10 Q. And whereabouts does that take place? Does that take
11 place at the police training headquarters or the police
12 training centre?

13 A. Yes, that's correct.

14

15 Q. When that was delivered was that on a panel or is it a
16 face-to-face scenario or is it just someone standing there
17 speaking?

18 A. So we try and do face-to-face training. We have, due
19 to COVID, done a couple of Zoom sessions, but we try for
20 face to face.

21

22 Q. That training could perhaps, if funding permitted, be
23 improved to include case scenarios and case examples of how
24 an interview works well; would you agree?

25 A. Yes, we do include a case example around a good
26 experience of a client experiencing a 93A interview in the
27 training.

28

29 Q. I presume that in your two hours you don't have the
30 opportunity for the officers who are receiving the training
31 to undertake the exercise for themselves?

32 A. No, we're really pushed for time.

33

34 Q. That would be beneficial, I would think, would it,
35 would you agree?

36 A. I think so.

37

38 Q. If you had time and resources and the ability to do
39 it; of course I qualify all of that. I'm gathering from
40 your answers that there has been inconsistency in responses
41 from individual police when you're having to engage with
42 them on behalf of your clients?

43 A. Yes, that's correct.

44

45 Q. Is that inconsistency across different stations or
46 different regions?

47 A. Across Brisbane, yes, so different police within the

1 same station, different stations, different units, yes.

2

3 Q. You were asked about some of your clients engaging
4 with the police. Sometimes you've seen them where they
5 have not spoken to the police; sometimes you see them after
6 they have spoken to police. Do you know whether your
7 clients have attended a police station and any of them been
8 turned away?

9 A. Yes. I have.

10

11 Q. Are you able to say whether that's a common complaint
12 or not?

13 A. Not common. I think now, especially the work that we
14 have done alongside police, in the best way to engage with
15 police, we try to advocate with our clients to either do
16 that via phone or via online just to kind of minimise some
17 of that turning up and being turned away.

18

19 Q. In relation to that happening - I see that your
20 service has been in place since 1998 - is that something
21 that is recent or ongoing, or is it throughout that period
22 of time that you've been involved with WWILD that you're
23 aware?

24 A. In my experience, we've always tried to advocate for
25 the best way to engage with police, but I guess more
26 recently have we become aware that attending a police
27 station is not the best way to do that.

28

29 Q. So you don't encourage your clients to go and attend
30 at a police station on their own once they make contact?

31 A. I wouldn't say "encourage". WWILD works on a consent
32 and open information point of view. So we always just
33 provide all of the information, and then the client makes
34 the decision.

35

36 Q. Perhaps it's better worded in this way: that's often
37 for your clients not the optimal or ideal way for them to
38 engage with the police by going to the police station even
39 with your support?

40 A. Yes, that's correct. Yes.

41

42 MS HILLARD: Commissioner, those are the questions. Thank
43 you.

44

45 MR McCAFFERTY: No questions, thank you.

46

47 MR HUNTER: No questions, thank you.

1
2 MS O'GORMAN: Might Ms Parsons be excused, please.

3
4 COMMISSIONER: Actually, just before you're excused,
5 I just thought of something. In relation to that training
6 that you do with the police, and Ms Hillard was asking you
7 about whether it would be good for them to have practice
8 scenarios, it's probably a bit difficult to do practice
9 scenarios with someone who's got an intellectual
10 disability; is that right?

11 A. Yes. The training is frequently looked at by myself
12 and other workers to kind of improve it and do things
13 better and take on police feedback. We've always kind of
14 come back to the fact that everyone with an intellectual
15 disability is different, and also in the case of a role
16 play of someone without an intellectual disability role
17 playing someone with an intellectual disability is really
18 disrespectful and problematic --

19
20 COMMISSIONER: Fraught with lots of difficulties, isn't
21 it?

22 A. Yes. So we try and heavily focus on our peer worker
23 and their lived experience they want to share and also on
24 some really positive case studies that we've experienced.

25
26 COMMISSIONER: Okay. Thank you. Thank you very much.
27 You're excused.

28
29 <THE WITNESS WITHDREW

30
31 MS O'GORMAN: Commissioner, the next witness on the list
32 is Lou Baker from Brisbane Youth Service.

33
34 COMMISSIONER: Yes.

35
36 MS O'GORMAN: She's unavoidably detained elsewhere and
37 unable to give evidence today. But Di Mahoney, who
38 authored the submission that was received by the Commission
39 from Brisbane Youth Service, is here and available to give
40 evidence in her place.

41
42 COMMISSIONER: Yes.

43
44 MS O'GORMAN: So I call Di Mahoney.

45
46 COMMISSIONER: Is everybody happy with that that? Yes.

47

1 MS O'GORMAN: Thank you.

2

3 <DI MAHONEY, affirmed:

4

5 <EXAMINATION BY MS O'GORMAN:

6

7 Q. Ms Mahoney, you're the Acting Chief Executive Officer
8 of Brisbane Youth Service and you were involved in and
9 ultimately signed off on the submission that was sent
10 through to the Commission on behalf of your organisation?

11 A. That's right.

12

13 Q. Do you have a copy of that submission there with you?

14 A. I do.

15

16 Q. All right. Thank you. In terms of Brisbane Youth
17 Service your submission makes it clear that your
18 organisation has supported young people aged between 12 and
19 25 years and their children where they have them who are
20 experiencing or at risk of homelessness in Brisbane for
21 more than 45 years now.

22 A. Correct.

23

24 Q. And you also say that the majority of those young
25 people supported by BYS have experienced family violence;
26 in fact you're able to quantify that at some 72 per cent of
27 those young people?

28 A. About 70 per cent every year for the last six years
29 that we've been collecting data.

30

31 Q. And as well nearly half of those young people have
32 experienced relationship violence in the past, intimate
33 partner violence?

34 A. Those who have acknowledged it, yes.

35

36 Q. All right. And finally you say that many of those
37 people are currently navigating intimate relationships that
38 involve violence?

39 A. Yes.

40

41 Q. All right. Now, the services that BYS provides are
42 holistic in nature, aren't they?

43 A. Correct, yes.

44

45 Q. So is it your experience that people, young people,
46 who come in seeking your services feel free to disclose
47 domestic and family violence that they have experienced?

1 A. We'd hope so. We certainly aim to positively engage
2 with them and make a safe space for them to disclose a
3 whole range of things, and in fact when we do an intake
4 assessment with young people we ask a lot of questions to
5 ensure that we can adequately support them.

6
7 Q. All right.

8 A. Having said that, there are - you know, not everybody
9 is the same. So some young people if you're asked a
10 question directly about domestic violence, family violence,
11 relationship violence, will answer and some may choose to
12 not answer as well and it really depends on the
13 relationship you can build with them, I think.

14
15 Q. Do you have occasions where a young person comes to
16 your service seeking assistance in respect of either their
17 present homelessness or potential future homelessness and
18 they disclose either there and then or over time abuse,
19 domestic and family violence, where you then enter into
20 discussions about whether or not they wish to report that
21 experience to the police?

22 A. Yes, all the time.

23
24 Q. And do you have workers or practitioners available to
25 help young people to make that decision?

26 A. Yes, all our social workers and, you know, youth
27 workers are able to support young people in that way.

28
29 Q. I understand that the organisation may have some 90
30 practitioners or so in its employment?

31 A. Ninety people. I'm not sure exactly what the FTE is.
32 It's less than that because there's quite a few
33 part-timers.

34
35 Q. And approximately 80 of those, as I understand it, are
36 involved in service delivery roles?

37 A. Yes.

38
39 Q. Interacting with young people?
40 A. Yes.

41
42 Q. And assisting them with whatever their issues are that
43 they're navigating in the community?

44 A. Yes.

45
46 Q. Okay. Now, you set out on your first page the many
47 programs that BYS offers which specifically support young

1 people who have experienced domestic and family violence.
2 I'm particularly interested in what you say about BYS also
3 trialling the KIND program, which you say is an individual
4 psychosocial intervention for young people using violence
5 in their relationships. How does that work?

6 A. Well, in addition to the data that's quoted there
7 about young people experiencing violence, young people
8 also - about 25 per cent also disclose that they use
9 violence in their relationships. So when we looked at our
10 data we thought there's a great need for us to work in this
11 space and to, you know, look at how we support young women
12 but also look at how we support young people in general who
13 are using violence or have violent relationships.
14

15 Q. Just before we continue there, you mentioned having
16 data around approximately 25 per cent of young people
17 disclosing that they use domestic violence. Do you have
18 any data around the gender breakdown of those people who
19 are disclosing that they use violence?

20 A. I don't know that I could tell you what it is. But
21 what we do know is that young women do use violence as
22 well, but by far the vast majority will be young men. That
23 will be an underestimate, too, in terms of all of those
24 statistics, I would say, in terms of people disclosing this
25 kind of stuff.
26

27 Q. Okay. I had interrupted you. You were I think going
28 to talk about the importance of the KIND program in light
29 of those statistics?

30 A. Yes. So a couple of years ago we received some
31 funding to develop a program for young men using violence
32 and we came across a program called the KIND program, which
33 has been developed by forensic psychologists in the Youth
34 Justice Department in South Australia. They had done a
35 small pilot and got some data, and it started to look like
36 an effective intervention for young men particularly that
37 they were looking at in using violence.
38

39 Between BYS, CYMHS, which is the Child and Youth
40 Mental Health Service, and Youth Justice officers here in
41 Brisbane have formed a community of practice and are
42 working with the South Australian Youth Justice Department
43 to deliver that program here in a bigger pilot. So they're
44 once again delivering it. BYS has been delivering it.
45 CYMHS have just started to deliver that program. Youth
46 Justice have only just come on to do that as well. So
47 I guess we're looking at - there's not a lot for young men

1 using violence; there's really not many programs to refer
2 them to. Often if you refer them into a men's behaviour
3 change program they have to be 18 for a start, and they may
4 learn some skills in those sort of contexts rather than
5 actually look at their own behaviour. I'm not saying they
6 couldn't do that. Some of them --

7
8 COMMISSIONER: Do you mean learn skills that they
9 shouldn't be learning?

10 A. Yes. So this program, when we started to look at what
11 would be suitable for particularly the young men that we
12 work with who maybe had a complex upbringing themselves and
13 have been exposed to violence and it's sort of normalised
14 to a degree, it's an individual program that can be
15 tailored around their literacy levels or their cognitive
16 abilities or their capacity to engage in the program. So
17 we've been doing that since July last year, and the program
18 is being externally evaluated by Griffith University.

19
20 MS O'GORMAN: When you say it's an individual program does
21 that mean it's delivered on a one-on-one basis, not group
22 training?

23 A. Yes, that's right.

24
25 COMMISSIONER: Did you say it's been evaluated or it's
26 being?

27 A. Yes, it will be evaluated by Griffith University.

28
29 COMMISSIONER: And when that's that going to happen?

30 A. I think the delivery span is until December next year.

31
32 MS O'GORMAN: And have you had any graduates from the
33 program yet?

34 A. Yes, I think we've had three young men who have
35 finished the program and have from feedback that I've
36 seen - and this is - part of the evaluation will be quite
37 much more based on some of the psycho assessments that's
38 done within the program, but the general feedback from them
39 has been that it's quite life-changing. They have managed
40 to change how they understand their own brain and
41 understand their own responses and change their behaviour
42 accordingly so that they have got less impulse - or better
43 impulse control, I guess.

44
45 COMMISSIONER: Who delivers the program?

46 A. Workers at BYJ who have been trained by the South
47 Australian Youth Justice Department to deliver the program.

1 So we've got two workers doing that at the moment.

2

3 COMMISSIONER: What are their qualifications?

4

A. They're social workers, both of them.

5

6 COMMISSIONER: Social workers?

7

A. Yes. One has a qualification in domestic and family violence also.

8

9

10 MS O'GORMAN: What's the input or contribution made by the
11 representatives of CYMHS or Youth Justice?

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Q. You say that your submission is based in part on professional observations of various cultural issues within the QPS or its capacity and capability to respond to domestic and family violence. What other ways in which your service through case workers or other practitioners engages with young people and the police?

A. The submission we put in has really been developed with our young women and young families team that do a lot of work in the space of domestic and family violence, child safety, protection et cetera. So more broadly, you know, we have other young people who we support in other teams who might have interactions with the law.

But in this regard it's really been around that team and their workers, quite a number of whom are really longstanding workers. One has been with BYS for 26 years, has very highly developed skills in terms of working with young people and young families and in this space. So they're the frontline who have been really working with young people and who have contributed to the case studies that have gone into the submission.

Q. Is it the case that you have practitioners within your organisation from time to time physically attend with your

1 clients if they have made a decision that they want to
2 report domestic and family violence to police that they
3 have reported to you?

