
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.**

Wednesday, 27 July 2022

1 COMMISSIONER: Yes.

2

3 MS O'GORMAN: The first witness for this morning,
4 Commissioner, is Mr Ainsworth. I call Mark William
5 Ainsworth.

6

7 COMMISSIONER: Just before Mr Ainsworth starts, did you
8 have some statements yesterday you wanted to tender?

9

10 MS O'GORMAN: Yes, I'm happy to tender today's statements
11 at the same time if that's convenient.

12

13 COMMISSIONER: Yes.

14

15 MS O'GORMAN: Firstly, I'll tender tender bundle J, and
16 that collectively comprises the statements of Nadia
17 Bromley, Debbie Hewitt, Betty Taylor, Joanna Mason and Dan
18 Haberland. I should say Officer Haberland was on the
19 witness list to give evidence yesterday afternoon. None of
20 the parties require him for additional questions and he
21 won't be called to give oral evidence anymore.

22

23 COMMISSIONER: Thank you. That will be exhibit 16

24

25 **EXHIBIT #16 TENDER BUNDLE J**

26

27 MS O'GORMAN: I'll also tender tender bundle K, which
28 comprises the reports and annexure of Mark Ainsworth,
29 statement of Toni Bell and the annexures to her statement,
30 and the statement of Dr Brian Sullivan.

31

32 COMMISSIONER: Thank you. That will be exhibit 17.

33

34 **EXHIBIT #17 TENDER BUNDLE K**

35

36 COMMISSIONER: I don't suppose you have a copy of
37 Toni Bell's statement?

38

39 MS O'GORMAN: I think I do.

40

41 **<MARK WILLIAM AINSWORTH, sworn:**

42

43 MS O'GORMAN: A copy of the statement and the two
44 annexures is being provided now.

45

46 COMMISSIONER: Thank you. Yes.

47

1 MS O'GORMAN: Thank you, Commissioner.

2

3

<EXAMINATION BY MS O'GORMAN:

4

5 Q. Mr Ainsworth, your full name is Mark William
6 Ainsworth?

7

A. That's correct.

8

9 Q. And you're a former Queensland Police Service officer
10 with some 38 years of service?

11

A. That's correct.

12

13 Q. You retired in 2018 at which point you took up the
14 role of Deputy Commissioner of the Queensland Racing
15 Integrity Commission?

16

A. That's correct, yes.

17

18 Q. And you maintained that position until July of last
19 year?

20

A. Yes.

21

22 Q. In the course of your career in addition to your
23 policing duties you have had involvement in the Fitzgerald
24 Commission of Inquiry?

25

A. Yes.

26

27 Q. The Queensland Floods Commission of Inquiry?

28

A. Yes.

29

30 Q. And the Royal Commission into trade union governance
31 and corruption?

32

A. That's correct.

33

34 Q. In the course of your service with the Queensland
35 Police Service you did over the decades that you worked
36 there attend numerous domestic and family violence
37 incidents as well?

38

A. Yes, I did.

39

40 Q. And investigated murders which had aspects of domestic
41 and family violence involved in those matters?

42

A. Yes, I did.

43

44 Q. All right. You were engaged by this Commission,
45 the Commission of Inquiry, to undertake some consulting
46 work on behalf of the Commission?

47

A. That's correct.

- 1
2 Q. And specifically you were engaged to conduct
3 interviews with police officers in order to ascertain their
4 views and their feedback on a range of matters?
5 A. That's correct.
6
7 Q. One of those matters was to determine the nature of
8 any cultural issues which impact on the ability of the QPS
9 or their individual officers to respond to or investigate
10 domestic and family violence?
11 A. That's correct, yes.
12
13 Q. You were provided, were you not, with a range of
14 questions which you were asked to use in a semi-structured
15 way in terms of your interviews?
16 A. Yes, I was.
17
18 Q. And you were told that in addition to the questions
19 which you were asked to ask of your interviewees that you
20 could of course ask other questions that may seem relevant
21 to you as the interview unfolded?
22 A. That's correct, yes.
23
24 Q. Now, we understand that you have conducted interviews
25 with some 53 police officers?
26 A. Yes, I have.
27
28 Q. And you have done that in the course of about four
29 weeks of consulting; is that right?
30 A. Over a four-week period, yes.
31
32 Q. Initially we understand that you encountered some
33 significant reluctance on the part of police officers to
34 meet with you and to talk with you about these matters?
35 A. That's correct, yes.
36
37 Q. Could you explain to us what that reluctance was?
38 A. I think the reluctance was is the officers not having
39 a knowledge of what my actual role was, whether it was, you
40 know, a genuine role that was commissioned by
41 the Commission for me to do that, and also some fears of
42 officers talking and being identified and maybe some
43 retribution at a later stage.
44
45 Q. All right. There was a change at some point, was
46 there not, when the QPS issued a formal statement to the
47 effect that police officers were in fact free and

1 encouraged to meet with you for the purpose of having
2 interviews with you?

3 A. That's correct. There was a significant change after
4 that and the cooperation level from the police that I spoke
5 to was I would describe as excellent, yes.

6
7 Q. In terms of those 53 officers they're not police
8 officers that the Commission identified and sent to you,
9 are they?

10 A. No, the process was was that I was asked to contact
11 police that I had known during my service and talk to them
12 and then if they had anyone else that they could refer to
13 me that they knew would be interested in talking to me and
14 that's how the process happened, and I had also received
15 some phone contact from people that just wanted to have a
16 chat.

17
18 Q. Okay. The interviews themselves, how long did they
19 take on average with any individual officer?

20 A. They varied. I think the longest one would have been
21 two hours, but they varied from, I'd say, 40 minutes,
22 45 minutes, on an average, probably an hour, hour and a
23 quarter.

24
25 Q. Okay. You say in paragraph 7 of your statement that
26 the officers that you interviewed appeared genuine in their
27 responses, they didn't openly go out of their way to
28 criticise the QPS but to offer honest suggestions on what
29 needed to change?

30 A. That's correct. I found that the officers I spoke to,
31 and this is the officers that I had previously known during
32 my service, but officers I didn't know, I found when
33 talking to them that they were genuine in their responses
34 to me. What I mean by that is to me they seemed their
35 concerns were very genuine, but not against bagging the
36 Queensland Police Service or anyone else but trying to
37 rectify issues which could make their job more streamlined
38 when dealing with domestic violence. There were a number
39 of officers that I spoke to that were just having a general
40 rant and rave and obviously those interviews were, you
41 know, taken for what they were. But I was quite impressed
42 with the attitude from constables with three years service
43 right up to the senior sergeants and inspectors to me
44 coming across how they wanted change to occur and how
45 change was required, and having a focus on making things
46 better for not only the service but for the aggrieved and
47 respondents involved in domestic violence.

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Q. You explained to those officers that there would be a confidentiality process which would be undertaken and that their names would not be provided to the Commission?

A. That's correct.

Q. Approximately 10 per cent of the officers indicated to you that they were happy for their names to be publicly known but 90 per cent of them wanted to maintain that confidentiality?

A. That's correct, yes.

Q. Could I have a look or ask you, please, to have a look at paragraph 10 so that we can have an indication of the broad range of policing areas that your interviewees came from. You've set out there that they came from stations of different sizes, First Nations communities, communities with large tourist populations, all ranges of socioeconomic areas, regional centres, major cities, multicultural communities and stations located on various of Queensland's borders?

A. That's correct.

Q. Was that a deliberate effort on your part to take a representative sample in terms of the policing community or was that just how things panned out?

A. No, I thought at the start that was absolutely necessary to get the views of police not only in the south-east corner of Queensland, which quite often happens significantly in these types of things, but to talk to police in the remote areas, First Nations communities, the one and two people stations, areas where there's transient communities, but also areas where they border Northern Territory and New South Wales to look at those cross border issues that may affect their policing and domestic violence, as well as talking to specialist people in the DVLO field and DVFC.

Q. We can see from the annexures to your statement that you did in fact manage to speak to a number of officers who have specialist DV roles?

A. Yes.

Q. As well we can see from paragraph 10, can we not, that you managed to speak to people from the State Crime and Intelligence Command, Communications, Culture and Engagement Division, the Legal Division, that is a number

- 1 of prosecutors, and the Road Policing and Regional Support
2 Command?
3 A. That's correct.
4
5 Q. That is the Policelink staff that you spoke to?
6 A. That's correct.
7
8 Q. As well, although it didn't work out to be exactly
9 fifty-fifty, you did speak to a number of - a large number
10 of both men and women?
11 A. Yes.
12
13 Q. And whilst your focus was on frontline officers who
14 deal with domestic and family violence in the course of
15 their ordinary week you managed to speak to officers who
16 ranged from having just come out of the academy, really,
17 right up to officers of many, many years experience?
18 A. That's correct, yes.
19
20 Q. And different levels of seniority as well?
21 A. Yes.
22
23 Q. Including a number of officers in charge of stations?
24 A. Yes.
25
26 Q. District duty officers?
27 A. That's correct.
28
29 Q. Detectives from criminal investigation branches and
30 child protection investigation units?
31 A. That's correct, yes.
32
33 Q. And as we said a number of different prosecutors.
34 Okay. You also spoke to officers who are attached to
35 vulnerable persons units?
36 A. Yes.
37
38 Q. And to high-risk teams?
39 A. Yes.
40
41 Q. Civilian counter staff?
42 A. Yes.
43
44 Q. Policelink staff as we've established?
45 A. Yes.
46
47 Q. A number of DVL0s?

1 A. Yes.

2

3 Q. And domestic and family violence coordinators?

4 A. That's correct.

5

6 Q. Can I ask you to turn to page 4 of your report. There
7 you start to summarise for us some of the cultural issues
8 which were identified by your interviewees. You make it
9 clear that the officers were asked whether or not domestic
10 and family violence is a priority for the QPS and the
11 overwhelming majority believed that it definitely was?

12 A. That's correct.

13

14 Q. But nonetheless many officers indicated that there was
15 a need for improvement by the service

16 A. That's correct.

17

18 Q. And it's the case, isn't it, that some thought that
19 domestic and family violence isn't as serious a matter as
20 some other matters and those other matters are being let to
21 go by the way by the emphasis that's placed on domestic and
22 family violence?

23 A. That's correct, and that related to a number of issues
24 or the proactivity of first line officers being proactive
25 in preventing other crime, traffic matters, the road and
26 trauma and general crime, how that reduction because the
27 focus on DV was reducing their ability to perform those
28 proactive type activities.

29

30 Q. Okay. There was one officer who made the comment that
31 when he joined in [REDACTED] people joined to catch the bad guys
32 and now police mainly attend DV and the bad guys get away
33 with a lot more?

34 A. That's correct.

35

36 Q. All right. What I might do, just for reference later
37 on in terms of the transcript and for the parties' ability
38 to go to these, I'll just say the pinpoint COI doc number
39 each time there's a comment rather than bring it up on the
40 screen unless anyone wants me to do that on each occasion.
41 So that number is [COI.034.0004].

42

43 In terms of aggrieveds and the question of whether
44 police officers had seen a lack of respect for aggrieveds,
45 in particular women?

46 A. Yes.

47

1 Q. You say in your report at paragraph 17 that more than
2 half of the officers that you interviewed hadn't seen this
3 occur in their stations or during their service?

4 A. That's correct.

5

6 Q. Conversely some officers had seen that type of
7 behaviour occur and in fact a number of police officers
8 indicated to you that they had seen that occur at some
9 stage during their career, including recently?

10 A. That's correct.

11

12 Q. One [REDACTED] and this is at [COI.041.0004], told you
13 that in their opinion prettier aggrieveds get more
14 attention from police than others?

15 A. That's correct.

16

17 Q. You indicated that it appeared to you that where
18 police officers indicated that there were negative opinions
19 expressed about aggrieved that that was done out of
20 frustration and that the comments didn't stop police from
21 doing their job to the best of their ability?

22 A. That's correct. If I can just go a little bit further
23 to that.

24

25 Q. Yes?

26 A. The terminology of DFV - domestic and family violence
27 of convenience was used, and I can probably put it down to
28 four areas that police were referring to, and it's seeing
29 some officers perceive that some matters were reported by
30 aggrieved people in order for family law court matters for
31 custody of children, for property settlement, for the
32 payment of DV assist payments, and also to try and expedite
33 the process of getting government housing. So they were
34 the four main issues raised by police towards a negative
35 culture of aggrieved people.

36

37 Q. Okay. Some of the police officers use the term "DV of
38 convenience"?

39 A. Yes.

40

41 Q. Others use the term "vexatious complaints"?

42 A. That's correct.

43

44 Q. Lots of officers, though, spoke about that, in their
45 opinion, being a significant problem?

46 A. That's correct.

47

1 Q. At paragraph 18 you identify that a large number of
2 the officers that you spoke to indicated that it was the
3 officer in charge, the shift supervisors and the district
4 duty officers who set the culture or significantly
5 influenced the culture towards domestic and family
6 violence; is that right?

7 A. That's correct.

8
9 Q. And one officer [REDACTED]
10 told you, and this is at page [COI.037.0001], that she had
11 seen officers in charge pushing negative domestic violence
12 attitudes on to junior staff?

13 A. That's correct.

14
15 Q. And influencing junior staff in that way?

16 A. Yes.

17
18 Q. All right. At paragraph 19 you talk about the fact
19 that many officers reported to you that there's currently a
20 culture of fearfulness by police officers attending
21 domestic and family violence.

22 A. That's correct.

23
24 Q. That, it seems to me on a review of the summary of
25 your interviews, results in many cases with an attitude of
26 covering your backside when you go to domestic and family
27 violence matters; is that what you were hearing?

28 A. That's correct, and that was brought about by a number
29 of issues in the pure volume in some of the areas of
30 domestic violence matters that police were attending and
31 the pressure to go from DV to DV to DV, but also the
32 scrutiny over the - placed over DV now, the scrutiny of DV
33 matters by the Queensland Police Service has increased
34 dramatically in that there's overview of body-worn videos,
35 they're overview of paperwork and all the actions taken by
36 police at DV. And also the media and recent coronial
37 reports about the lack of action of police in attending
38 domestic violence matters. A [REDACTED] that
39 I interviewed in excess of [REDACTED] years service said he had
40 never seen officers in today's age not backing themselves,
41 just fearful of making a mistake, getting themselves in
42 trouble and leaving the aggrieved exposed to any further
43 dangers. So there was - the "cover your backside" type
44 scenario was if police were unsure as to whether or not,
45 you know, a DV offence had occurred they would take action
46 to make sure that everything was covered.

47

1 Q. You do say there in paragraph 19 in the third sentence
2 that some frontline police officers and supervisors just
3 take the necessary domestic and family violence action to
4 cover themselves without undertaking proper investigations?

5 A. That's correct.

6
7 Q. There you say, which may support the fact that the
8 matter is not domestic and family violence. So you're
9 saying that some police officers reported to you that they
10 don't make the enquiry, they just take out the order to be
11 sure?

12 A. That's correct.

13
14 Q. But it's the case, isn't it, also a number of officers
15 were reporting to you that this lack of thorough
16 investigations sometimes resulted in proper action not
17 being taken?

18 A. That's correct.

19
20 Q. Okay. I might take you to a couple of the comments
21 that were made to you in that regard. A [REDACTED]
22 [REDACTED] at page [COI.034.0001] --

23
24 COMMISSIONER: Sorry, what's that?

25
26 MS O'GORMAN: [COI.034.0001], said that a lot of officers
27 simply ask minimal questions in order to finalise the job
28 as soon as they can. Their standard of investigations of
29 DV matters leave a bit to be desired and a common practice
30 in his area is for police to make a referral rather than
31 take out an order?

32 A. That's correct.

33
34 Q. One police officer told you that there was such a
35 concern about whether or not appropriate action was being
36 taken that he had mandated reviewing of body-worn camera by
37 his officers to ensure that appropriate action was in fact
38 being taken?

39 A. That's correct.

40
41 Q. In terms of the insufficiency of proper investigations
42 another police officer reported to you that he has always
43 struggled with the way that domestic violence is
44 investigated. He said, "For example, if police attend a
45 strangulation where an aggrieved person has died numerous
46 police resources are directed to attend, but if an
47 aggrieved person survived usually only an initial crew that

1 attends with advice to the CIB," and he can't understand
2 that imbalance. That was a frustration for him?

3 A. That was a frustration for him, and it's standard
4 practice. A murder, any sort of murder or
5 domestic violence murder, there's a large team put in to
6 investigate those matters. It's standard practice. This
7 officer was saying that he can understand that, but when
8 it's a matter of strangulation the uniform police contact
9 the CIB and the CIB might have two or three staff
10 investigating it rather than a whole team, which to me in
11 my experience is standard practice. It's not belittling or
12 not lessening the seriousness of the offence of the
13 strangulation, but it is still being investigated by the
14 appropriate channels at that time.

15
16 Q. All right.

17
18 COMMISSIONER: How does that compare with other offences?
19 So if it's, say, a robbery, would that be two or three CIB?

20 A. Generally it would be, depending on the circumstances.
21 There are a lot of different circumstances. If it's a
22 volume of robberies involving one area or different areas
23 you might have a greater team. Otherwise it's just
24 generally the two or three detectives that will investigate
25 it to the conclusion. It's really varying on the type of
26 offence. Talk about, what's a good example, a stealing
27 matter, that would just be the two detectives, a fraud
28 matter two detectives, so that's generally - the bigger
29 roll out of detectives is in the form of a major incident
30 room type investigation which could be a murder, a major
31 drug trafficking operation which involves a bigger response
32 and diverse resources to investigate that.

33
34 MS O'GORMAN: At least a couple of the officers reported
35 to you that some police go to domestic and family violence
36 jobs with the attitude of, "How can I write this off"?

37 A. Yes, that's correct.

38
39 Q. And one [REDACTED],
40 this is at [COI.038.0003], said that that sort of pressure
41 came from supervisors requiring officers to just get the
42 job done and move on?