4 A. Yes.

5
6 Q. And how often does it happen, if you're able to say,
7 that a client who discloses domestic and family violence to
8 you wants to go and report that to the police?

9 A. The challenge of working with young people, even
10 though we've said, you know, young people are telling us
11 that they're in violent relationships, is that they may not
12 also see violence in their relationships. So there's a
13 whole lot of young women in particular who experience
14 domestic violence and may minimise domestic violence or may
15 not even recognise some of the signs of coercive control.
16 So the job of the youth workers is sort of very educational
17 around that, and also then if they're to a point a young
18 woman really does want to disclose to the police she will
19 be accompanied and supported to do that.

20
21 Q. Could I ask you to go to page 2 of your statement?

22 A. Yes.

23
24 Q. Because you set out there some reluctance on the part
25 of your clients to go and report to police or a lack of
26 confidence on the part of your clients in engaging with
27 police, and I'm looking at the three bullet points that
28 you've set out towards the top of that page. So, as
29 I understand it, your experience is that young people
30 accessing the support services of BYS often reported
31 general lack of trust in QPS responses and that that might
32 be increased in circumstances where the young person has
33 lived in out of home care in the past or is presently
34 living in such a situation?

35 A. Yes.

36
37 Q. Do you have a sense of why it is that those young
38 people are so reluctant to engage with police or to report
39 to police?

40 A. I think they have probably had negative experiences or
41 negative outcomes as a result of perhaps witnessing
42 violence and interactions in their family. With
43 72 per cent of young people saying they have had
44 domestic violence in their families, there may or may not
45 have been police interaction and that may shape how they
46 see the police.

47

1 Q. What about the cohort of people who are coming to
2 access your services? What proportion of them might have
3 had their own interactions with police, outside of a
4 domestic and family violence setting perhaps, prior to the
5 point of wanting to report domestic and family violence and
6 does that come into play?

7 A. I think it does come into play for some young men
8 potentially. I couldn't tell you the stats really around
9 that, but I would think that that could have an impact for
10 sure.

11
12 Q. Okay. In the third paragraph on that page, the
13 paragraph commencing, "We acknowledge that the Vulnerable
14 Persons Unit", there's a scenario or an example set out
15 there. Is that an example of which you have personal
16 knowledge or was that a matter that Ms Baker was involved
17 in?

18 A. Ms Baker and her team members.

19
20 Q. Okay. Do you have knowledge of it?

21 A. Yes, I have knowledge of it.

22
23 Q. All right. So as I understand it in respect of that
24 example you, that is the organisation, was aware of a young
25 woman who had been referred to a high-risk team and you
26 understand that she was referred without her consent, that
27 there had been concern at an organisational level, whether
28 it was yours or another organisation, that she was at such
29 high risk that she had been to be managed by that team
30 regardless of the fact that she didn't want to be. She was
31 determined to be an aggrieved within her relationship.

32
33 As I understand it, in the course of her progression
34 through the high-risk team's case management systems there
35 was an incident in which police were called out and she was
36 determined to be the respondent, and it was only when her
37 matter came back before the high-risk team during another
38 case meeting that it was determined that in fact she wasn't
39 the respondent, she had been misidentified and was in fact
40 the aggrieved in respect of a very serious ongoing domestic
41 and family violence incident or relationship.

42 A. Yes.

43
44 Q. All right. Do you have any personal knowledge of how
45 that particular matter resolved? Did the police
46 application naming her as the respondent get withdrawn, to
47 your knowledge?

1 A. I don't think so, at this stage.

2

3 Q. You say, and I'm is still looking at that page for the
4 moment, that within the context of domestic and family
5 violence investigations BYS staff have observed a
6 difference in QPS investigations of domestic and family
7 violence for young women with complex needs. How does that
8 manifest itself?

9 A. Well, I guess some of that observation is around a
10 young person's mental health needs. It may be that that
11 young person is very distressed at the time of an incident
12 or shortly after, and I guess the police response is
13 to - in that case there were certainly some issues where
14 the police had responded to the mental health issues rather
15 than the DV issues, and it's just that presentation of
16 complex behaviour which can be interpreted in a number of
17 different ways by the police.

18

19 Q. Is it your experience or the experience of the
20 organisation that that's occurred once, and by that I'm
21 talking about the police response to the incident focusing
22 on the mental health issues and disregarding entirely the
23 domestic and family violence issues, or is that something
24 that you've encountered more than once?

25 A. I think it's a bit of a theme that comes through when
26 I listen to the team just talk about what gets the priority
27 in a complex situation.

28

29 Q. Okay.

30 A. And how that might impact the young woman, yes.

31

32 Q. And is that exacerbated in circumstances where the
33 young woman has been using alcohol or other drugs?

34 A. Could be; yes, definitely. It's not to say that a
35 mental health response is not needed; it's just not
36 necessarily the only response or the first response that
37 might be needed, and therefore that building of trust like
38 others have mentioned this morning with police responses is
39 not happening.

40

41 Q. Okay. Towards the bottom of page 3 of your submission
42 you make the statement that BYS staff have observed a lack
43 of QPS knowledge of the impacts of trauma on young people's
44 immediate response to domestic and family violence
45 incidents. Can you explain to us about the significance of
46 the impact of trauma on your clients and what that means
47 for the need for police to be attuned to that trauma?

1 A. Yes. What we see with young people is if they have
2 had experiences growing up in a violent family they'll
3 often have developmental delays. They might be 20 years
4 old or 18 years old but really not have the cognitive
5 ability of the same age. So you do see sort of acting out
6 behaviours or complex behaviours that can be - and without
7 that lens of really understanding the impact of
8 developmental trauma on a young person, you know, you might
9 have a certain response to that which might not be
10 appropriate, for example. Part of responding effectively
11 to young people who have had traumatic development or have
12 experiences of trauma that go on top of that is to create a
13 really safe space for them to be able to, you know, feel
14 secure, to have advocates to support them, to be able to
15 share their stories safely so that they know they'll get a
16 fair response.

17
18 Q. On the point of advocates and the young person's
19 advocate, if you have a person who becomes involved in a
20 police investigation in respect of domestic and family
21 violence issues how frequently are you called up by a young
22 person or a police officer and asked whether you can send
23 in an appropriate support person for the purpose of taking
24 a statement, for example?

25 A. I would think it would be relatively rare.

26
27 Q. Do you ever get clients reporting to you after the
28 fact that they had been involved in interaction with
29 the police, wanted a support person present and weren't
30 able to access one for any reason?

31 A. I'm sure there are occasions of that, definitely, if
32 young people are even aware that that's a possibility.

33
34 Q. You mean that that's an option that's available to
35 them if they ask for it?

36 A. Yes.

37
38 Q. Over the page again on page 4, about halfway down you
39 make this statement, "QPS need to apply a non-judgmental,
40 trauma-informed framework to their responses and
41 importantly prioritise the promotion of safety through a
42 constant and reliable response." You're not talking there,
43 I take it, about individual police officers needing to
44 become more attuned to domestic and family violence issues
45 but a need for some sort of systemic reform or improvement;
46 is that right?

47 A. Well, I think it's both. I mean, there's definitely

1 individual police officers who can respond in a more
2 trauma-informed, non-judgmental supportive way. But of
3 course there's plenty of systemic issues to deal with in
4 terms of getting, you know, integrated safety responses for
5 young people and young women.

6
7 Q. Finally, I just wanted to ask you about the incidence
8 of young women reporting to BYS non-fatal strangulation
9 having happened to them. You make reference to it, that
10 second last paragraph on page 4?

11 A. Yes.

12
13 Q. You describe it as being a large number of young women
14 reporting those sorts of crimes happening to them. Are you
15 able to indicate whether that's something which appears to
16 be increasing in frequency or otherwise?

17 A. From the self-reports we have I'd say it is
18 increasing. As I think we pointed out, it's due to a
19 number of things, just the sort of pornographic material
20 that young people use and access a lot of the time.

21
22 Q. You say there, and again I'm making reference to this
23 same paragraph, that when this is reported to the QPS their
24 responses are often lacking. What is it that you mean by
25 that? What is it that these young women reporting
26 non-fatal strangulation to QPS say is lacking in the QPS
27 response?

28 A. I think more broadly there's a sort of lack of
29 knowledge of the effects of the non-fatal strangulation and
30 how that therefore might impact a young person's cognitive
31 ability to piece together their story, to communicate with
32 the police effectively, to represent themselves or to share
33 what happened to them effectively so that they get their
34 needs met in that space.

35
36 Q. Does BYS ever have reported to it young women who say
37 that they told police that they were the victim of
38 non-fatal strangulation but nonetheless charges weren't
39 laid?

40 A. I don't know that I could answer that, to be honest.
41 But it wouldn't be unsurprising. More likely is it
42 potentially unreported or not taken anywhere if it is
43 reported.

44
45 MS O'GORMAN: Those are the questions that I have for you.
46 Thank you, Ms Mahoney.

47

1 MS HILLARD: Commissioner, I have no questions, actually,
2 thank you.

3
4 COMMISSIONER: Okay. Thank you.

5
6 MR McCAFFERTY: I have no questions.

7
8 MR HUNTER: Nor do I.

9
10 MS O'GORMAN: Might Ms Mahoney be excused then,
11 Commissioner?

12
13 COMMISSIONER: Thanks, Ms Mahoney.

14
15 **<THE WITNESS WITHDREW**

16
17 COMMISSIONER: That's probably a good time to adjourn for
18 lunch.

19
20 MS O'GORMAN: The next witness, who is Ms Koning from
21 Caxton Legal Service, is available at 2 o'clock this
22 afternoon, if it's convenient to recommence at that time.

23
24 COMMISSIONER: Yes, that's fine. Can I just see you
25 outside, Ms O'Gorman?

26
27 MS O'GORMAN: Yes.

28
29 **LUNCHEON ADJOURNMENT**

30
31 COMMISSIONER: Yes.

32
33 MS O'GORMAN: Commissioner, the next witness to give
34 evidence this afternoon is Cybele Koning, the CEO of Caxton
35 Legal Service. Ms Koning has made arrangements to be
36 represented this afternoon by Mr Craig Eberhardt QC. She
37 makes that application, and none of the parties have any
38 objection to him appearing. So I would ask that
39 Mr Eberhardt QC be given leave to appear solely for the
40 purpose of her evidence.

41
42 COMMISSIONER: Yes, that's fine. Do you want to come up
43 to the Bar table, Mr Eberhardt? Mr Eberhardt, do you want
44 to come up to the Bar table, or are you happy where you
45 are?

46
47 MR EBERHARDT: No, it's fine. Very happy to be in the

1 background at this time.

2
3 COMMISSIONER: Okay.

4
5 MS O'GORMAN: Then I call Ms Koning.

6
7 <CYBELE KONING, affirmed:

8
9 <EXAMINATION BY MS O'GORMAN:

10
11 Q. Ms Koning, you're the current Chief Executive Officer
12 of Caxton Legal Centre?

13 A. Yes.

14
15 Q. And you've provided a submission to the Commission
16 dated 24 June 2022; that's correct, isn't it?

17 A. Yes.

18
19 Q. And subsequently a statement to the Commission
20 attaching that submission?

21 A. Yes.

22
23 Q. Do you have copies of both of those documents with you
24 this afternoon?

25 A. I do.

26
27 Q. All right. I'll ask you some questions now by
28 reference to the material that you've set out in your
29 submission, firstly in relation to Caxton Legal Centre.
30 You say there in paragraph 1 on page 1 of your submission
31 that Caxton Legal Centre is the oldest community legal
32 centre in Queensland which provides legal advice and social
33 work supports to disadvantaged clients, and that includes
34 clients who are experiencing domestic and family violence?

35 A. Yes.

36
37 Q. All right. In fact then over the page in terms of
38 trying to get an understanding of the number of your
39 clients that experience domestic and family violence you
40 set that out at paragraph 4, where you indicate that in
41 2020 to 2021 Caxton assisted over 5,000 clients with advice
42 and case work, of whom some 34 per cent were affected by
43 domestic and family violence?

44 A. Yes.

45
46 Q. You say in your statement that it is clear to you in
47 your role as CEO and for the organisation more broadly that

1 there are notable instances, as you've described them, of
2 individual police officers providing insightful,
3 appropriate, supportive responses which respect best
4 practice and ought to be regarded as DFV champions within
5 the service?

6 A. Yes.

7
8 Q. That's based, I take it, on reports given to you by
9 clients of yours who have engaged with police in relation
10 to domestic and family violence matters where they felt
11 really supported, well heard and helped?

12 A. They have, yes.

13
14 Q. It's also the case, I take it from your submission,
15 that there are underlying systemic issues affecting the
16 culture, capability or capacity of the QPS to consistently
17 respond in that manner?