43 A. That's correct, and to further expand on that is those
44 comments were made in relation to areas where there was
45 police were attending multiple DVs in a shift. A couple of
46 officers mentioned there they could start a shift on a two
47 to 10, for example, and there could be three or four DV

1 matters backed up that the previous crew hadn't done. So
2 there's pressure to get to those matters to deal with them
3 and then move on to the others. That's not taking into
4 account other calls for service for other matters as well.

5
6 Q. Some of those officers or at least one of those
7 officers I think came from [REDACTED]?

8 A. That's correct.

9
10 Q. Where you were hearing from them the report that
11 domestic and family violence calls for service is just
12 simply unrelenting in that place?

13 A. That's correct.

14
15 Q. One [REDACTED]
16 [REDACTED]

17 reported to you that in his experience many frontline
18 officers do not investigate to the necessary level to
19 obtain a full picture of the relationships from the
20 incident?

21 A. That's correct, yes.

22
23 Q. That's at [COI.045.0006]. You spoke with one
24 [REDACTED]

25 [REDACTED] who reported to you that some officers shut their eyes
26 as much as they can because if they don't see the evidence
27 they don't have to deal with it; do you recall that comment

28 A. That's correct, yes.

29
30 Q. That's at [COI.044.0002], and she relayed to you, did
31 she not, a recent example of an investigation that she was
32 involved in whereby she took carriage of a domestic and
33 family violence investigation only to find that it was
34 apparent that that aggrieved person had suffered multiple
35 domestic and family violence incidents and breaches and
36 associated criminal offences committed over a prolonged
37 period of time that had been reported to a number of
38 different stations around the state and insufficient action
39 had been taken by the other officers?

40 A. That's correct, and it ranged from a variety of
41 issues. That was in the central region where initially the
42 aggrieved attended the counter at the station and was
43 speaking to a junior officer who from this officer that
44 I had spoken to it was quite clear to her that her
45 understanding and ability to conduct investigations was
46 severely lacking, and by that it related to a mobile phone
47 that the aggrieved had there with a number of texts on the

1 phone between the aggrieved and the respondent, and also
2 mentioned by the aggrieved of another mobile phone that was
3 in being repaired that had a lot of text messages on it.
4

5 The other part with that example is, too, both the
6 aggrieved and the respondent were very transient across the
7 state.
8

9 Q. Sorry, I'll just stop you there. In respect of that
10 first part where that aggrieved person had attended the
11 counter, the woman that you spoke to discovered that in
12 fact the person taking the complaint didn't look at the
13 phone and didn't take evidence from the phone; is that
14 right?

15 A. That's correct, yes. And when this lady took over the
16 investigation she did all the basic investigative work and
17 identified, you know, a huge amount of evidence. The
18 aggrieved and the respondent were moving around Queensland,
19 across a number of police districts, and on the QPRIME
20 entries there, you know, the respondent was obviously
21 wanted for questioning. The respondent had followed the
22 aggrieved down to [REDACTED]
23 [REDACTED] and continued to make threats towards the
24 aggrieved and the aggrieved's family resulting in police
25 attendance. This officer has done a great job in
26 investigating everything thoroughly and has charged the
27 respondent with multiple criminal offence, multiple
28 breaches of DV. That was just an example of where junior
29 officers probably not having the proper investigative
30 skills to undertake an investigation, the basic thing of
31 checking the lady's phone and where to go. So that was the
32 purpose of that [REDACTED] informing of
33 that matter.
34

35 Q. And I think that that [REDACTED]
36 reported to you that ultimately she was horrified by the
37 lack of investigation that had occurred earlier, but that
38 she then took the matter on, investigated it fully and
39 there was a positive outcome in the sense that there was
40 significant action taken by police?

41 A. That's correct, yes.
42

43 Q. On page 6 at paragraph 20 you say that the majority of
44 police officers that you interviewed believe that the
45 culture of police officers towards domestic and family
46 violence is worsening over time?

47 A. That's correct.

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Q. Some told you that they think that it's improving, didn't they, because police officers are generally becoming more aware of their responsibilities and of the various legislation and procedures that apply to them?

A. That's correct, yes.

Q. Those that were telling you that it's worsening over time, what were the reports that they were telling you about?

A. The most common one was the volume of DV and the convoluted nature of completing a DV matter from start to finish. The convoluted nature they were referring to was the administrative side, the QPRIME entries, the photocopying of various materials, scanning it, signing it, getting it to the courts, and then the ongoing issue if a respondent does not appear in court then the police then have to try and locate the respondent to issue a further PPN or a notice of adjournment, and that can be quite time consuming for them.

The other thing that they spoke about was the DV of convenience that I've referred to, you know, where the report is for custody matters. But it also involved a level of frustration in that the apparent lack of resources to properly deal with DV, to undertake a proper investigation, because the numbers of DVs backing up going from DV to DV it led to quite an extreme level of frustration which they believe that until some of those issues were addressed, you know, streamlining processes, looking at appropriate resourcing, that the culture may struggle to improve.

Q. We'll come to the matters which were reported to you as being the issues that police officers consider impact on the culture of police towards DV, but first generally in terms of culture the response was a mixed bag, wasn't it?

A. Yes.

Q. Some said that there was a good culture. Others pointed to significant negative issues.

A. That's correct.

Q. One police officer at page [COI.045.0008] summed it up this way, "Many within QPS give DV a red hot crack, and others just don't care."

A. That's correct.

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Q. That was a reference, as you took it, to the fact that many police officers are very passionate and are very committed and do their very best. Others here at least to this police officer can be apathetic?

A. That's correct, yes.

Q. One [REDACTED] told you, and this is at [COI.046.0001] that the current climate in the QPS is that police see DV as a burden, they will roll their eyes, try to avoid investigating DV properly, constantly whinge not another DV or ask how they can get out of putting the matter on as a DV?

A. That's correct.

Q. And that was coming about because of this unrelenting nature of the tasks that they were attending to?

A. That's correct, yes.

Q. A number of police officers talked to you about that language of officers whinging about attending DVs?

A. Yes.

Q. And was that largely because of the convoluted processes that they are required to go through?

A. That's correct, the time-consuming nature and I guess to put it in context there that you might have one vehicle in a station or an area and they have a domestic violence matter that comes in that can take the crew off the road for a minimum of two hours, depending on the officers' experience, a minimum of two hours to half a shift. That has a lot of variances as well. So talk about a station there, there's 11 people, if they have to transport a respondent to a watchhouse, that's a two-hour round trip. So that vehicle then is off the road for the time taken to do the domestic violence matter to the time to take the respondent to the watchhouse. So there were quite a few variables there that impact on the police.

Q. And at least a couple of police officers, at least from my memory, spoke to you about the tyranny of distance as being one of those factors that causes a problem outside of the south-east Queensland area?

A. That's correct, and that's why I saw the importance to interview those people because, you know, in Brisbane you've got watchhouses nearby, but you go to some areas like Cloncurry, whilst they might have a cell at a station,

1 if they have to put someone into a watchhouse for an
2 extended period of time that's a trip to Mt Isa, which you
3 know they try and facilitate a halfway meet to reduce the
4 time. But the challenges in some of those remote and
5 regional areas are totally different to what we have in the
6 south-east corner or the larger regional centres.
7

8 Q. At least a couple of the police officers that you
9 spoke to referred to having seen in recent times recruits
10 coming out of the academy keen to get to work only to
11 become very jaded very quickly?

12 A. That's correct.
13

14 Q. That [REDACTED] that we were speaking about [REDACTED]
15 [REDACTED] just before said this, that he sees
16 new recruits that are keen and want to work and who within
17 six months have learnt how to manipulate aggrieved persons
18 at DV matters in order to avoid doing DV orders?

19 A. That's correct.
20

21 Q. And he said to you, didn't he, that they're taught by
22 senior officers how to take shortcuts and avoid the
23 frustrations of completing voluminous amounts of paperwork?

24 A. That's correct. That was his view, yes.
25

26 Q. And he said that he believed that that culture of
27 doing the bare minimum might be a coping mechanism to deal
28 with being overworked and DV fatigued, and being DV
29 fatigued was a theme that came through really strongly from
30 the police officers you spoke to?

31 A. It was, I would say almost 98, 99 per cent used that
32 terminology of DV fatigued in that, you know, attending to
33 DV matters, there's a whole range of issues in police
34 attending DV matters, you know. The officer's safety is a
35 big one. You look at the course of history over policing
36 not only in Queensland but anywhere the number of
37 fatalities of police officers attending domestic violence.
38 So there's the safety aspect of it. There's the constant
39 DV after DV after DV. There's the issues that I have
40 spoken previously about the DVs of convenience which add to
41 their frustrations. And one senior officer spoke that she
42 had significant concerns about the wellbeing of the
43 officers that go to DV, to DV, to DV, and then go home to
44 their family and try and live a normal family life.
45

46 Q. One police officer explained it to you in this way,
47 that DV is not seen as an exciting part of the job?

1 A. That's correct.

2

3 Q. And in her view, this is at [COI.027.0001] she was
4 happy to attend on a DV when there was an immediate
5 physical threat to an aggrieved?

6 A. That's correct.

7

8 Q. But it seems not so happy where there was not such an
9 immediate threat for her?

10 A. That's correct.

11

12 Q. One police officer told you at [COI.034.0001] that
13 officer fatigue is causing officers to lose empathy towards
14 DV victims?

15 A. That's correct.

16

17 Q. And there was one [REDACTED], and this is at
18 [COI.039.0002] [REDACTED]

19 [REDACTED] who said that he firmly believes that "DV
20 is not a police responsibility to try and solve. Police
21 didn't join the service to be social workers"?

22 A. Correct.

23

24 Q. That sort of attitude was echoed a number of times by
25 police officers telling you that they didn't consider that
26 they were necessarily the right people to be responding,
27 that in fact there needed to be a broader whole of
28 community response?

29 A. That's correct, yes.

30

31 Q. Over the page at the top of page 7 you refer to
32 officer emotional burn out from attending voluminous DV
33 matters. One of the factors which impacted on officers who
34 reported that was a sense of being under siege by the
35 community, by the media and negative media reporting?

36 A. That's correct, yes.

37

38 Q. Can you explain to us a little bit more about that?

39 A. The officer said that she believed the cultural
40 attitudes towards DV are improving. She puts it down to
41 the regular media reporting on high profile DV murders
42 which she says has enhanced staff awareness of the
43 importance with dealing with DV. However, she also talked
44 about the negativity in the media reporting of police
45 failures in DV associated with the recent coronial matters
46 and how the pressure that has on - they feel like they're
47 under siege from the community and the media in doing their

1 job in attending DV matters.

2

3 Q. I'm not sure if it was her or another officer who
4 reported to you that sense of frustration or sadness that
5 99 per cent of police officers do the right thing and then
6 1 per cent might not and that's what attracts the
7 spotlight?

8 A. That's correct. And I think, you know, it's like in
9 any field. You might have 95 per cent of the staff in any
10 particular field do a great job. It's that other
11 5 per cent that draw the negative connotations to the
12 organisation, and I guess policing is no different.

13

14 Q. All right. In terms of the emotional burn out one
15 police officer reported to you, didn't he, that some police
16 become DV hardened which sometimes leads to contempt and
17 missing important pieces of information?

18 A. That's correct.

19

20 Q. The next bullet point picks up on a matter that you've
21 talked about a number of times already now, the DFV of
22 convenience or as some police officers refer to the
23 vexatious DV complaints. One officer told you, didn't he,
24 that it's such vexatious complaints which make some police
25 officers very negative towards DV matters?

26 A. That's correct.

27

28 Q. The next bullet point talks about the current
29 oversight and scrutiny on frontline police officers.
30 I think that's a matter which you've already spoken about?

31 A. Yes.

32

33 Q. Is that a reference to oversight and scrutiny by the
34 QPS rather than externally by the media?

35 A. Yes, that's correct. It's an oversight from the
36 supervisors up, and they just feel like they're under
37 constant scrutiny of DVL0s and officers in charge check the
38 DV correspondence and paperwork, and officers are regularly
39 getting advice that they haven't done this, they haven't
40 done that, and DVL0s and the officers in charge are
41 obviously doing their job, but they just feel that
42 everything - they're scrutinised to the nth degree for DV
43 matters but you may have another serious matter where
44 there's no scrutiny at all. For example, you arrest
45 someone for a robbery that we spoke about before. That's
46 the decision of the investigating officers to make that.
47 There's no scrutiny above to make sure that those - that

1 you're doing the charges, the brief checker checks the
2 brief at the end of the day, but these officers were saying
3 the scrutiny and the checks and balances at the scene after
4 the job is just immense.

5
6 Q. Did any of the police officers report to you that they
7 took comfort from that level of oversight, that their
8 responsibility wasn't resting solely with them, or were
9 they mostly describing it as a negative?

10 A. Mostly describing it as a negative, and there was one
11 example there [REDACTED] where two police
12 officers are subject to an investigation where
13 oversight - they told me oversight was conducted by senior
14 officers and yet the two officers had been disciplined for
15 a matter. So just querying the oversight in those regard
16 as well and the effect that that had on police in that
17 particular area.

18
19 Q. The next bullet point refers to repeat calls for
20 service and as I read your summaries that was a common
21 theme that was brought up in interviews with you?

22 A. Yes, that's correct.

23
24 Q. One officer said to you at [COI.034.0004] that it's
25 recidivist aggrieved who contribute to police negativity
26 towards aggrieved?

27 A. That's correct.

28
29 Q. Another officer said at [COI.040.0001] that a lot of
30 police think that intervention beyond merely keeping the
31 peace is a waste of time as they're not trained marriage
32 counsellors or counsellors?

33 A. That's correct.

34
35 Q. There's that sense of frustration that they're not
36 able to deal with the repeat calls for service that are
37 coming through?

38 A. That's correct.

39
40 Q. Another police officer, [REDACTED]
41 [REDACTED] said at [COI.040.0006] that any negative
42 culture within the QPS is enhanced by aggrieved persons who
43 will not themselves break the DV cycle who has the same
44 partner performing acts of DV on them or who thinks that
45 coercive control by their partner is normal and should be
46 accepted, and that police get extremely frustrated in
47 dealing with these types of matters?

1 A. That's correct.

2

3 Q. And that was something which was repeated a number of
4 times by police officers, that there's that sense of
5 frustration for people who won't break the cycle of DV?

6 A. That's correct, yes.

7

8 Q. I think one prosecutor said to you that - I think it
9 was a she; this is at [COI.045.0001] that some police
10 officers in her view from the matters that she's looked at
11 have a lack of experience in understanding the dynamics of
12 the DV, the cycle of DV, that kind of thing?

13 A. That's correct, yes.

14

15 Q. If we skip over the next bullet point which refers to
16 the issue of the incorrect coding of jobs, which you've
17 described there, the next one picks up on one of those
18 really big ticket items from what the officers were telling
19 you which is the issue of insufficient operational
20 resources?

21 A. That's correct, yes. At least 80 per cent of the
22 officers talked about resources and the increasing
23 reporting of domestic violence and also one officer spoke
24 about the migration of a lot of people from COVID coming to
25 Queensland, you know, the weather and the population
26 increase, that the resourcing for some areas of the
27 Police Service has not fallen into line with what's
28 occurring. That particular officer spoke about four new
29 big housing estates in their area which led to an increase
30 in domestic violence. However, the resourcing remained the
31 same. So it was a total frustration that the resourcing is
32 not keeping up with population growth and it's not keeping
33 up with the capability of dealing with calls for service.

34

35 Q. And at least one officer spoke to you about the
36 difficulties of roles within their station not being built
37 to their capacity and that's causing the station to be
38 really stretched in terms of responding to community needs?

39 A. That's correct. It was interesting. A number of
40 police I spoke to about the actual strength and the
41 required strength of the station, there was no correlation
42 between the two. So, for example, you might have one area
43 that has a strength of - supposed to have a strength of 20
44 staff and they could be down to 14, contributing to
45 vacancies, to officers that are on sick leave. The other
46 part that contributes to that is the special industrial
47 arrangements where officers can work part-time or work nine

1 hour shifts to have extra days off and the impact that has
2 on resourcing. So there's a wide range of issues that
3 impact on the resourcing capabilities.
4

5 Q. As an example of that one [REDACTED] told you
6 at [COI.045.0008] that at his station they had an
7 advertised strength of [REDACTED] but he
8 was down to [REDACTED] at the time he had the interview with you
9 and he was expecting within the fortnight to be down to [REDACTED]
10 to cover all the shifts that [REDACTED] would ordinarily cover?

11 A. That's correct.
12

13 Q. Can we go now to page 9 of your report, and this is
14 where you summarise for us some of the information which
15 was relayed to you by the officers about the operation of
16 the vulnerable persons unit, the high-risk teams and the
17 roles of the DVLO and the DFVC?

18 A. Yes.
19

20 Q. It seems that in relation to the vulnerable persons
21 unit the overwhelming response was that officers thought
22 that it was a good thing, but a number of police officers
23 reported to you that they didn't know anything about the
24 VPU in their area or how to contact them or what they could
25 do to assist operationally?

26 A. That's correct, and that response came from junior
27 officers right up to [REDACTED], that the VPU
28 was a step in the right direction however the marketing of
29 it has failed a little bit in that police don't know,
30 operational police aren't aware fully of what they do and
31 how they can assist. The other areas that spoke about the
32 VPU were talking about the need to have them a 24/7
33 resource largely because of the focus on DV and the
34 critical nature of DV, but to have people with that DV
35 experience on tap 24/7 to assist the operational police.
36 Whilst we're talking about the VPU one common thing that
37 came out from more of these shift supervisors, DDOs, was
38 the great setup in police communications now having
39 domestic and family violence coordinator being present
40 there. I spoke to [REDACTED]
41 [REDACTED] that has actually rung that police
42 communications person to get advice miles away, and police
43 overwhelmingly spoke about what a great setup that is.
44 Correlating that back to the VPU, the VPU and the HRTs
45 police think it's a great idea, the police I spoke to, but
46 they're just not sure what they're doing because it hasn't
47 been marketed appropriately in their view.