18 A. Yes, there are.

19
20 Q. Over the top at page 3, at paragraph 9 you say that
21 the impact of the involvement of police in domestic and
22 family violence matters can't be understated, particularly
23 where it can lead to further distress or inadvertent
24 systematic abuse of the parties involved. Leaving aside
25 whether or not the involvement of the police might itself
26 be an example of systems abuse, can you give us a sense
27 based on your clients' experiences of why it is that the
28 police officers' involvement in a domestic and family
29 violence matter is so important to your clients?

30 A. It's so important because they're the institution that
31 clients think to look towards originally when they're in
32 immediate danger. So our clients don't necessarily look to
33 the police as the first responders. They may turn to
34 family or friends or services that they have heard about,
35 and they turn to the police in instances where they
36 consider that they be in more immediate danger or they
37 haven't been able to do anything about their situation
38 themselves.

39
40 So help-seeking behaviour is something that has been
41 studied, particularly in respect of the way that victims of
42 domestic and family violence, including older persons, seek
43 help, in particular, for example, older people only
44 seek - only about a third of older people who experience
45 domestic and family violence actually seek assistance, and
46 when they do 17 per cent of them seek that assistance from
47 police. But it's usually at a point where the violence or

1 the abuse has escalated. So they're looking for a response
2 in that moment that keeps them safe, but also they talk to
3 their families, they talk to their peers about what the
4 response has been, and they build up either a level of
5 trust or confidence in the system or they don't, and that
6 also tempers the way that they might engage in those
7 help-seeking behaviours. So therefore the importance of
8 policing centres around both what they can do to help the
9 person remain safe but also those help-seeking behaviours
10 that the community then garnishes from what they learn from
11 how other people have experienced policing. So they're the
12 critical issues.

13
14 Q. Do you get a sense from your clients that when they
15 have had a good experience with reporting issues around
16 domestic and family violence to police they're more likely
17 to continue to report, if necessary, or engage in the
18 ongoing processes?

19 A. Yes.

20
21 Q. And is the converse true, that where someone has not
22 had a good experience with even one police officer it may
23 be a disincentive for that person to re-engage or re-report
24 as required?

25 A. Yes, and I can give you examples where people have
26 attempted to engage with police on multiple occasions,
27 which means that they haven't given up the first time, they
28 have tried a second time, it may even be a third or a
29 fourth because they're desperate for that assistance, but
30 their experience is so negative that they don't - they
31 either don't follow through with referrals that the police
32 might make or they don't follow through with safety
33 planning that has been done for them because they don't
34 trust the system that they have entered into, and the
35 police have been the front door of that system at the time.
36 So it's critical that that experience at the beginning and
37 throughout is consistent and positive to maintain that
38 engagement.

39
40 Q. If you have a number of clients who are reporting to
41 you, that is your organisation, over time that they have
42 had inconsistent responses when dealing with police or they
43 have had to make a number of different attempts to be heard
44 or to have their matter progressed, does that say anything
45 in your view about the ability of the QPS to operate as a
46 whole in a trauma informed way in dealing with people who
47 are suffering from domestic and family violence?

1 A. Well, it does. I mean, there's a couple of things to
2 unpack there. Some of our clients who have engaged with
3 the VPU have had good experiences, and they find that the
4 policing response has been trauma informed. When they
5 engage with general duties officers we have a far less
6 positive outlook on the policing, and there are more
7 reports then from clients that the policing has been
8 inconsistent, and it's inconsistent across regions, and
9 I say in my submission that it's widespread, and by that
10 I mean that geographically it's widespread. So clients who
11 engage through Policelink, for example, and they have a
12 general duties officer response find that the policing that
13 they get from whoever is on shift at the time or when they
14 might attend a police beat can be very different depending
15 upon who they engage with at the time. So there is that
16 lack of consistency.

17
18 Then when you have that lack of consistency a victim
19 survivor of domestic and family violence disengages with a
20 system that they don't feel safe with, even though that may
21 be their only port of call in terms of having their safety
22 needs met, remembering that victim survivors are very good
23 at keeping themselves safe and have been doing it for a
24 long time. But when they are calling out for the system to
25 support them as they keep themselves safe then it's
26 important that it becomes a consistent framework, and that
27 is what we're missing, is that we're missing a
28 domestic violence framework of policing which is clearly
29 articulated, transparent, accountable and consistent so
30 that victim survivors are able to know how they will be
31 treated when they actually engage with that service.

32
33 Q. Now, on that issue of consistency and victim survivors
34 reaching out to police for help, does your organisation get
35 any feedback from clients about the ease or otherwise with
36 which they can report domestic and family violence at
37 police stations just by turning up to report ongoing
38 issues?

39 A. I can't help but recall a particular client of ours
40 who took his mobility scooter down to a police station at
41 4 am in the morning to report abuse by his adult son who
42 was living with him, who was drug affected, who had been
43 physically, verbally and financially abusive towards him,
44 and the reception - whilst there was somebody there at 4 am
45 in that particular police beat because it is more of a
46 metro police beat, the approach that he had was not one
47 that was receptive and he had to find his own way to our

1 service in order to progress his concerns around his
2 safety.

3
4 So other clients across --

5
6 COMMISSIONER: So what did the police say to him? Did
7 they take him home or?

8 A. No, they told him it was a civil matter and he ought
9 to go home. There wasn't any supports or referrals
10 provided to him, and he found his own way to our service.

11
12 COMMISSIONER: Okay. And presumably on his mobility
13 scooter home at 2 am in the morning?

14 A. Yes. I think it was 4 am in the morning, actually.

15
16 COMMISSIONER: Four am in the morning?

17 A. Yes.

18
19 MS O'GORMAN: If you haven't already said so, how old was
20 that client?

21 A. He was in his 90s.

22
23 Q. Now, that's but one example of an older person
24 experiencing domestic and family violence and attempting to
25 engage with the QPS to receive assistance. I'm interested
26 to ask you some questions now about elder abuse,
27 particularly as a subset of domestic and family violence,
28 and the experiences of your clients. So firstly in terms
29 of the prevalence of elder abuse within Australia, I note
30 that you state in your submission that one in six older
31 Australians experience elder abuse?

32 A. Yes, that is correct.

33
34 Q. Is that consistent with the cohort of clients that
35 Caxton Legal Centre represents?

36 A. So Caxton Legal Centre in the last three years has
37 assisted - I've got the exact number here - 910 older
38 persons who have experienced elder abuse, and those are
39 clients who we've provided intensive case management
40 supports to, so both legal and social work supports. Of
41 those 910 clients who experienced elder abuse, 75 per cent
42 experienced domestic and family violence. So elder abuse
43 is a form of domestic and family violence, but it doesn't
44 mean that in every instance of elder abuse you have
45 domestic and family violence as we know it is defined to be
46 under our legislation. But in 75 per cent of those cases
47 there actually were.

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Q. Talking about elder abuse and domestic and family violence, how big a problem is intergenerational abuse, abuse by an adult child of their parent as a form of domestic violence?

A. Well, the Australian Institute of Family Studies has completed the elder abuse prevalence report, which was released in December just last year, and in that it indicates that one in six - as you said, one in six - people experience elder abuse, with the main form of abuse being psychological abuse, and of those particular persons we can see that 41 per cent of those who have experienced elder abuse that was perpetrated by a family member.

Q. Now, in Caxton's experience, how well do the police do in recognising abuse by an adult child of a parent as domestic and family violence abuse?

A. Over the last eight years that I've been involved both directly myself providing services to older people and also overseeing those as a practice director and as the CEO, my observation has been that it's been extremely patchy for the service to understand what elder abuse is, to connect the dots between elder abuse and domestic and family violence, to understand that it is a form of domestic and family violence, to understand what the risk factors are, to know what it actually looks like, what they're seeing when they arrive at a scene, is this in fact domestic and family violence.

Q. Do you get examples of or instances of clients telling you that when police are responding to such situations they're being told that it's just a family situation that the police actually have no ability to do anything about?

A. Yes, we have instances of where the police have not taken any action in respect of a report of domestic and family violence, and I'm able to share a particular instance of that where the older person was in their mid-80s and there was a long history of physical, verbal, emotional and financial abuse from the adult son. He had smashed property, spat, yelled, sworn, made death threats, death wishes, and the older person moved states in order to escape him. He also had a history of assault outside of the family, and he had a history of violence towards siblings. An AVO had been made on behalf of a sibling in that other state, and then he came to Queensland, banging on the door of our older client, who refused him entry, and she phoned the police and told him about the history, and

1 she told us that they looked it up and told her to get an
2 alert button to hang around her neck in case he came back
3 again.
4

5 She then went to a domestic and family violence
6 service near where she lived which she found herself, and
7 she was handed a protection order application, a DV1, to
8 fill out. She hand-filled that in, and in the course of
9 that she also self-referred to our service, where she -
10 after she had gone to court by herself in her mid-80s to
11 get a temporary protection order, she then self-referred
12 and we assisted her with the remainder of the proceedings
13 to obtain a five-year order.
14

15 In those kind of circumstances the first thing to note
16 is that there was complete police inaction. The second
17 thing to note is that when she appeared in court for the
18 first return date of her application she had no engagement
19 whatsoever with the police prosecutor; they didn't approach
20 her. I'm not - as a matter of fact, I couldn't say if
21 there was a police prosecutor in the actual courtroom that
22 day. I wouldn't be able to say that. But also when we
23 became involved and we advocated with police the police did
24 not assist. So we sometimes advocate with police once
25 we're involved in DV proceedings for them to take over the
26 carriage of the matter so that the onus no longer rests
27 with the applicant, particularly if they're old or they
28 have other vulnerabilities, so they don't have to agitate
29 those proceedings themselves. But in that instance it was
30 not taken up, so we took it on.
31

32 Q. Is it your experience that the lack of takeup in that
33 example or in broader instances is a result of a lack of
34 resources on the part of the QPS to do so?

35 A. I think there hasn't been - there's a long answer to
36 that question, so I'll answer it in some stages. I don't
37 know exactly what all of the resources are of the QPS.
38 I think it's about honing the response to where the matters
39 are more complex. So if you only have a finite amount of
40 resources then you have to recognise complexity and
41 recognise where intersectional factors that are relevant to
42 the victim survivor, such as being older, may have mobility
43 issues, disability, while you pile those intersectional
44 factors on then one would expect that the policing response
45 would be more focused and tailored in those instances.
46

47 So when we are dealing with finite resources then

1 that's what I would be wanting to see and that's what
2 I don't see in terms of older people. So I think
3 resourcing of course is going to be an issue. But if you
4 have limited resourcing then you have to start refining how
5 you put those resources towards more complex matters, and
6 I think certainly with elder abuse they haven't been
7 recognised as being in the category of needing more
8 assistance.

9
10 Then, thirdly, I would say that there hasn't been much
11 of a history of dedicating knowledge learning or capability
12 building in the Queensland police force around elder abuse.
13 So that --

14
15 Q. I'll come back to that momentarily --

16 A. Sure.

17
18 Q. -- because you reference that in your statement and
19 I'm interested in it. But before we get to it can I just
20 ask you you've been talking about or you were earlier
21 talking about intergenerational abuse?

22 A. Yes.

23
24 Q. Intimate partner violence is also an issue for older
25 Australians, isn't it?

26 A. Yes.

27
28 Q. And a prevalent one so far as Caxton's experience
29 goes?

30 A. We probably see them more often than another service
31 because we run a specialist elder abuse service, and that
32 also focuses on assisting people who experience intimate
33 partner violence as well.

34
35 Q. How for an older cohort of Queenslanders in this case
36 does intimate partner violence tend to manifest itself? Is
37 it always physical abuse? Is it economic abuse?

38 A. So the phrase that people in the elder abuse ecosystem
39 often use around intimate partner violence for older people
40 is domestic and family violence grown old, and it doesn't
41 have different dynamics, so the dynamics of power and
42 control, of it being gendered are still very much there.
43 It's just that you now have a set of circumstances around
44 that violence which is making it more complex. So
45 sometimes you might have one of the parties caring for the
46 other person, and there may be cognitive decline and
47 behavioural manifestations as a result of that which is

1 making that caring role even more problematic, and there's
2 not enough services in place in order to support what's
3 going on in the family.
4

5 Also for our older clients there's a lot of issues of
6 long-term dependency with one another and long-term
7 companionship, negative or positive, which is keeping them
8 together, and pressures that they sense from family, and
9 then when you drill into older couples from more diverse
10 backgrounds then there may be cultural or religious reasons
11 that they talk about.
12

13 Q. Can all of those things make it more complex to
14 identify who is the person most in need of protection in
15 such a relationship?