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Q. All right. So the information that you were receiving from the officers you interviewed about positive attitudes towards the VPU also applied to the high-risk teams?

A. That's correct, yes.

Q. But the same problems applied. Many officers told you that they didn't know what the HRT does or how to be in contact with them?

A. That's correct.

Q. Can we talk a little bit about the DVLO role because almost all of the officers that you spoke to told you about the DVLO role in their area; that's right, isn't it?

A. Yes.

Q. And again this was a very mixed bag where there appeared to be no consistency across the state as to how the DVLO role was used?

A. That's correct. I guess there were two different aspects to the DVLO role, is one being a permanent DVLO working in a district and then, secondly, the DVLO that takes on a portfolio role at a police station. So as well as being a general duties officer they're given the responsibility as the DVLO officer. Ostensibly the DVLO from what police I spoke to see them as an auditor and a checker of DV paperwork. Some areas they give presentations to police and to community. But again their hours of service is very much restricted. It's not a 24/7 response. One particular officer I spoke to [REDACTED] gave an example where she was on five days off and leave and there was no succession planning for someone to take over her role. So when they returned to work at the end of that time there's a mountain of DVLO matters there that she had to go and overview. That area is a little bit resource poor as well. In fact, she described that there was an expectation that she was to overview DV in that area within 24 to 48 hours, and because of the volume of work at that station that criteria is very rarely met.

So it was a concern for most police that the DVLO was more of a checks and balance type role, that there's not a great deal of assistance there for the operational police, and one of the recommendations that a number of police came up with was to review the role of the DVLO to make them more operationally focused to support police on a 24/7

1 basis. I think police generally respected most of the
2 DVLOs, as they were specialists in dealing with DVLO, but
3 there were some instances where police talked about people
4 being put into that role as a sideways move or a punishment
5 type move.

6
7 Q. And those that talked about that occurring recommended
8 that it absolutely should not happen?

9 A. That's correct.

10
11 Q. That they really felt that DVLOs and anyone put into a
12 specialist role needed to be committed and wanting to be
13 there?

14 A. That's correct, the commitment, the knowledge and the
15 passion for wanting to be there, and it's so important in
16 those roles where purely the volume of DV going out there
17 and we have young officers and senior officers that quite
18 often need advice, and particularly in the world of
19 scrutiny they're under at the moment, they need someone to
20 turn to immediately, not when they're kicking off work at
21 8 o'clock the following day. So that was the
22 recommendation, you know, for a 24/7 position there where
23 they did have that. And that's what led to a few of them
24 talking about the positive set up in police communications
25 with the DFV coordinator where there was a 24/7 response
26 they could go to and get some advice.

27
28 Q. Now, you did speak to at least one, possibly a few
29 more, people who do fill or have filled in the past that
30 DVLO role?

31 A. That's correct.

32
33 Q. And you've already indicated that at least one of them
34 indicated to you her source of frustration being the number
35 of matters that she would have to review and not being able
36 to meet that criteria on a routine basis?

37 A. That's correct, as well as doing her general duties
38 role.

39
40 Q. There was another police officer [REDACTED]
41 [REDACTED] who reported
42 to you that she herself was very passionate about domestic
43 and family violence. She was frustrated in doing that role
44 because she felt that she was getting a lot of negative
45 feedback or push back from police officers that she was
46 dealing with about domestic and family violence?

47 A. That's correct.

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Q. And she told you at [COI.041.0003] that she was frustrated by that so she went and did a graduate course in domestic and family violence and then applied those learnings to her job, but still found that she encountered the same negative attitudes by some of the police officers around her towards domestic and family violence?

A. That's correct.

Q. That particular officer recounted an incident to you about a woman who had died in what that officer considered were suspicious circumstances in [REDACTED] do you remember her recounting that to you?

A. Yes, I do.

Q. And she was quite concerned, wasn't she, because the deceased and her husband had had a number of domestic and family violence orders in place in the course of their relationship and were from a low socioeconomic area?

A. Yes.

Q. And I think she reported to you that when she spoke she was [REDACTED] --

A. Yes.

Q. To [REDACTED] about her concerns, [REDACTED] [REDACTED] said to her, "They're a pair of scum bags who live in a shit area in a shit house and police wouldn't be wasting their time on investigating the death." That sort of story was rare in terms of the information that you got?

A. It was rare and that one was [REDACTED] from memory, [REDACTED] years ago, not that that should make any difference, but it was certainly rare in the responses that I got from the police that I spoke to.

Q. From her point of view, though, although it happened in [REDACTED] she did tell you that she thought that there was a negative culture in the police and that it hadn't changed in the intervening time; is that right?

A. That's right.

Q. There was a [REDACTED] who told you at [COI.045.0004] that he had seen multiple occasions of older police officers refusing to listen to the advice of DVLOs; do you recall that?

A. That's correct.

- 1 Q. Did he tell you why that was happening? This was the
2 fellow who talked about having seen multiple occasions of
3 older officers not listening to DVLOs and I was wondering
4 whether he had told you whether that came about because of
5 a particular issue with one DVLO or whether he had told you
6 it was a more systemic problem that he had observed?
7 A. I can't recall that, I'm sorry.
8
- 9 Q. That's fine. Can we talk about the DFVCs?
10 A. Yes.
11
- 12 Q. And you talk about that at paragraph 31. You said
13 that several of the DFVCs that you spoke to felt under
14 valued by frontline officers and by management alike?
15 A. That's correct.
16
- 17 Q. And they felt, or some of them, felt that their roles
18 were not well marketed within the service?
19 A. That's correct, very similar to the VPU and the HRT
20 role that, you know, they didn't think that they were
21 marketed appropriately for operational police or frontline
22 officers to know what services they could provide and how
23 they could assist them.
24
- 25 Q. These aren't the coordinators that you talked about
26 having been based in police headquarters?
27 A. No, no.
28
- 29 Q. This is a different role at a district level?
30 A. At a district level, that's correct, yes.
31
- 32 Q. Okay. You say that one area, and I take it you mean
33 one police officer from an area, described a situation
34 where first year constables undergo an induction session
35 and the DFVC wasn't included to take part in that session
36 missing that marketing opportunity?
37 A. That's correct, yes.
38
- 39 Q. So the recommendation there would be to make it more
40 visible, particularly to new officers coming through who
41 might need that assistance, that they're there and that
42 they're able to assist?
43 A. Correct, including in part of an appropriate induction
44 for first-year constables or any year constables or staff
45 coming to that area.
46
- 47 Q. One DFVC [REDACTED] reported to you at

1 [COI.033.0003] that she sometimes sees misidentification of
2 the aggrieved and the respondent occurring as a result of
3 insufficient investigations by general duties officers,
4 that she's then able to pick up on review?

5 A. Yes.

6
7 Q. So from her point of view that role [REDACTED]
8 [REDACTED] is a very important one?

9 A. It is, correct.

10
11 Q. The DFVCs that you spoke to, were they by and large
12 passionate and committed, as you said they should be?

13 A. Yes. The ones that I had spoken to, some had
14 undertaken that tertiary studies that we spoke about, but
15 definitely a passion towards doing that role. A number of
16 the people that I had spoken to in those roles had been
17 performing the roles for many years as well. So they had a
18 very, very good knowledge and, you know, specialised type
19 role which is a great resource for operational police to
20 tap into.

21
22 Q. Can we go to the issue of domestic and family violence
23 support services, because it seemed to be a matter which
24 was raised by a number of the people that you interviewed?

25 A. Yes.

26
27 Q. Generally speaking what was the views of the police
28 officers that you spoke to?

29 A. It was mixed views there, like, most of the officers
30 first off knew that there were DFV support services
31 available in their community or their areas. A big
32 frustration was the restricted hours that some of those
33 agencies were working, but police were quite keen to point
34 out that it may have been a funding issue, that they
35 couldn't work after hours. Generally across the board they
36 knew that after hours they could go to DV Connect for
37 assistance in relocating or providing safe accommodation
38 for an aggrieved person.

39
40 A number of police spoke about the referral process
41 there on QPRIME where they make referrals and frustrations
42 of some of the services provided in that referral model in
43 the fact that, you know, a number had commented that the
44 referral service will try and contact the aggrieved on
45 three occasions. If they can't contact them they send out
46 a brochure, and police are querying the value in that in
47 how that can prevent any further issues.

1
2 There were some stories provided by officers there of
3 a level of frustration where after hours they would contact
4 a DV service to try and get emergency accommodation for an
5 aggrieved person, whether it be male or female.
6 Predominantly with respect to male they say, "We don't
7 offer that service for accommodation of males involved in
8 DV". There were examples there of females with children
9 where they couldn't provide accommodation for a female that
10 had a child. And I'm talking generally across the state
11 here. I'm not talking in one area. Two occasions there
12 one DV service after hours couldn't find accommodation and
13 suggested that the aggrieved person sleep at the police
14 station, and another occasion the aggrieved mentioned - the
15 police officer mentioned that the advice to the police was
16 that the aggrieved sleep in her car.
17

18 First Nations was another problem in itself, specific
19 to First Nations communities, about the relocation and the
20 safe housing or safety removal of aggrieved people there
21 away from the community. Again a lot of the police were
22 realistic in saying, you know, a lot of the issues of
23 accommodation is very widespread everywhere, as we know,
24 accommodation for people everywhere, and they talk also
25 about perhaps the financial burden or restraints on some of
26 these organisations. In the Indigenous community and
27 First Nations communities police in those areas spoke
28 about, well, a lot of those First Nations peoples don't
29 have mobile phones. Some are living rough. How does a
30 referral service contact those people which, you know,
31 unless they're on the ground they can't contact them. So
32 querying the value of referral services in those
33 circumstances.
34

35 Q. Despite the number of frustrations or concerns that
36 were relayed to you you did hear at least one very positive
37 story and I'm talking now about the police officer [REDACTED]
38 [REDACTED] who spoke to you about the initiative he established
39 in July of last year with a DV service in his area and as
40 I understand it that initiative has meant that officers
41 from his station have been able to partner with a DV
42 service in the area to look at their repeat calls for
43 service, they're able to target high-risk perpetrators or
44 couples who are at high risk, and go out together as police
45 officers and DV service workers to meet those people in the
46 community and to provide services around what their needs
47 are; is that right?

1 A. That's correct. And that's one example of some good
2 initiatives across the state, and that model there has been
3 implemented [REDACTED] and the advice we've been given is
4 that he felt it was working quite well, quite an effective
5 strategy in bringing the services to the people, that
6 interaction between the police and the services at the
7 ground level.

8
9 Q. And he was relaying to you that that was producing
10 happy outcomes both from the point of view of the police
11 and also from those workers in the DV services who had been
12 pulled in to work with the police?

13 A. That's correct, yes.

14
15 Q. Can we talk about training?

16 A. Yes.

17
18 Q. You set out some issues with respect to training on
19 page 11, and this was a very big ticket item amongst all of
20 the officers that you spoke to, wasn't it?

21 A. Yes, it was.

22
23 Q. We can see in paragraph 39 that 98 per cent of
24 the people that you spoke to said that training in respect
25 of domestic and family violence was inadequate?

26 A. That's correct.

27
28 Q. And that was a theme that was raised time and time
29 again with you?

30 A. Time and time again, and I think the common underlying
31 theme is the lack of face-to-face training. For many years
32 online training has been available for police to do, and
33 I guess the impact of the online training, they've got to
34 complete their online training by a certain time to get it
35 signed off. There are time limits on that. But the
36 inability with online training to ask questions and for
37 discussions. There were some very positive comments made
38 about the recent coercive control training where police
39 thought that was a large improvement, a great improvement
40 on previous online learning products in that it had actual
41 body-worn video and examples of what was occurring and
42 explaining it. Again the inability to ask questions at the
43 end of that online learning product was a concern to the
44 officers.

45
46 They spoke, you know, face-to-face in their view is a
47 very critical way to go. But they said also that it was

1 imperative for the credibility of face-to-face training
2 that there were police officers who had recency in
3 attending DV experience to help facilitate that training
4 and to help develop the training package. There were a
5 number of responses as to what police would like to see
6 included in domestic violence training, and there were some
7 suggestions there about the involvement of DV support
8 services on what they see, what they do, what services they
9 have, a review of coronial matters on what worked well,
10 what didn't work well, where do we need to improve, the use
11 of body-worn video at live domestic matters, what did the
12 police do here, what was wrong, and general discussion in
13 the group to try and enhance their knowledge of it. A lot
14 of the officers said they really need it to be visual and
15 involved in engaging conversations so that information can
16 stick in.

17
18 Q. You mentioned just before some police officers saying
19 that they thought it would be good to have DV services or
20 workers from DV services involved?

21 A. Yes.

22
23 Q. Both in the development of the training and also the
24 presentation of it; was that what you were being told?

25 A. They were talking mainly of the presentation, not so
26 much the development.

27
28 Q. Okay. But some of those officers who were talking
29 about that also said that they would appreciate learning
30 from people who had lived experience of domestic and family
31 violence?

32 A. 100 per cent, like having an aggrieved person or a
33 respondent talking about the police response, talking about
34 what they were going through as an aggrieved person or as a
35 respondent and to give the police a bit of an understanding
36 as to what their challenges are as well, what services are
37 available for them to intervene on any negative behaviour
38 on behalf of the respondent.

39
40 Q. All right. Some police officers said that the current
41 training they think is too theoretical and would prefer to
42 see more scenario-based training?

43 A. That's correct, yes.

44
45 Q. Now, field training officers, in terms of training for
46 very new constables hitting the ground fresh out of the
47 academy it seemed from information that was being provided

1 to you that that's considered to be a really important
2 role?

3 A. It is, particularly with domestic and family violence.
4

5 Q. Okay. One officer said to you, and this is at
6 [COI.045.0008] that field training officer positions need
7 to be reviewed because a lot of people take on field
8 training officer roles for the extra pay but have no
9 knowledge or ability to actually train first year
10 constables?

11 A. That's correct.
12

13 Q. Do you remember that?

14 A. Yes, I do.
15

16 Q. And there were a couple of concerns expressed by a
17 least a couple of different people that people taking on
18 that role aren't always appropriate to do so?

19 A. That's correct.
20

21 Q. Particularly because they're training these new
22 officers coming through and can have such a big impact on
23 them?

24 A. That's correct, and there's one specific example there
25 of a first year constable who was [REDACTED] days out of their
26 12 months training and had been approached to become a
27 field training officer.
28

29 Q. That particular example can be found at [COI.046.0006]
30 and I think that officer relayed to you that they were
31 approached [REDACTED] days after they had finished their
32 12 months?

33 A. Yes.
34

35 Q. They ultimately took on the role, but they were very
36 reluctant to do so, didn't consider they had enough
37 experience, and weren't confident in taking on that role
38 for someone who was essentially only a few months behind
39 them?

40 A. That's correct.
41

42 Q. One consequence observed in first year constables
43 coming through who aren't properly prepared for domestic
44 and family violence, this is as relayed to you by an
45 officer at [COI.039.0003], was that there are common
46 comments from first year constables along the lines that,
47 "I didn't think the aggrieved would not talk to us.

1 I thought they would be glad to see police." And, "I can't
2 believe the way some people behave." Those sorts of
3 comments coming from new recruits?

4 A. That's correct, and I think that's where it's
5 important that scenario-based training comes in where new
6 officers at the academy can see the actual environment
7 recorded by police on their body worn video that they're
8 walking into, which most of the time it's not a welcome and
9 friendly environment that you're going to, and I think as
10 part of the training the police have got body-worn video
11 there of real live scenarios and I think that could be a
12 great tool in training young officers moving forward as to
13 the expectations.

14
15 Q. And it probably also speaks to the need for having
16 field training officers who can properly talk to those new
17 first year constables about what they might expect when
18 they're going to a job?

19 A. That's correct.

20
21 Q. What about recruitment? If we go to page 12 of your
22 report you set out some of the information relayed to you
23 about the officers or from the officers that you spoke to.
24 In paragraph 43 you refer to one officer [REDACTED]

25 [REDACTED] who
26 believed that people who work in the QPS, selected to work
27 in the QPS, should have life experience and believes that
28 people aged 18 years and younger shouldn't be considered?

29 A. Yes.

30
31 Q. Now, that's somewhat problematic, isn't it, because
32 you yourself started as a very young person?

33 A. That's correct, I went straight from high school, 17,
34 and did an 18-month cadetship at the Police Academy, and
35 that was going back 42 years now. So the world's changed a
36 lot since then. Our training was 18 months training. That
37 was involving law, duties, obviously the fitness level
38 there, but also a part of that training was to undertake
39 community service for periods of time, various parts of
40 the community, to try and upskill what happens out there.

41
42 Q. Does that happen now?

43 A. I'm not certain now. The other part of that was you
44 had station experience. You went out to - you did station
45 duties on a number of occasions, for two or three weeks at
46 a time, just to get some exposure as to what was going on.
47 Back in those days, too, you weren't allowed to be sworn in

1 until you reached 19 years of age. So the training was
2 very intense, I thought, for the cadetship, but at the same
3 time parallel there was probationary training which was six
4 months, but that was for the older recruits that had come
5 in that had the life experiences. I can remember as a
6 young officer going to my first domestic violence matter,
7 "What do I do here?" But as I said the world's changed,
8 it's moved quite a bit. I look at my own kids and their
9 life experience they've had during schooling these days of
10 community service and doing different roles at the schools,
11 bringing that sort of upskill and to expect some of the
12 life experiences, you know, for example, the homeless food
13 vans down here taking them out, talking to the people that
14 are living rough, to get some of those experiences. Also
15 the big thing we went through was more of a career where
16 you knew that you were going to be a police officer for the
17 next 30 years, and I think again the dynamics of that in
18 society today has changed.

19
20 Q. On that point I think a number of police officers
21 commented to you that they think that things have changed
22 and that policing is now not so much seen as a career, as a
23 job?

24 A. That's correct.

25
26 Q. Just returning to that police officer who had sat on
27 recruitment panels you say that she believed that on some
28 occasion people were recruited just to make up the numbers
29 and in doing so the right people were sometimes not
30 selected?