16 A. Yes, I recall a matter that I had at the DV duty
17 lawyer court, it would have to be more than five years ago,
18 where both the applicant - the aggrieved and the respondent
19 were in their 80s, and whilst there was domestic and family
20 violence going on it really was as a result of some complex
21 cognitive issues at the time and a lack of support
22 services, because they didn't have - they didn't have their
23 family members close by, so they didn't have their adult
24 children nearby as a support system, and they hadn't really
25 been identified by their GP as needing supports in that
26 circumstance. So, you know, what we saw was we saw really
27 an aged care issue and those complexities of how you
28 support people as they decline cognitively, we saw that
29 enter as a domestic and family violence matter, and I think
30 what's relevant there is the policing in that instance
31 really wasn't nuanced enough. It needed to recognise what
32 was being seen at the time.
33

34 Q. In turn, does that underscore in your view the need
35 for ongoing continuous training for police officers about
36 the issues surrounding all forms of domestic and family
37 violence?

38 A. Yes, more training and more integration, yes.
39

40 Q. You were touching before on resourcing, and I said
41 I wanted to come back to that. Could I ask you to go to
42 page 17 of your statement, please, and I have some
43 questions for you about the matters set out in paragraphs
44 65 to 67. In paragraph 65 you say that, "It is clear to us
45 when we engage with police about the abuse of an older
46 person that there is a dire need for police to undertake
47 training with respect to noticing elder abuse and

1 responding appropriately"?

2 A. Yes.

3

4 Q. You've been talking to date about your client's
5 experiences as relayed to Caxton, but do I take it from
6 that statement that you're referencing there Caxton's
7 workers' engagements with police, or are you still
8 referring to your clients' reports?

9 A. Both. I've already indicated what our clients'
10 experiences are. What I haven't done in this is indicate
11 what our workers' experiences are in terms of engagement
12 with police, because our service being a specialist service
13 with both lawyers and social workers does so much in the
14 space of elder abuse but it can't do everything. So
15 therefore we need to engage with police, and we have an
16 expectation around a co-response that will keep the older
17 person safe.

18

19 When we have attempted to engage with police on
20 particular issues, and there's one in particular I'd like
21 to reference, it's clear to us that there is not an
22 understanding of the circumstances of elder abuse, the
23 impacts of elder abuse as well, and how it looks so that -
24 we can see that police aren't recognising what the abuse is
25 and what needs to actually happen, and that's because
26 they're not engaging with us, and we're struggling to
27 engage with them; and there's a couple of reasons why we
28 struggle.

29

30 In about, I want to say, 2018 it became clear to me
31 that the Queensland Police Service had identified that they
32 needed a role, a policing role, that was directed towards
33 elder abuse matters in the way that you might have a
34 specialist - you might have a command or you might have a
35 unit. They were taking up the - what I guess they had
36 noticed was a growing issue and it had become - that there
37 were a couple of reports that were delivered in Queensland
38 and also nationally about elder abuse, and in about - it
39 was about 2017, sorry, a position was created within the
40 VPU, and that position - I'm just finding what it was
41 called. It was called the elder abuse project officer or
42 the elder abuse and disabilities coordinator, and it was in
43 the DFV and VP Unit in Community Contact Command.

44

45 Q. Is this the position that you reference then in
46 paragraph 67 of your submission?

47 A. Yes, that's correct. So - no, that's a different one.

1 So I'm talking about - oh, yes, in 67. Yes, my apologies,
2 67. And there have been, and I did end up counting and
3 found all their names, seven people in that role since
4 2017. Then when the DFV and Vulnerable Persons Command was
5 created it was transformed into a role called the state
6 coordinator of disability and elder abuse as part of the
7 state DFVVPU vulnerable persons group, and it's current
8 incumbent is Senior Sergeant Nick Sellars.
9

10 When that role has been occupied by its incumbent for
11 approximately 12 months we get some real traction on what
12 we could - the possibilities of co-response with police and
13 also training. When that role has been occupied by other
14 acting senior sergeants for periods of three months, then
15 there is just this turnover and there's no ability to embed
16 elder abuse as part of the domestic and family violence
17 capability or knowledge or response, and also kind of no
18 way to engage well with QPS around delivery of training,
19 because what - I know that there's been a lot already said
20 about training in this inquiry, but the point that I would
21 like to make is that best practice would have that training
22 co-developed and co-delivered, and that's an invitation
23 that we have put out to police since the last time that we
24 did anything in terms of co-delivery of training, which was
25 in 2016, and we have sent lots of training materials to
26 them as optional training packages that we could provide to
27 them. We've sent them an eight-minute video that explains
28 elder abuse which they could use in training online,
29 because they wanted something online. But what we're
30 lacking is any engagement about how we can actually assist
31 to co-develop those materials and co-deliver it.
32

33 So that's a bit of a long-winded answer to the
34 question about training. But in terms of training then
35 definitely it would - it's probably one of the most
36 important things that we need to have occur in the space of
37 recognising elder abuse as a form of domestic and family
38 violence and how to respond to it because, to my knowledge,
39 there has not been any training that's been delivered
40 statewide to police about that.
41

42 Q. All right. Finally in respect of training in this
43 particular area you talk in paragraph 66 about the National
44 Elder Abuse Conference that was held here in Brisbane in
45 2019?

46 A. Yes.
47

1 Q. And your understanding of a commitment by the QPS to a
2 national network of police focusing on responding to elder
3 abuse?

4 A. Yes.

5
6 Q. And you say that to your knowledge that hasn't
7 progressed. Is that something that you (a) would like to
8 see progress and (b) would be willing to be involved in as
9 an organisation?

10 A. Yes. So Acting Senior Sergeant Rodney Bell, who
11 occupied that role at the time that I was speaking of, came
12 to the conference at our invitation. Caxton was co-hosting
13 that conference together with ADA Law, and we had some
14 representatives of police from other jurisdictions who were
15 attending also, and he introduced me to those other
16 representatives and they indicated that they were going to
17 form a national network, because there were policing issues
18 that are relevant across Australia that they could take up
19 and talk about how to go about that work looking at each
20 other's jurisdictions.

21
22 In particular, in New South Wales, the New South Wales
23 Ageing and Disability Commission had commenced, was
24 commencing in 2019, which involved a more integrated
25 policing response with that commission in order to address
26 elder abuse. Also in South Australia the South Australia
27 Adult Safeguarding Unit had also commenced, and that was as
28 a result of a recommendation made in the national elder
29 abuse inquiry that was conducted and a report was delivered
30 by the ALRC, which had recommended adult safeguarding
31 regimes be established in each jurisdiction.

32
33 As a result there was - certainly since Acting Senior
34 Sergeant Rodney Bell had occupied that role for a
35 particular period of time and was well engaged with the
36 sector, including ours, there seemed to be that impetus to
37 establish that network and progress it. But, as I've said,
38 I don't think that that - or, to my knowledge, it hasn't
39 progressed, and, yes, Caxton would be very much wanting to
40 be involved if we were invited to be involved.

41
42 Q. All right. You've just said that Officer Bell was
43 well engaged with the sector?

44 A. Yes.

45
46 Q. You had mentioned the current incumbent a little
47 earlier. Is it the case that he is also well engaged with

1 the sector?

2 A. Yes, Senior Sergeant Nick Sellars is also well
3 engaged, and I think it's because he has been involved in
4 that role for approximately 12 months, and it takes a
5 little bit of time for that handover to occur and to
6 commence attending all of the different sector networks
7 that exist and to understand what it means to be policing
8 elder abuse and what the differences are and what the
9 similarities are with domestic and family violence. It
10 just takes that time. But, yes, he has been well engaged.

11
12 There is one issue that has not been well engaged
13 throughout the seven years of that role, and that's in
14 relation to policing of adult children being removed from
15 an older person's home, and I think I have touched on that
16 in the submission, but it's one area that - it's so
17 important because it's such a common experience of older
18 people to be living in their own home and then their adult
19 child returns to the home for one reason or another. It
20 can be because they have lost their job, a relationship
21 breakdown, needs some supports, and they return home for a
22 period of time, and there may be escalating violence over
23 time perpetrated by the adult child towards their parent,
24 and then after quite a period of time the older person
25 wants the adult child to leave their home, and in some
26 instances the violence and abuse has grown so serious that
27 they are willing to actually ask police for assistance to
28 take out a protection order.

29
30 In other instances they're not willing to go down that
31 track because of shame or fear or guilt or familial ties.
32 So they want a more peaceable solution for their adult
33 child to leave the home. Whilst the elder abuse services
34 have been under my watch for the last eight years we've
35 tried to engage with police about how we can in particular
36 manage that one issue because it is such a prevalent issue,
37 and I've spoken to elder abuse advocates and services
38 across Australia and it exists as an Australia wide issue.

39
40 In Queensland our operations procedure manual tells us
41 how we can go about the work of either - how police can go
42 about the work of removing somebody for trespass, civil or
43 criminal trespass, because short of a domestic and family
44 violence order with an ouster order, which an older person
45 may not wish to pursue in those circumstances, they want
46 something more peaceful, but they do want somebody with a
47 bit of clout just to ask the adult child to move on.

1
2 Police were concerned when we engaged with them about
3 this about occupancy rights of the adult child, whether
4 they had any rights as a tenant or under rooming
5 legislation as a boarder et cetera. So we were willing to
6 work with police in this close co-responder model to deal
7 with one of the most prevalent areas of elder abuse that
8 leaves the older person at the greatest risk of domestic
9 and family violence because they're actually living with
10 the alleged perpetrator of abuse and can't remove them on
11 themselves.

12
13 We provided the QPS with I think about a 23 or 26-page
14 briefing note which I have with me here about the laws that
15 are relevant to policing this particular issue and prepared
16 a draft protocol of a co-response model that we could
17 follow together in order to - sorry, it's a 22-page one -
18 in order to overcome the concerns that the QPS had about
19 how the laws might restrict them relating to the occupancy
20 rights of adult children. We still look forward to being
21 able to overcome that problem in cooperation with police
22 because we haven't been able to yet.

23
24 Q. Do I take it, though, from what you've said about the
25 present incumbent in that elder abuse position within the
26 command that it's your hope and the hope of the
27 organisation that if the position can be consistent and
28 remain consistently filled that that's something that you
29 as an organisation in partnership with the QPS might be
30 able to build on and progress?

31 A. Yes, we would like to see that role a tenured one
32 where the person occupies it for longer than 12 months or
33 at least a 12-month period. I'm aware currently that
34 Senior Sergeant Nick Sellars is in fact moving on from that
35 role. So we'll see our eighth person in that role soon.

36
37 MS O'GORMAN: Those are the questions that I have for you,
38 thank you, Ms Koning.

39
40 COMMISSIONER: Just in relation to that protocol, when did
41 you give that to the police?

42 A. I gave it to them last year. I don't have the email
43 with me. I do have the protocol with me, though. We have
44 followed it through with Senior Sergeant Nick Sellars to
45 find out where it got stuck in the system over there.
46 Apparently with the operations procedure legal team it got
47 stuck.

1
2 COMMISSIONER: Okay. And do you know when in the year you
3 sent it over? Latter half? First half?
4 A. I'm just trying to remember when the email was that
5 was sent. I'm going to say mid-last year, yes.
6
7 COMMISSIONER: Okay. So nothing's come of that?
8 A. No.
9
10 COMMISSIONER: Can I just ask you, you said that there
11 were 910 older persons that you had dealt with that have
12 suffered from elder abuse?
13 A. Yes.
14
15 COMMISSIONER: Seventy-five per cent of those experienced
16 domestic and family violence?
17 A. Yes.
18
19 COMMISSIONER: Do you have any idea how many of those had
20 the police take out a protection order?
21 A. No. Our data collection system won't enable us to
22 drill down into that field, sorry.
23
24 COMMISSIONER: That's all right. You also have spoken in
25 your submission in any case about dealing with respondents
26 and you said there's a domestic violence duty lawyer
27 service and the men's bail support service?
28 A. Yes.
29
30 COMMISSIONER: To your knowledge do the police have any
31 great knowledge of the support services for perpetrators,
32 respondents?
33 A. At that particular - at the domestic and family
34 violence duty lawyer service?
35
36 COMMISSIONER: No, I mean, sorry, frontline police
37 officers, when they serve a notice, a PPN, do they give
38 them advice about services, do you know?
39 A. We know that they don't hand them a form that we
40 developed. So in about 2018 I was on an integration
41 working group in Brisbane which had BDVS, Women's Legal
42 Service, Police, Housing, Corrections, a whole bunch of
43 people, and we met and one of the things that we identified
44 was that when a respondent is served with a PPN or a DV1 or
45 a TPO they are not receiving any information about support
46 services that they could be accessing.
47

1 So over a period of about six months we developed in
2 collaboration with those services a one-pager that could be
3 attached to those documents being served. I recall at the
4 time - I don't know her title but her name is Regan Carr,
5 who was attending the actual group meetings, had indicated
6 that it would be taken back to headquarters to action to
7 ensure that that was stapled onto the back of those for
8 service purposes. But we have never seen one stapled onto
9 the back, and we see thousands a year through the domestic
10 and family violence duty lawyer service at the Brisbane
11 Magistrates' Court.