31 A. Yes.

32
33 Q. That wasn't a concern that was expressed only by her,
34 was it? There were a couple of other people who had
35 similar concerns?

36 A. That's correct, yes.

37
38 Q. At page [COI.045.0005] a [REDACTED] said to you
39 that in their view the QPS needed to put more emphasis on
40 life experience in the recruitment process; that was a
41 comment that was echoed a few times?

42 A. That's correct, yes.

43
44 Q. And at [COI.045.0006] [REDACTED]
45 [REDACTED], we had spoken about
46 that person earlier, said that he had noticed that many
47 young frontline officers struggle with communication skill,

1 empathy and the ability to conduct an adequate
2 investigation in relation to DV?

3 A. That's correct, yes.

4
5 Q. Another police officer, [REDACTED]
6 [REDACTED] said, and this is at [COI.046.0005] that
7 she has noticed a culture where recruits out of the academy
8 for 12 months develop a negative attitude to DV and whinge
9 about attending DV and attributes that problem in part to
10 the recruiting process and believes that recruiting 17-year
11 olds is only going to exacerbate the problem.

12 First Nations communities and multicultural communities?

13 A. Yes.

14
15 Q. Lots of the police that you spoke to spoke to you
16 about the various challenges in working in different
17 communities?

18 A. That's correct.

19
20 Q. And as I read those summaries many said to you that
21 they felt utterly unprepared for the experience of being
22 sent out into either a First Nations community or an area
23 where there was a high ethnic community?

24 A. That's correct.

25
26 Q. In fact at paragraph 44 of your report you said that
27 none of the officers had ever received any cultural
28 training regarding the community perception to DFV?

29 A. That's correct, from the interviews that I conducted
30 that was the response.

31
32 Q. And that was overwhelmingly reported to you to be a
33 negative thing in the sense that those police officers were
34 saying that they really needed to have had that in order to
35 be able to do their job properly once they were in the
36 community?

37 A. That's correct. And adversely a number of officers,
38 including younger officers, spoke about in the communities
39 there you learn on the go by engaging with the community,
40 meeting with the community, you know, and I know recently
41 in one of the First Nations communities there was a bit of
42 a sporting day where the police and the community got
43 together to break down any perceived barriers. And I think
44 there's some good examples that I found doing these
45 interviews of police in First Nations communities and the
46 First Nations community working so well together to try and
47 break down barriers.

1
2 One of the big challenges that a lot of the police
3 from the First Nations area spoke about is the culture
4 where older men and younger men still see the women as
5 property. There is the issue there and there's some great
6 examples that were provided about the sheer embarrassment
7 of aggrieved wanting to report domestic violence, and the
8 need for police to separate the aggrieved from the
9 respondent and the witnesses and other community members to
10 have a decent chat to show some empathy, break down
11 barriers to get the information, and there's a really good
12 example there from one of the officers [REDACTED]
13 [REDACTED] where a lady had been
14 subject to DV for many, many years and she was transported
15 to the hospital where he went and spoke to her and spent
16 quite some time talking to her. He was notified from the
17 Queensland ambulance service where a mobile phone was
18 thrown at this lady's head and did some serious damage.

19
20 He went to the hospital, spoke to her for quite some
21 time and broke down the barriers and as part of his
22 investigation found out the background, not just that
23 one-off incident, what was the background, what was the
24 relationship, what attributed to it. From that it
25 escalated. There was the ups and downs where he took DV
26 action against the respondent. The aggrieved then turned
27 on the police officer saying, "You've made things worse,"
28 and then the aggrieved threatened self harm. So she was
29 taken to the hospital and spoken to again with the
30 assistance of a support person, and as a result of that a
31 25-page statement was provided to police covering the
32 history of domestic violence that this lady had suffered
33 for a prolonged period of time, allowing the detectives to
34 take action for a criminal event and then the domestic type
35 arrangements.

36
37 One of the challenges they had was [REDACTED]
38 [REDACTED] because of the embarrassment. They put her
39 into a shelter [REDACTED]. However, they were
40 explaining to me a lot of the First Nations communities,
41 they all know one another, there's a big relationship
42 circle around those communities, and the shelter they put
43 her into, people there knew the respondent and were trying
44 to get the aggrieved to withdraw her complaint. So the
45 aggrieved wanted to be moved from the island and they
46 contacted support services who were unable to assist. So
47 eventually the police and the royal flying doctors service

1 were able to [REDACTED] relocate her
2 to another area.
3

4 So I guess that's an example of an officer who had
5 been within on one of these First Nations areas, having an
6 understanding of the culture, having an understanding of
7 how to break down those barriers to get the best out of an
8 aggrieved and offer the best support that they can. That
9 was just one of many examples how to overcome some of the
10 challenges and working with the community.
11

12 Q. The concern that some police officers expressed to you
13 about a lack of cultural awareness training wasn't limited
14 to those police officers who were going very far [REDACTED]
15 [REDACTED]. I'm recalling one police officer [REDACTED] who
16 said to you, didn't he, that you never hear boo from the
17 cultural diversity unit, and he thought that unit could
18 really help with police education about cultural
19 communities, [REDACTED]?
20

21 A. That's correct.
22

23 Q. That is found at [COI.034.0006]. I'm moving through
24 your report. We've spoken already about the media and the
25 impact that a lot of the police officers feel - sorry, the
26 impact that a lot of the police officers feel by what's
27 considered by many of them to be undue and unfair scrutiny
28 by the media?
29

30 A. Yes.
31

32 Q. So unless there was anything further that you wanted
33 to add there, we can move on to the topic of prosecutors
34 briefly?
35

36 A. Yes.
37

38 Q. Because we've also spoken about the police
39 communications centre and the good reports that you were
40 hearing from people about having the coordinators in the
41 headquarters?
42

43 A. Yes.
44

45 Q. So if we talk about the prosecutions much of what was
46 reported to you is set out in the report there already.
47 I note that you interviewed several police prosecutors. By
and large across the board the information that they
reported to you was that they weren't concerned so much
with the lack of commitment on the part of police officers
whose work they were reviewing but they did have a very big

1 concern about the level of experience or their knowledge?

2 A. That's correct.

3

4 Q. One prosecutor referred - reported to you, and this is
5 at [COI.045.0001], [REDACTED]
6 that she had seen cases where police officers didn't use
7 interpreters at the scene of a domestic and family violence
8 incident and instead used family members to interpret with
9 the result that those officers didn't get the true story of
10 what had occurred in part because of the shame of the
11 person being interviewed having to do it through one of
12 their family members?

13 A. That's correct, yes.

14

15 Q. And that was something that was considered to be a
16 serious concern by that police prosecutor, and I think
17 echoed by another?

18 A. Correct, yes.

19

20 Q. Can we move over to page 18. You set out there a
21 number of paragraphs under the heading, "DFV rhetoric"?

22 A. Yes.

23

24 Q. This was another really big issue raised by a number
25 of the officers that you spoke to, wasn't it?

26 A. It certainly was, and can I say that it was
27 predominantly female officers that raised this issue, and
28 I guess DV rhetoric and the language, as you know under the
29 Domestic and Family Violence Act it talks about persons
30 affected by domestic violence. A lot of the officers or
31 the officers that I spoke to raised this issue were
32 concerned of the promotion and the language that
33 domestic violence only relates to females and children.
34 Whilst the average is there one in four women and one in 19
35 males are affected by DV, they feel that the language needs
36 to be more appropriate to community these days in that
37 there shouldn't be a delineation between males, females and
38 same sex couples. That was quite a significant issue for a
39 number of officers that had raised it with me and, as
40 I said, the majority of those people were female. They
41 said that some of their beliefs were that the police go to
42 domestic violence and can automatically assume that the
43 aggrieved is a female based upon some of this rhetoric. So
44 the misidentification of respondents and aggrieved. But it
45 was an issue that they were quite concerned about and quite
46 vocal about, and you'll see at 69 in my report that they
47 talk about they're frustrated with the community,

1 government agencies, support agencies referring to violence
2 against women with DFV, they'd like to see a change in the
3 language to come back to not isolate the various genders
4 involved in DV.

5
6 Q. A lot of those police officers said to you, didn't
7 they, that police should be investigating the matter from
8 an entirely neutral point of view?

9 A. 100 per cent, yes.

10
11 Q. And it wasn't just women who were reporting that to
12 you. It was a concern raised by, as I read those
13 summaries, a number of the men?

14 A. Yes, correct.

15
16 Q. The police officers who is reported this particular
17 concern, were they telling you that they understood that
18 domestic and family violence is a gendered issue; that it
19 does predominantly affect women and children or not
20 necessarily?

21 A. They accepted that was the fact that, you know, the
22 stats, one in four women affected by it. But they also
23 raised the issue that it wasn't only women that were
24 victims of domestic violence, that males were also victims
25 and now same sex people as well that are victims, but they
26 seemed to be left out of consideration in a lot of areas
27 with regards to their sexuality.

28
29 Q. Was that concern, this concern around language, raised
30 by the same officers and at the same time as the concern
31 that women will make complaints about domestic and family
32 violence as a matter of convenience or vexatious complaints
33 or were they separate issues?