12
13 COMMISSIONER: Okay. So the idea was a single page that
14 would be attached to a PPN or a temporary protection order
15 and so when it was served on a perpetrator they could see
16 those services?

17 A. Correct.

18
19 COMMISSIONER: And it was agreed the QPS would do that?

20 A. It was agreed that the QPS would do that because they
21 were in attendance at those integration meetings.

22
23 COMMISSIONER: And nothing has been done?

24 A. Nothing has been done that we can see, and we have
25 followed it up just by asking questions through the QPS at
26 the DV duty lawyer service to find out what's happening and
27 we haven't had any follow-up as to what's occurred or
28 what's happened, why that hasn't been attached, and in
29 the --

30
31 COMMISSIONER: It seems like a pretty simple matter.

32 A. Yes. And in the coronial inquest in relation to
33 Langham and Hely it was also one of the recommendations
34 that the coroner made, would be consider attaching that.

35
36 COMMISSIONER: Ms Hillard.

37
38 **<EXAMINATION BY MS HILLARD:**

39
40 Q. Ms Koning, just in respect of page 5 of the submission
41 you make reference to human rights and the like. One of
42 the things of concern to Women's Legal Service Queensland
43 is that there is no ongoing information that's often
44 provided to victims. Would you agree that there's a need
45 for an increased awareness for police to have the Charter
46 of Victims Rights as part of their training?

47 A. Yes.

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Q. One of the common complaints of the women who engage with Women's Legal Service and also the lawyers and volunteers who work there is that there's no single point of contact and there's often a very complete lack of information in feedback. Is that an experience from your solicitors, clients and volunteers?

A. Yes.

Q. When you say in your submission at page 7 you speak about the police failure to act, and Counsel Assisting asked you a few questions about turning up at the police station. One of the common experiences for Women's Legal Service clients and the lawyers and information from volunteers as well is that when women will go to the police station, they try to make a complaint and they get turned away without their details actually being taken, therefore there is no DV occurrence report entered. Do you have a view or comment about that based on your work through Caxton?

A. Not about the not taking details; but certainly not being provided any explanation as to why no further action is being taken. With our older people they report to us that they're often told it's a family matter. For women experiencing intimate partner violence they tell us that they have just received no explanation whatsoever. So they don't understand why, when they present their story as to what has occurred or present evidence, they might have evidence on their phone, they don't understand how that does not amount to sufficient evidence. They don't understand the exercise of discretion and they don't have that consistent because what they do do sometimes is go to a different police beat and they might get a different response from that police beat.

Q. One of the things that the Commission has heard evidence about and that's in some of the witness statements that have been tendered or will be tendered is about police talking about there's insufficient evidence when people turn up at the police station and there seems to be a view that if they haven't attended the crisis incident based response that they are less likely to act because of the police station complaint. Is that something that is common with your clients?

A. It is, and more so for clients who come to them with a history of domestic and family violence that has not involved physical violence, but it may have involved sexual

1 violence, rape within the marriage. It may have involved
2 circumstances of coercive and controlling behaviour as we
3 understand them to be, which is of great concern because
4 one wonders how we will police that new offence if we are
5 going to have police indicating when that history of
6 coercive controlling behaviour is presented, if we have
7 this discretion being exercised at the front counter that
8 that is not sufficient evidence.
9

10 So I'm very concerned that I have never seen in my
11 interactions with police or requests for information about
12 how they go about exercising that discretion, I've never
13 seen a framework produced that articulates how police
14 actually exercise that discretion, what amounts to
15 sufficient evidence, where that is written down. Is it
16 three or four times that you have to do something? Do you
17 have to have five examples of coercive and controlling
18 behaviour? There's just no framework to understand how
19 police go about that. I'm not talking about the operations
20 procedure manual. It is not a domestic and family violence
21 framework of policing. That is an operational manual which
22 describes what to do when there is not sufficient evidence.
23 Chapter 9 is very clear about what you do when there is not
24 sufficient evidence. You can action it as a DV other, for
25 example. So it's very clear about that. But it's not
26 clear about what framework they're pointing to to say that
27 there has been insufficient evidence.
28

29 Q. Putting aside the exercise of the discretion of
30 whether or not there's sufficient evidence, if I can focus
31 in on a part of that, one of the things that the lawyers
32 who work for Women's Legal Service Queensland will comment
33 upon and say is that they will frequently have a client
34 saying, giving information to say they have been to a
35 police station and they will ask them, "Did you show the
36 police that," and they have got physical, tangible
37 evidence, text messages, things like that, and the client
38 inevitably says, "Yes, I did show that to the police," yet
39 no action is still taken. Is that something that is common
40 with your Caxton clients?

41 A. We have clients that report that, yes.
42

43 Q. And is that common as well, the information that you
44 receive via your lawyers as well, that they see these
45 documents that have been shown to the police?

46 A. We have clients who appear at the domestic and family
47 violence duty lawyer service, and I have seen them myself

1 as I have delivered hundreds if not thousands of services
2 there individually, plus I've supervised those, and those
3 clients who have sometimes been named as the respondent
4 have shown police text messages which would indicate that
5 they are in fact an aggrieved and that they have reported
6 those and shown those to police but nothing was recorded on
7 the file, and the reason why I know that is because I have
8 asked police on the day as to what notes they have about
9 what the respondent says is the evidence that they showed
10 when they were being interviewed as the respondent.
11

12 Q. One of the things the Commission has heard evidence
13 about is the perception of what is an ideal victim, and
14 it's a person who has no drug or alcohol, mental health
15 history, who's not escalated and who is otherwise
16 cooperative. Added to that I suppose are the
17 intersectionality factors. So I see that you talk about
18 intersectionality a little bit in your statement. Do you
19 have a view or anything to add about your experience of the
20 Caxton clients when they have those additional
21 intersectionality factor, and I presume that they're things
22 like youth, homelessness, different cultural background,
23 First Nations, possibly others?

24 A. Yes, so I'll start with an example. It's a personal
25 example where I was at the domestic violence duty lawyer
26 court and a lady who was from an Asian background - I just
27 want to make it clear that I can't give a lot of details
28 because we have probations under the Domestic and Family
29 Violence Act in terms of publication of details. So I'm
30 trying to give enough details without being too generic but
31 not too specific.
32

33 Q. I suppose I can assist you in this way. I guess you
34 don't need to give a case study. Is it more than one time
35 that you have seen people from a different cultural
36 background be treated differently because they don't fit
37 this mould of the supposed ideal victim?

38 A. It's definitely more than one time, and it becomes
39 even - as I was describing beforehand, it becomes - the
40 policing is more poor the more characteristics of
41 intersectionality one sees. So I'm thinking of a person
42 who doesn't speak English and we see no use of interpreter,
43 and I've certainly had the carriage of many a matter - and
44 I can put a number on it, it's going to be at least
45 20 matters because I can list about five of them in my mind
46 right now, where that's been the case. Then adding to that
47 if the person is certainly presenting in a particular way

1 when police attend an incident, so they may be acting out
2 quite loud, hysterical, not speaking English because they
3 can't but very loud, and that person has - it seems that as
4 you add those layers of intersectionality onto the person's
5 characteristic, instead of seeing that more complex and as
6 I said nuanced response from police, that policing response
7 which is more integrated, it seems that it is a more blunt
8 instrument that's being used to deliver policing in those
9 instances. So you see no interpreter being used, a very
10 blunt application of a domestic and family violence
11 application being made or not made with no of course
12 explanation as to why. So it's certainly my experience
13 that intersectionality operates particularly in ways that
14 disadvantage access to the domestic and family violence
15 systems and supports that people from diverse backgrounds
16 require.

17
18 You mentioned young people, and that in itself is one
19 area that I certainly have seen as a growing area and over
20 my career of assisting people who have experienced or
21 perpetrated domestic and family violence I'm concerned, and
22 I can't see the data from the police records themselves,
23 but I'm concerned that what I see are more younger people
24 who are involved in the system. So you might have two
25 16-year-olds, for example, who have been in a sexual
26 relationship. I'm recalling one right now. A person was
27 pregnant. The respondent had significant developmental
28 issues. I don't even know if they really had Gillick
29 competency to actually receive service of a PPN.

30
31 In those instances the policing was a very blunt tool
32 to address what was a very complex issue of two children
33 who were now going to be parents to a child who had been
34 under a long-term guardianship order to the Chief
35 Executive, Department of Child Safety Services, and they
36 had no supports around them. When police had in fact
37 become involved, because they had been called to an
38 incident, when we spoke to the respondent in that
39 particular matter we were unable to identify what steps
40 police had taken and in discussions with police were unable
41 to identify the steps that had been taken initially to try
42 and wrap what clearly needed to be a whole heap of supports
43 around those people.

44
45 One wonders in that instance that intersectionality
46 there is working really hard because we have children from
47 very disadvantaged backgrounds, lower socioeconomic

1 backgrounds, very few supports, one with a cognitive
2 disability as far as we could tell or an intellectual
3 disability, and yet the policing response had been to issue
4 a DV1 and there didn't appear to be many steps that had
5 been taken to try and integrate that response around those
6 two children.
7

8 Unfortunately in that instance you can't refer that
9 younger person as a perpetrator to a perpetrator program
10 because they don't fit that category, as well as many other
11 - I would like to say as a sidenote many other perpetrators
12 of domestic and family violence do not aptly fit
13 perpetrator programs. So we need to be more clever
14 about what those --
15

16 COMMISSIONER: Can you explain that a bit more?

17 A. Yes, sure. Perpetrator programs, in Australia and
18 from the research that I have read and the networks that
19 I've been involved in around this - and I'm not an academic
20 on this issue so I can only talk from those network
21 experiences and the experiences of the clients that I have
22 had - those perpetrator programs may suit quite well where
23 a perpetrator is - there's not a lot of other diverse
24 things going on for them.
25

26 So a middle-aged white man may fit quite well within a
27 perpetrator program. But when you add on to that the
28 characteristics of intersectionality, if they're not from
29 an English-speaking background, may have some cognitive or
30 mental illness, are of a different age, younger or quite
31 older, are not in a heterosexual relationship, as soon as
32 you start adding on those features then the perpetrator
33 programs do not fit well or are available.
34

35 COMMISSIONER: Or female, I suppose?

36 A. Yes, correct, that's a whole other gap area too, yes.
37

38 COMMISSIONER: I'm interrupting you, sorry, Ms Hillard,
39 but you were talking about those clients that were not
40 English-speaking?

41 A. Yes.
42

43 COMMISSIONER: Were they or are they clients that can
44 speak a little bit of broken English?

45 A. Some of them can speak a bit of broken English but --
46

47 COMMISSIONER: And do you find, sorry, that the police are

1 more inclined to battle through with the broken English
2 than ring an interpreter, for example?

3 A. From my experience they're more inclined to talk to
4 the other person or other people who may be around. So they
5 may talk - I've certainly observed this with clients, they
6 may talk to the older person's daughter or son, who's in
7 fact the alleged perpetrator, or they might talk to a
8 neighbour or a friend that's actually made the call, but
9 not to the older person themselves who doesn't speak
10 English.

11
12 When it's a younger person, I find that police are
13 more attentive to needing to speak with the aggrieved but
14 certainly in the instances that I'm thinking of, the one
15 that was most fresh which was the one that I was going to
16 reference beforehand, she didn't speak a word of English.
17 She had been brought over from a country, plonked in
18 Australia and had a child, and lived at home and had no
19 friends and no ability to speak English at all, and she had
20 not been interviewed by police and I don't know what went
21 wrong there, but it just had not happened at all. It
22 wasn't a case of not battling through. They spoke to her
23 husband because you could tell from the DV1 from what
24 I read on the DV1 that he had given the statement, because
25 it was missing; there was no statement taken from her.

26
27 MS HILLARD: Ms Koning, just picking up on
28 the Commissioner's questions about the behaviour change
29 programs, at paragraph 51 of your statement you speak about
30 the focused deterrence model and I believe that there will
31 be a witness later this week who mentions that elsewhere in
32 their statement. Is that perhaps one of those
33 supplementary layers that can work with other things?

34 A. Sorry, what page were you referring to?

35
36 Q. It's on page 16, paragraph 51.

37
38 COMMISSIONER: Actually page 14, I think.

39
40 MS HILLARD: Sorry, page 14 at the bottom of your
41 statement. I'm reading the exhibit number paging.

42 A. Page 14 and, sorry, what was the question?

43
44 Q. The focused deterrence model, is that one of the other
45 supplementary matters that you were speaking about
46 concerning behaviour programs, if they're not available?

47 A. The focused deterrence model has been proposed. I'll

1 just grab it up here. The Australian Institute of
2 Criminology in a report of theirs, March 2020, called
3 "Policing repeat domestic violence with focused deterrence
4 work in Australia" is an interesting analysis of how
5 proportionate policing could be part of, not all of but
6 part of, the solution for policing more complex matters or
7 matters that involve a higher intensity of response. So
8 that focused deterrence model is not a perpetrator focused
9 model. It's more of a holistic model about how police go
10 about their policing. When you've got limited resources,
11 as I was saying before, what do you do to try and tailor
12 towards where a high intensity response is required because
13 the situation is more complex.

14
15 MS HILLARD: Commissioner, thank you very much.

16
17 COMMISSIONER: Could we get a copy of that protocol?

18 A. Yes.

19
20 COMMISSIONER: Can we have the one you've got?

21 A. You can because I can print out another. I would just
22 like to check and make sure it's not one with comments all
23 strewn across it.

24
25 COMMISSIONER: Yes, that's fine.

26 A. It appears it's a clean version.

27
28 COMMISSIONER: All right. Thank you. We'll mark that as
29 exhibit 14.

30
31 **EXHIBIT #14 PROTOCOL**

32
33 COMMISSIONER: Mr McCafferty, do you have any questions?

34
35 MR McCAFFERTY: No, thank you, Commissioner.

36
37 MR HUNTER: No, thank you.

38
39 COMMISSIONER: I presume you don't have any questions,
40 Mr Eberhardt.

41
42 MR EBERHARDT: Unusually, no.

43
44 COMMISSIONER: I'll write it down in the record books.

45
46 MS O'GORMAN: Might Ms Koning be excused, please?

47

1 COMMISSIONER: Thanks very much, Ms Koning.

2

3 <THE WITNESS WITHDREW

4

5 MS O'GORMAN: Commissioner, the next witness is Ben
6 Bjarnesen. I call Mr Bjarnesen.

7

8 <BEN BJARNESEN, affirmed:

9

10 <EXAMINATION BY MS O'GORMAN:

11

12 Q. Mr Bjarnesen, you're the managing director of the
13 LGBTQ Domestic Violence Awareness Foundation?

14 A. Yes, that's correct.

15

16 Q. And in that capacity you provided, didn't you, a
17 submission to the Commission dated 24 June 2022?

18 A. Yes.

19

20 Q. And also a statement dated 21 July 2022?

21 A. Yes.

22

23 Q. And you have both of those documents there with you?

24 A. Yes.

25

26 Q. All right. Thank you. Now, in addition to that role
27 that you've just described you're also a serving QPS police
28 officer, aren't you?

29 A. Correct.

30

31 Q. For the purposes of you giving evidence this
32 afternoon, though, I understand that your evidence is given
33 entirely from the perspective of your role as the managing
34 director of the foundation?

35 A. Yes, that's right.

36

37 Q. Now, in respect of the foundation, when was it
38 established?

39 A. So in October 2021.

40

41 Q. All right. And you're the managing director, as
42 you've said. How many members of the board are there?

43 A. Seven.

44

45 Q. Why was the foundation established?

46 A. So originally we held a domestic violence or LGBTQ
47 domestic violence awareness day as part of

1 domestic violence prevention month in 2020, and because of
2 COVID that event then went online and we really found this
3 huge need or huge gap, I suppose, in awareness in services
4 for LGBTQ people and a real necessity for that sort of
5 awareness campaign to continue in the years to come. So
6 created the foundation then to make sure that that event
7 and education could continue.

8
9 Q. You talk in your submission about the fact that nearly
10 65 per cent of LGBTQ+ Australians have experienced domestic
11 or family violence in their lifetime?

12 A. Yes, that's correct.

13
14 Q. And you note there that that's higher than the
15 community average generally?

16 A. Yes, that's right.

17
18 Q. You also point to international research that shows
19 that members of the LGBTQ+ communities are less likely to
20 report domestic or family violence that they suffer to
21 police?

22 A. Yes, definitely and that's sort of seen in Australia
23 as well.

24
25 Q. When you say it's seen in Australia as well are you
26 referring to the fact that you've seen Australian
27 literature or Australian research that supports that
28 international research that you've referenced?

29 A. Yes, that's right. So through the Private Lives 3
30 survey through La Trobe.

31
32 Q. What about the experience of yourself and other
33 members of the foundation? Is it your experience --

34
35 COMMISSIONER: Sorry, can you just give me that research
36 again?

37 A. Yes, Commissioner, it's the Private Lives 3 survey
38 through La Trobe University.

39
40 MS O'GORMAN: Does that research that you've referenced
41 either from here in Australia or internationally reflect
42 the experiences of you and other members of the foundation
43 that members of the LGBTQ+ community are less likely to
44 report domestic and family violence to police?

45 A. Yes, absolutely.

46
47 Q. You've mentioned there on the first page of your

1 statement next to a series of bullet points the reasons why
2 members of the community would be less likely to report to
3 police. Do they cover off on the sorts of things that you
4 and the other members of the foundation have experienced to
5 be the reasons why people don't report?

6 A. Yes, definitely.

7

8 Q. Can I ask you about the LGBTIQ+ Consultative Group
9 that you reference on page 2 of your submission, please?

10 A. Yes.

11

12 Q. Now, firstly, who established that group?

13 A. So the group was established in Brisbane. That was
14 through one of my recommendations of the Churchill
15 Fellowship.

16

17 Q. And when was it established?

18 A. I believe it was about two, three years ago.

19

20 Q. Are you in a position to explain other than the QPS
21 who the other members of that group are?

22 A. The group is made up of different community groups
23 that service LGBTQ communities, so ones like DV Connect,
24 LGBTQ Legal Service, True Relationships, Relationships
25 Australia, Queensland Council for LGBTI Health to name a
26 few. Basically those organisations might bring any issues
27 they're aware of to that group and they're discussed at
28 those meetings.

29

30 Q. And is the purpose that those various organisations
31 and groups are able to feed information through to the QPS
32 to help inform its responses to members of that community?

33 A. Yes.

34

35 Q. How frequently does it meet, do you know?

36 A. Quarterly.

37

38 Q. And in between quarterly meetings do you know whether
39 there's other work that the group engages in?

40 A. From a QPS perspective, yes, there are things that go
41 away and get done after.

42

43 Q. I see. Now, you've said that you commend the
44 establishment of that group and you've noted that it
45 operates in the Brisbane region. In your view it should be
46 established in other districts in Queensland as well.

47 I presume that's so there can be a holistic approach to

1 these sorts of issues across the state?

2 A. Yes, absolutely. Obviously the issues that we face
3 here in Brisbane are very different to that of someone in
4 Far North Queensland or regional and remote areas. So, to
5 make sure that everyone's got the best response that they
6 can, those groups really need to be based at a local level.
7

8 Q. Speaking from your observations as a member of that
9 group and not as a QPS representative this afternoon, would
10 it be easy enough to replicate that model in our districts
11 around the state?

12 A. I guess in some circumstances, yes. There's obviously
13 a lot more LGBTI services based in Brisbane which makes it
14 a bit easier for us here. But absolutely. You've got
15 domestic violence organisations across the state. I guess
16 that's what we're here for. But then also just other
17 support services I would think like headspace and that kind
18 of thing that assist people in those sort of circumstances.
19

20 Q. Turning over the page you talk about your support of
21 the QPS having implemented the LGBTI liaison program?

22 A. Yes.
23

24 Q. And you mention the roles of the LGBTI liaison
25 officers and LGBTI program district coordinators. As you
26 understand it those positions are filled on a voluntary
27 basis?

28 A. Yes.
29

30 Q. And you say that it would be preferable from your
31 point of view if they were established as full-time
32 positions?

33 A. Correct.
34

35 Q. With people being able to dedicate all of their time
36 to dealing with the issues that might be expected to arise
37 in the course of the shift or the week for those particular
38 roles?

39 A. Yes. So, I mean, one of the examples I gave in there
40 was of the special liaison unit in Washington DC. It's a
41 dedicated unit where if someone from the LGBTI community or
42 a member of a culturally diverse community contacts police
43 then that unit responds and makes sure that all of their
44 needs are met in those sort of circumstances, things like
45 we were talking about before, making sure there's
46 interpreters, making sure there is appropriate support then
47 available.

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Q. If it were that those roles were made into permanent positions do you have a view about whether or not they should be filled by police officers of any particular rank or level of seniority?

A. No, I don't think so. I think it would be appropriate for anyone, as long as that person has got the passion and desire to make a difference in that area. I think it could be any rank.

Q. And what about any prerequisite criteria for the role. Do you consider there would need to be any such criteria?

A. I definitely think obviously lived experience as being part of the community can be really beneficial, especially in getting people to open up to you knowing that you've faced sort of similar struggles and that sort of thing as a member of the LGBTQ community. Whilst that's not necessary, it is helpful. But definitely training of awareness of LGBTQ communities and those historical sort of negative relationships that LGBTQ people have had with police, that's definitely something that would be needed.

Q. What about once someone has been put into that position, you mentioned training beforehand as having been beneficial in your view, would there be scope for ongoing training of people who are filling that role, do you think?

A. Yes, definitely. I think it's sort of something you've got to keep your skills up to date and be aware of, you know, all the current issues that are going on. So education and training would definitely have to be something that you would have to look at.

Q. On the question of training can I ask you to go to your submission and turn over to page 5. At the very top of that page you make this statement, "Currently QPS officers do not receive adequate training in relation to DFV in LGBTQ+ relationships which results in inadequate responses to these incidents." You provide the example of cases where police officers might assume in relation to a couple that the bigger or more masculine partner must be the perpetrator and that the converse must be true.

A. Yes, and that's not just a QPS thing. I think that's support services as well. There's really a huge lack of training in all things LGBTIQ across all police and all services which we really need to improve.

Q. Has it been your experience either as the managing

1 director of the foundation or a member of the community
2 more generally that you've heard reported to you that
3 people from the LGBTQ+ community who have had interactions
4 with police have had the experience of having police
5 officers make assumptions about them in their relationship?

6 A. Yes, absolutely. Myself as a survivor, I've not
7 experienced that but there was a perception of I'm a big
8 guy and I should be able to protect myself, and that can be
9 one of those things that stops LGBTQ people from reporting
10 because they're not identifying it in their own
11 relationships. So, you know, there's incidents like that.
12 There have been incidents overseas where I've heard where
13 they have mandatory arrest laws where people are being
14 arrested based purely on their size. They have seen
15 someone as the bigger person, "you must be the perpetrator.
16 You're coming with us," in sort of the US and Canada. We
17 obviously don't have mandatory arrest laws here, but it's
18 something that has been heard of.

19
20 Q. In your experience or from your point of view how
21 important is it that police officers do respond well and in
22 a sensitive and nuanced way to people experiencing domestic
23 and family violence in the community at that first point in
24 time?

25 A. Yes, look, if they're not supported appropriately that
26 first time then they're not likely to then go back and be
27 retraumatised or have that bad experience again. So
28 they're more likely then to stay with that person in the
29 abusive relationship and that abuse can then get worse or
30 who knows what happens if that intervention isn't made on
31 that first time.

32
33 Q. Are you comfortable for me to ask you about your
34 experience of reporting domestic and family violence as a
35 victim survivor yourself?

36 A. Yes, that's fine.

37
38 Q. When you did what was the experience that you had of
39 your interactions with police?

40 A. So I originally went through and did a private
41 application purely out of that fear of judgment of, you
42 know, what's going to happen if I report this. I did
43 report a breach, and that breach - no action had been taken
44 after six months. There hadn't been an outcome after six
45 months, and by that stage I thought it's just easier to
46 withdraw it rather than keep going with this because in
47 that six-month period the respondent hadn't contacted me

1 again. So I thought rather than bringing it back up six
2 months later and potentially something happen, I withdrew
3 it.

4
5 COMMISSIONER: When you say "no action" do you mean he
6 wasn't charged?

7 A. No, so he wasn't charged, no. There were
8 investigations happening, but he hadn't been spoken to at
9 that time.

10
11 MS O'GORMAN: And were you kept informed about the
12 progress of the matter during that six-month period?

13 A. No.

14
15 Q. Did that impact at all on your decision to proceed
16 with the matter or not?

17 A. I had proceeded with the matter because I sort of
18 reported it when it happened expecting that there would be
19 an outcome after a month or two months or something like
20 that for the necessary investigations to be carried out.
21 It was online, so there is obviously wait times with
22 getting things from those online providers. So I was
23 expecting a wait, but not six months, and I was expecting
24 that maybe he would be spoken to or his phone might have
25 been seized or something would have occurred. But I didn't
26 hear really anything and I was having to chase it up myself
27 after a few months saying, "What's going on with this?"
28

29 Q. Returning back to your submission, you've set out in
30 that first paragraph that we've been looking at and talking
31 about one example of an inadequate response that can impact
32 on people in terms of their interactions with police and
33 their experiences of going through the system. What are
34 some of the other barriers that members of the LGBTQ+
35 community face at that point in time when they're
36 interacting with the police attending at a situation.

37 A. I guess a good example is going into a front counter
38 of a police station. A lot of people are worried about the
39 reaction of the person behind the counter. "Are they going
40 to be homophobic? Are they going to be transphobic? Are
41 they going to treat me differently because of my
42 sexuality?" But not only just that person, how they're
43 going to treat them, but also the other people in the
44 waiting room, other people in the waiting room that are
45 going to hear this. You know, I'm detailing or people are
46 detailing their most personal, private parts of their life
47 and, you know, immediately you've got a barrier of a big

1 glass screen. So it's not private, it's not personal and
2 you're detailing these horrible things; but also being
3 fearful of how you're going to be treated because of your
4 sexuality or gender identity. So that can be a big one to
5 start. But also fear for outing. So for people who aren't
6 out, if they report to police, are their family going to
7 find out, is their workplace going to find out. So there's
8 a few different ones like that.

9
10 Q. You say that the foundation recommends that training
11 in relation to domestic and family violence in LGBTQ+
12 communities is made mandatory. From your point of view how
13 frequently should such training take place beyond the
14 training of recruits at the academy?

15 A. A bit of a tricky one because obviously Queensland is
16 an enormous state. Especially with COVID we've seen a lot
17 of online training go on. While that's fantastic that that
18 happens and it's quite cost-effective and easy to deliver
19 in such a big state, police are not - you've got to sort of
20 question its effectiveness sometimes on those online
21 products.

22
23 I think after it's initially done definitely there
24 would need to be follow-up. How often that would be
25 I think would be based on where we're at in this journey of
26 inclusion and diversity and acceptance and what
27 organisations are actually doing, because support services
28 change in what they deliver and people would need to be up
29 to date with who provides what support and how that
30 happens.

31
32 Q. Do I take it then that if there was such mandatory
33 training and it was delivered service wide perhaps
34 initially that in your view it would be a matter for the
35 command or some part of the Police Service then to monitor
36 how effective that was and where or how frequently it needs
37 to be rolled out again?

38 A. Yes, I think it would be a case of, you know,
39 frontline officers, so people who are actually going to be
40 dealing with victims needing to do it or need to not
41 requalify but be retrained or have a refresher every year
42 or two years, whatever the case may be, whatever's deemed
43 appropriate, but obviously it wouldn't be necessary for
44 people that aren't in those frontline positions to
45 necessarily undertake it.

46
47 Q. One of the things that you recommend on behalf of

1 the foundation is the dissemination of a statewide LGBTQ+
2 resource list to all QPS officers so that they have them at
3 their disposal and that that list would include services
4 which are able and appropriately able to support LGBTQ+
5 people. Firstly, to your knowledge is such a list already
6 disseminated to all QPS officers?

7 A. There's an online list, but it doesn't necessarily
8 have support services outside of DV Connect as the main
9 sort of statewide.

10
11 Q. The compilation of such a list, though, I take it,
12 would be relatively easy given what must be known and
13 available in terms of the supports for the LGBTQ+ community
14 should the QPS want to find out who all of those supports
15 are?

16 A. Yes. So there's a website "Say it out loud", which is
17 run through the AIDS Council of New South Wales, that
18 received some federal funding last year. They have a
19 resource list where you can type in your postcode, and all
20 of the DV support services that are inclusive in that
21 particular area will then pop up. So it's available.

22
23 Q. Okay. Over the page on page 6 another suggestion that
24 you make on behalf of the foundation is the improvement of
25 mechanisms for the reporting of domestic and family
26 violence matters. One of the initiatives that you applaud
27 is the ability to report non-urgent domestic violence
28 breaches and incidents online.

29 A. Yes.

30
31 Q. Why is it that that's so important?

32 A. It lets people sort of report without that fear of
33 judgment or discrimination on entering a police station.
34 So I guess by the time police get that report, you know,
35 they already know the person's circumstances, their
36 sexuality, their gender identity based on that report that
37 they have got. So it takes away that initial fear of going
38 into a police station and having to come out and what that
39 person's reaction is going to then be I think is, yes, part
40 of it.

41
42 Q. I guess, though, hand in hand with that sort of
43 initiative is a need for there to be timely responses to
44 the online reporting?

45 A. Yes, definitely.

46
47 Q. You recommend in the following paragraph that in order

1 to further reduce the barriers to reporting QPS should
2 encourage DFV support services to assist LGBTQ+ domestic
3 and family violence victim survivors to report and make
4 initial contact with police. Can you just explain to us
5 what that might look like?

6 A. Yes, so not necessarily DV support services alone but
7 just any support services as part of that Private Lives 3
8 survey and another one done out of Sydney in 2019, showing
9 that the majority of people that are reporting
10 domestic violence are reporting that in a healthcare sort
11 of setting, so either through their GP, through
12 psychologists, through psychiatrists or in a hospital. So
13 then just having the ability to then or having those
14 relationships with police and those services for that
15 person to then assist them. You know, I will say that I've
16 got those relationships in Brisbane with a lot of the
17 support services and psychologists. So if they do have a
18 client that needs assistance they will get in contact and
19 then we'll tee up something to then help that person report
20 that in an environment that they feel comfortable in, that
21 they feel safe in whilst also having a support person there
22 with them if needed.

23
24 MS O'GORMAN: All right. Thank you, Mr Bjarnesen. Those
25 are the questions that I have for you.

26
27 COMMISSIONER: I take it that might sometimes involve the
28 police officer going to a psychologist's office?

29 A. Yes, that's all sort of to do with those
30 relationships, I suppose, and the police going there or to
31 the person's house, wherever they feel most comfortable,
32 I suppose, and prearranged. Obviously that's not able to
33 happen in all circumstances, but I think where those
34 relationships are there it can be an incredible tool for
35 people feeling safe.

36
37 COMMISSIONER: In terms of shelters and services,
38 emergency accommodation, what is there for the LGBTQ+
39 community? I suppose the L is okay. They're female.

40 A. Yes. Not really existent. So DV Connect can provide
41 crisis accommodation or emergency accommodation for a few
42 days. Outside of that, there's nothing long-term. So
43 people are being referred to homeless services for anything
44 outside a few days just because there's nothing really
45 long-term.

46
47 COMMISSIONER: Do the women's shelters take transitioning

1 people?

2 A. That's another difficult one. It really depends on
3 the place. Some will say yes. Some will say no. Some
4 will ask pretty inappropriate questions around should that
5 person then be allowed to be there. That's a really tricky
6 one. But generally the answer from what I've heard from
7 most people is no.

8

9 COMMISSIONER: Ms Hillard?

10

11 MS HILLARD: Thank you, Commissioner. Only a couple of
12 questions.

13

14 <EXAMINATION BY MS HILLARD:

15

16 Q. Women's Legal Service Queensland service women across
17 the state who are women or who identify as women. So I'm
18 only asking from that perspective. They run an outreach
19 program where they go out to individual hospitals, for
20 example, as a point of contact for people who want to
21 report domestic and family violence. Is that something
22 that might be a little bit more proactive and be helpful
23 for the community that you're representing?

24 A. Yes, I think that could definitely help.

25

26 Q. And are you aware of whether those types of outreach
27 service currently exist?

28 A. Not that I'm aware of.

29

30 Q. And I presume that there is no linking in with the
31 Queensland Police Service with any formal services
32 involving your cohort of clients who you assist?

33 A. So DV Connect is the statewide service. DV Connect
34 has been trained through that "Say it out loud" program
35 that I was talking about before. So there's one service in
36 each state is trained in LGBTQ sort of DV and awareness
37 through ACON. DV Connect is it for the state.

38

39 Q. You probably heard my questions asked of the previous
40 witness if you were in the back of the room about
41 intersectionality and perceptions of the ideal victim.
42 I just thought I would ask you do you have a view about
43 intersectionality about the perceived ideal victim when
44 they are one of your clients?

45 A. We don't really have, you know, direct contact with
46 clients. We have people that will come to us and ask for
47 advice maybe, but then we generally will just refer them to

1 someone who can. But in my personal experience I think it
2 makes it a lot harder. Obviously a white lesbian woman is
3 going to have a very different experience to a culturally
4 diverse trans person. So it can make it a lot more
5 difficult for services and police to then appropriately
6 support those people, depending on who they are.

7
8 MS HILLARD: Commissioner, thank you, those are my only
9 questions.

10
11 COMMISSIONER: Just one thing I was going to ask you
12 before I ask Mr McCafferty if he has any questions, I'm
13 just looking at page 6 of your submission and you're
14 talking about statistics recording on the QPS database
15 where DFV incidents involve the community, and the second
16 part of that dot point is, "Respond accordingly to the
17 particular DFV incident in hand and any future DFV
18 incidents in relation to particular LGBTQ+ relationships."
19 I thought on the Qlite devices or we've been told on the
20 Qlite devices that you would have all those previous DV
21 incidents. So they are recorded in some way?

22 A. In some way. So that's for a same-sex couple only.
23 So it doesn't capture family violence of a nature. So
24 I guess it will capture the family violence but it won't
25 have anything there that it was in relation to a person's
26 sexuality or gender identity, so people experiencing
27 violence because they're trans or experiencing violence
28 because --

29
30 COMMISSIONER: Because their parents can't accept their
31 sexuality or that sort of thing?

32 A. Yes, so being kicked out and that sort of thing.
33 That's not recorded as a sexuality or gender based thing.
34 It's just recorded as family violence.

35
36 COMMISSIONER: I understand. Mr McCafferty?

37
38 MR McCAFFERTY: No, thank you.

39
40 COMMISSIONER: Mr Hunter?

41
42 MR HUNTER: No, thank you.

43
44 MS O'GORMAN: Might Mr Bjarnesen be excused?

45
46 COMMISSIONER: Yes. Thank you very much.
47

1 <THE WITNESS WITHDREW

2
3 MS O'GORMAN: Commissioner, the next witness is Ellie
4 Hansson, and I call Ms Hansson.

5
6 <ELLIE HANSSON, affirmed:

7
8 <EXAMINATION BY MS O'GORMAN:

9
10 MS O'GORMAN: Q. Ms Hansson, you're a lawyer with the
11 LGBTI Legal Service; is that right?

12 A. That's correct.

13
14 Q. And you've been there either in a volunteer or a paid
15 capacity for nearly 18 months; is that right?

16 A. Yes, that's correct.

17
18 Q. Now, I can see from the submission that has been sent
19 through to the Commission on 13 July 2022 that your service
20 provides a whole range of legal advice to members of the
21 LGBTI community?

22 A. That's correct.

23
24 Q. And have you personally been involved in the provision
25 of advice to clients?

26 A. I have.

27
28 Q. Now, I'm looking for completeness at the submission
29 which is actually under the hand of your director,
30 Renea Hart. Is that the submission that you have in front
31 of you?

32 A. Yes, it is

33
34 Q. Although it's not authored by you, you are familiar
35 with the contents of it?

36 A. Yes. I was the principal author, and it was involved
37 with volunteers and other people who review and add
38 comments. So it's a group effort.

39
40 Q. All right. Thank you. Could I ask you, please, to
41 turn to page 2 of it. You say in the first sentence on
42 that page that, "Domestic and family violence experienced
43 by members of the LGBTIQ+ community is underreported and
44 often misunderstood." Is it the experience of the service
45 that in addition to general community misunderstandings
46 that those misunderstandings sometimes arise within the QPS
47 responses to domestic and family violence

1 A. Yes, it is most definitely. For us coming as a
2 community legal centre it's often misunderstanding - it's
3 come from a place of miseducation. So things going towards
4 the way that elements of LGBTIQ+ community and what that
5 exactly looks like is often misunderstood in terms of the
6 types of domestic and family violence experienced by people
7 in those communities. So it's a different view what you
8 might find in a cisgendered relationship.
9

10 Q. And has your organisation had experiences of clients
11 reporting to you that they have been misidentified as the
12 perpetrator of domestic and family violence in
13 circumstances where they say they are in fact an aggrieved
14 person?

15 A. Yes. I think Ben touched on it before that there are
16 situations where someone who is obviously the more
17 masculine presenting is often targeted as being the one who
18 is the perpetrator. In situations where we've reviewed
19 body-worn camera footage it often comes to an immediate
20 assumption as soon as the door has been - as soon as
21 officers have walked through the door they have made that
22 determination by the way the body language, the questioning
23 that they're directing towards one person or another.
24

25 Q. You've mentioned there your review of body-worn camera
26 footage and in fact further down the page that we've just
27 been looking at you talk about having reviewed reports of
28 your clients, reviewed body-worn camera footage, and had
29 direct engagement with the QPS itself, and based on those
30 experiences and observations you say the service has noted
31 a number of experiences. I'm just going to ask you to
32 explain some of these a little further to us.

33 A. Yes, of course.
34

35 Q. So the first one that you've listed there is an open
36 disregard or active mistreatment of LGBTIQ+ people.
37 Firstly, what do you mean by that and can you give us an
38 example?

39 A. Yes, of course. So often we find the cases that we're
40 dealing with at the service involving DVF the cases aren't
41 taken as seriously or they're often marginalised. So it's
42 kind of drawn down to what would be - like, they call it a
43 lover's spat instead of taking it as serious as they would
44 in a hetero cisgendered relationship. When there's
45 disregard there might be multiple calls, we've heard
46 reports of multiple calls that a person has made, and when
47 in normal circumstances say, for example, the DV

1 application would be commenced by police, it is just often
2 disregarded or just put to the wayside.
3

4 Q. Now, you mentioned the language "lover's spat" before.
5 Is that something that you've actually yourself have seen
6 said?

7 A. Not too often. It sticks out to me as I remember
8 hearing it being muddled over body-worn camera footage as,
9 like, an off-hand comment to another officer. Not anything
10 that comes pervasively, but it's just one of those comments
11 that I've got tattooed in my brain.
12

13 Q. The next bullet point talks about widespread dead
14 naming and misgendering both while attending to an
15 investigation and in paperwork. Can you explain what you
16 mean a little by that?

17 A. Yes, of course. I will say that I think this comes
18 from a place of again miseducation. There will be times
19 where someone has identified themselves, say, for example,
20 as being gender diverse or trans but their gender identity,
21 like, information won't reflect that. It will have what we
22 call the dead name or their past gender, and the officers
23 might use that as a reference point to continue using their
24 old name or their old gender when clearly the person is not
25 comfortable with those terms. So that happens actually
26 quite a lot.
27

28 Some officers do make an attempt to correct themselves
29 after they have been told that that's not the case. But
30 otherwise they will go back and forth and then later in the
31 paperwork they'll continue with what they have on, say, for
32 example, the identification after they have looked up, say,
33 a licence.
34

35 Q. From your review of the various paperworks that you've
36 seen or the review of body-worn camera footage that you've
37 undertaken do you think that that is an issue which could
38 be corrected in large part by training for general duties
39 police officers around what is appropriate use of names and
40 what is not?

41 A. I definitely think so because it's very difficult
42 coming from a place where there's no lived experience
43 there, especially for an officer. So providing training to
44 indicate why that might be hurtful to a person, and even on
45 the side of infringing on their human rights is just
46 hammering in how serious it is.
47

1 Q. In your next bullet point you talk about performing
2 pat-down searches without regard to a person's gender
3 identity. What is it that you're referring to in
4 particular there?

5 A. With regard to pat-down searches this is also
6 encroaches onto criminal law a slight bit, situations where
7 domestic and family violence has happened and where they
8 have had to commence pat-down searches, there will be
9 invasive questions about a person's gender identity if they
10 have identified that they're gender diverse or trans and
11 had open disregard that said, "I do not feel comfortable
12 being searched by a male officer," and then they have
13 continued to ask questions such as, "What genitalia do you
14 have, what surgeries have you got," to work out which is
15 the correct cisgendered officer to be searching this other
16 person.

17
18 Q. You talk about asking invasive questions unrelated to
19 an investigation at hand as well. Do you mean questions
20 about someone's sexuality or identity that might not be
21 relevant to the investigation the police officer is
22 undertaking?

23 A. Definitely. Questions about sexuality, again
24 questions about surgery people have had, people asking how
25 you identify. That might seem like a common question, but
26 if someone has already expressed an opinion about how they
27 want to identify and they continue that line of questioning
28 into where there's not - information searching is a bit
29 rude, it can get into that kind of area where it's
30 unrelated to what they're asking. It just seems they're
31 making the person uncomfortable.

32
33 Q. Finally, you talk about the concern of conducting an
34 investigation with a heteronormative lens. Again, can you
35 explain to us what you mean there?

36 A. Yes, of course. So it's really important to impress
37 that certain elements of DVF and coercive control look
38 completely different as they would in terms of a hetero
39 relationship. So I think we touched on it earlier about
40 children who are coming out to their parents, that can also
41 be a very different experience for a child in a different
42 kind of DVF situation.

43
44 We have dealt with cases at the service where a
45 partner has wanted to make threats over embryos that the
46 couple have shared and situations where one partner is out
47 and the other is not and they have used that as a threat to

1 continue seeing the person and they have made threats about
2 coming up to their workplace or outing them. So for some
3 identities it's a continuing process of coming out between
4 being, say, gay to trans and they might manipulate that
5 situation to gain contact with the person that's being
6 abused by them.
7

8 Q. And is the concern that you're expressing there that
9 some of those issues that you've just verbalised now are
10 not always taken seriously enough by the police?

11 A. There are elements that it's not taken seriously
12 enough and there's also not enough awareness for officers
13 being able to react appropriately to those types of
14 situations. So they don't know how to respond. So I think
15 the default is to not take it seriously because they don't
16 know the seriousness of how it can be.
17

18 Q. Okay. You talk about the Victorian Police and its
19 development of an LGBTI inclusion strategy and action plan,
20 and you talk favourably of it in terms of providing
21 guidance to address relevant cultural issues. To your
22 knowledge does such an action plan or its equivalent exist
23 within the QPS?

24 A. Not to my knowledge, no. I think it was rather
25 telling that I came across the Victorian resource before
26 I came across the Queensland resource in trying to find out
27 what kind of action had been taken to include inclusivity
28 for LGBTI people. I found references to including
29 diversity of officers themselves, which is great, just not
30 anything as enough detail as Victoria had done.
31

32 Q. And in your view what would be the key or core
33 elements that would be required to be included in an action
34 plan like that?

35 A. Definitely engagement with services such as, for
36 example, Open Doors Youth Service and other community based
37 organisations that have dealt with LGBT people
38 specifically. On the Victorian submission they actually
39 externalised part of that to have an audit done by the
40 Victorian Equal Opportunity and Human Rights Commission; so
41 putting it out of the hands into organisations who have
42 those requisite skills and professional connections to be
43 able to provide resources and continuing education.
44

45 Q. All right. I take it from what you've just said that
46 you would consider that if such an action plan or an
47 equivalent were developed here there would be benefit in

1 having that external audit process?

2 A. Definitely.

3

4 MS O'GORMAN: Thank you. Those are the questions that
5 I have for you.

6

7 <EXAMINATION BY MS HILLARD:

8

9 Q. As you will have heard me say to the previous witness,
10 Women's Legal Service Queensland represent women and anyone
11 who identifies as a woman. So I can only ask questions
12 from that perspective. In respect of what you were asked
13 by Counsel Assisting about some of the impacts of the
14 Queensland Police Service responses I wonder if you could
15 give us some examples when a person is arrested where they
16 get placed at the watchhouse, is that something that the
17 police could do with some specific awareness around?

18 A. I would say definitely. I would have to comment that
19 a lot of the time that the cases that we deal with at the
20 service are with people who have other co-morbid conditions
21 aside from say, for example, being gender diverse or trans
22 that the officers don't seem to take into consideration.
23 It's often marginalised as in they're just being hysterical
24 when they don't realise that this person also has PTSD from
25 past trauma of dealing with police or anxiety conditions
26 that are very reactive. So definitely.

27

28 Q. In terms of their personal amenities and the personal
29 effects that they get given, sometimes they get given
30 clothes, simple thing around that, is that something that
31 you have experienced from some of your clients?

32 A. They have not personally mentioned it.

33

34 Q. In terms of the heteronormative lens that you spoke
35 about and people not being taken seriously or the ability
36 to adapt, I just wondered if you would be able to add to
37 what you've already said. It's not simply a matter of
38 language, but what would the cultural training actually
39 look like to you?

40 A. In terms of cultural training for the officers it
41 would - for example, they would go through particular
42 scenarios that they could find, and this isn't just with
43 DVF; they would need to do this, say, for example, what
44 would be done in traffic stop or, for example, if they were
45 approaching a criminal type situation. They would have to
46 be aware that gender diverse person might be different to a
47 trans person or certainly intersectionalities are involved

1 with the LGBTI community and going through, like, how those
2 people would react to certain situations and doing
3 practical examples, especially involved with stakeholders,
4 stakeholder organisations, sorry, to guide them on the best
5 practice on approaching those types of situation.
6

7 Q. Of the clients that you have been involved with
8 assisting and providing legal representation for have you
9 noticed that there is a difference in geography about where
10 they are placed and the kind of reception or the way that
11 they are treated?

12 A. Definitely. I would have to say that the people that
13 we deal with are kind of stuck in this capital city bubble
14 in terms of where they're treated. So the general
15 experience is slightly more positive if they're coming from
16 Brisbane. A bit more in regional areas it's quite on the
17 decline in terms of how they're treated by police. We find
18 people sending us emails late at night from regional areas
19 about really difficult situations they have dealt with with
20 police and we find it difficult to find ways to assist them
21 directly as we would in terms of dealing close to capital
22 city - city based areas.
23

24 Q. One of the perceptions might be it must be perhaps
25 very exhausting for your clients to have to continually
26 educate people on how to interact with them. Do you notice
27 a level of disengagement perhaps when they're in these
28 situations and having to - repeatedly having to explain
29 themselves?

30 A. There is quite a lot of that. There will be
31 situations where officers are asking questions and because
32 the person has had to continually repeat themselves they
33 have just become more frustrated, and I noted that it's
34 been written down, for example, in the officer's commentary
35 that, "They got irate after they were asked this question."
36 It's like, "Well, because you've repeated it four or five
37 times" about, for example, their relationship dynamic or
38 about their sexuality or things like that that tend
39 to - aren't really necessary after they have asked it a few
40 times.
41

42 Q. Can you say whether or not in those sorts of scenarios
43 it is common for you to see that they get misidentified as
44 escalating and then end up with something, a charge or
45 being named as a respondent?

46 A. Yes, that is definitely what tends to happen. One of
47 the barristers that we deal with at the service, that has

1 been one of their complaints about dealing with the QPS, is
2 that the particular charge is, like, amplified because the
3 person has gotten irate over being misgendered or being
4 dead named, things like that.

5
6 Q. You mentioned about domestic and family violence
7 trauma for a lot of your clients. Is there any sort of gap
8 in specific services or police delivery of services that
9 can be addressed around that awareness about their history
10 and their background?

11 A. I would say it definitely needs to be a bit more
12 public and openly available. It's not information that is
13 widely available on the QPS website and it's not readily
14 known among the community. There's a certain mistrust
15 there in terms of engaging with the police to find them
16 those services. They would rather go to things like
17 DV Connect, for example, or Open Doors Youth Service,
18 especially if they're under 18.

19
20 Q. Or you might have heard my question to the last
21 witness, the outreach type service at a health setting is
22 more likely to be a point of engagement for your clients?

23 A. Definitely, yes.

24
25 MS HILLARD: Thank you, Commissioner. Though are my
26 questions.

27
28 COMMISSIONER: What is Open Doors Youth Service?

29 A. They're a social worker group. I believe they perform
30 other services in terms of helping young people engage with
31 psychology. For us at the service they help children get
32 access to HRT especially and help them guide through, you
33 know, transitioning, especially with liaising with
34 the parents. So we do a lot of work in engaging with them.

35
36 COMMISSIONER: Okay. Mr McCafferty?

37
38 MR McCAFFERTY: Nothing, thank you, Commissioner.

39
40 MR HUNTER: No questions, thank you.

41
42 MS O'GORMAN: Might Ms Hansson be excused?

43
44 COMMISSIONER: Thank you. Thanks, Ms Hansson.

45
46 <THE WITNESS WITHDREW
47

1 MS O'GORMAN: That was the last witness for today.
2 Tomorrow's witnesses will be ready from 10 am.

3
4 COMMISSIONER: Do you have any statements you want to
5 tender?

6
7 MS O'GORMAN: Yes. I'll tender them as a bundle, if
8 I may. They are the seven statements related to the
9 witnesses who gave evidence today. I just note that,
10 although there's a statement of Louise Baker, of course the
11 witness who gave evidence was Di Mahoney.

12
13 COMMISSIONER: Okay. So tender bundle I will be
14 exhibit 15.

15
16 **EXHIBIT #15 TENDER BUNDLE I**

17
18 MS O'GORMAN: All right. Thank you.

19
20 COMMISSIONER: Just adjourn until 10 tomorrow.

21
22 **AT 4.00PM THE COMMISSION WAS ADJOURNED UNTIL TUESDAY,**
23 **26 JULY 2022**

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