34 A. They were separate issues, and one of the persons that
35 raised this issue was [REDACTED] and they were raised totally
36 separate from the DVs of convenience. It was later on in
37 the stage where they were raised during the interviews.
38 One actual officer, [REDACTED] spoke about a court not
39 recognising a male as an aggrieved in a court matter she
40 had for a DFV. That was going back some time ago.

41
42 Q. All right. Commissioner, I have one further area that
43 I want to go to before turning to the recommendations that
44 were made to Mr Ainsworth. Is it convenient that
45 I continue or did you want to take a morning break.

46
47 COMMISSIONER: I haven't even got my glasses on to see

1 what the time is.

2

3 MS O'GORMAN: It's now 20 to 12.

4

5 COMMISSIONER: Yes. We might give Mr Ainsworth a chance
6 to stretch his legs. All right. We'll just adjourn.

7

8 MS O'GORMAN: Thank you.

9

10 **SHORT ADJOURNMENT.**

11

12 MS O'GORMAN: Mr Ainsworth, on page 19 and following you
13 set out a number of various other miscellaneous matters
14 that were raised by those that you interviewed. I just
15 want to touch on one of them with you now before we turn to
16 the recommendations. At paragraph 77 you speak of an
17 officer who herself spoke to you about what she called the
18 blue wall of arrogance by which she was referring to the
19 Domestic and Family Violence and Vulnerable Persons Command
20 in police headquarters?

21 A. Yes.

22

23 Q. She said to you that in her view they are of the
24 opinion that they're always right and they keep punching
25 out policies and procedures for domestic and family
26 violence, that more recently these policies and procedures
27 are knee-jerk reactions to negative publicity about
28 domestic and family violence?

29 A. Yes.

30

31 Q. Now, she's [REDACTED]

32 [REDACTED]?

33 A. That's correct.

34

35 Q. But she wasn't the only one who spoke to you about
36 either concerns that police have about the command or about
37 the level of resourcing?

38 A. That's correct.

39

40 Q. At [COI.038.0002] [REDACTED]
41 [REDACTED] said to you that in his view DV is a priority for
42 the service but the hierarchy are not throwing resources at
43 it. He said, "If there was an increase in property crime,
44 a property crime team would be established very quickly,
45 but the same doesn't apply to DFV" ?

46 A. That's correct.

47

1 Q. All right. There was another officer, [REDACTED]
2 [REDACTED] who said to you,
3 and this is at [COI.041.0001], that the QPS is treating
4 domestic and family violence as more of a priority than it
5 used to but still not enough, and he said that the lack of
6 adequate training evidenced that and hoped that the recent
7 spate of domestic and family violence homicides would help
8 create improvement?

9 A. Correct.

10
11 Q. There was another [REDACTED] who said to you, and this
12 is at [COI.041.0004] that the hierarchy say they're focused
13 on domestic violence but they need to take more action to
14 get specialist DV units out there. A prosecutor said to
15 you, and this is at [COI.045.0001], "Every time there is a
16 DV death the government says 'We will do another review'
17 and pressure is put back on the police asking 'What are you
18 going to do about it, and we get some knee-jerk reaction
19 and nothing has changed."

20
21 A [REDACTED] said to you, this is at
22 [COI.045.0005], "While the Commissioner and the senior
23 executive have a focus on DV, they need to support
24 frontline staff with appropriate resources, training and
25 support." So the concern seems to be, and I think you pick
26 up on this at paragraph 81, that there's not really enough
27 provided by way of direction from the command to frontline
28 officers. The officers weren't just speaking to you about
29 a lack of line control but they were talking about a lack
30 of direction or guidance about how to go about doing their
31 job?

32 A. That's correct.

33
34 Q. At the bottom of that paragraph 81 you say that some
35 officers believed that the current Domestic and Family
36 Violence Command is just a tick the box exercise by the QPS
37 and their contribution towards reducing or responding to
38 domestic and family violence is questionable?

39 A. That's correct.

40
41 Q. One police officer said to you, this is at
42 [COI.033.0003], "In the QPS there is a lot of talk the talk
43 but very little walk the walk," and that officer said, "If
44 senior manager had properly implemented the 'Not Now, Not
45 Ever' recommendations the service would be doing a lot
46 better than it is"?

47 A. That's correct.

- 1
2 Q. And there was one [REDACTED]
3 [REDACTED] who said this to you at [COI.045.0008],
4 he does not believe that either the Premier or
5 the Commissioner is serious about domestic and family
6 violence and that this inquiry, this Commission, is just a
7 tick in the box for both of them and that the QPS focus on
8 domestic violence is really only a facade?
9 A. That's correct.
10
11 Q. So there was a reasonable amount of discontent about,
12 firstly, whether or not the command takes domestic and
13 family violence as seriously as they say they do?
14 A. That's correct.
15
16 Q. But also about whether or not it's properly resourced
17 or providing proper resources to frontline officers?
18 A. That's correct.
19
20 Q. Now, it wasn't all police officers who raised that
21 with you, by any means?
22 A. No.
23
24 Q. But I've taken you to a number of the comments that
25 various officers from various roles at various regions
26 across the state made to you?
27 A. That's correct, yes.
28
29 Q. Can we go to the recommendations then and what you've
30 done on page 22 and following are set out a number of the
31 recommendations that you were able to elicit from the broad
32 range of recommendations that were made to you by the
33 police officers you spoke to?
34 A. That's correct, yes.
35
36 Q. At paragraph 87 you say that almost 100 per cent of
37 interviewees, both sworn and civilian staff, feel the whole
38 police response to domestic and family violence needs to be
39 reviewed and streamlined?
40 A. That's correct.
41
42 Q. Some police officers said that the whole system
43 essentially needs to be taken apart and to start again?
44 A. That's correct, and I think talking about
45 predominantly streamlining the process, the paperwork, as
46 we spoke about before, how to reduce the domestic and
47 family violence fatigue with the paperwork, the trail, the

1 duplicitous processes. That was the big issue there. That
2 was the big issue there.

3
4 Q. And a major area within the need for review seems to
5 be, at least on my review of those summaries, that there
6 needs to be better training and that it needs to be done
7 and repeated regularly?

8 A. That's correct. A lot of officers talked about OST
9 training, you know how it's 12 monthly, that they would
10 like to see refresher 12 monthly on domestic and family
11 violence, talking about any legislative change, policy
12 changes, any coronial findings where police can be up to
13 speed on dealing with DFV. That was a very common thread
14 through most of the officers I spoke to.

15
16 Q. You say at paragraph 94 that a large percentage of the
17 interviewees would like to see introduction of domestic
18 and family violence specific teams working 24/7 in each
19 police district to assist operational police in responding
20 to domestic and family violence?

21 A. That's correct. It just gives them a base of
22 knowledge, expertise that they can call on. If there are
23 difficult situations that operational police need some
24 advice on or furthermore assistance at a DV if they can
25 respond to that with frontline officers.

26
27 Q. All right. At paragraph 96 you talk about the
28 recommendations made which again on my review of
29 the summaries seem to have come from a number of police
30 officers that the resourcing levels need immediate
31 attention?

32 A. That's correct.

33
34 Q. And that staffing levels at stations need to be
35 improved so there's enough police officers to deal with the
36 ever increasing demand that they're facing?

37 A. That's correct.

38
39 Q. At paragraph 97 you say that some officers believe the
40 service needs to start again in relation to vulnerable
41 persons unit and high-risk teams and in relation to the
42 role of the DVLOs?

43 A. Yes, that's right.

44
45 Q. To strengthen those units, teams, and roles?

46 A. That's correct, and as I said earlier in evidence
47 there they're very supportive of the VPU and HRT teams but

1 from interviewing officers from across the state there
2 seemed to be a lack of consistency in the membership of
3 those teams, but they're very supportive of them and they
4 see the need for them, but just a little bit of tweaking to
5 assist the operational police.

6
7 Q. If we go over the page to the final page and the final
8 paragraph in paragraph 101 you say that one officer would
9 like to see the establishment of domestic and family
10 violence specialist units in the same manner as a CIB or a
11 CPIU. Although it might have been one officer who
12 explained it in those ways, there were certainly repeated
13 calls, were there not, for the establishment of some kind
14 of specialist unit that could investigate domestic and
15 family violence thoroughly?

16 A. That's correct, yes.

17
18 Q. And then finally, although you haven't got it there,
19 there was at least implicitly in those officers who spoke
20 about concerns relating to the strength of the command that
21 it really should be strengthened perhaps with more
22 resources provided centrally so that hopefully that in turn
23 can be sent out to provide further guidance to frontline
24 officers?

25 A. That's correct, and that was an overwhelming
26 suggestion there, that the command be made a full
27 operational command where instead of the limited resources
28 at the moment they could provide a far greater response to
29 the regions, to the districts with respect to domestic and
30 family violence.

31
32 COMMISSIONER: So at the moment it's only strategic? The
33 recommendation was it become operational; is that right?

34 A. That the command take on a whole operational and
35 strategic type arrangement. For example, specialist DV
36 prosecutors may be a part of that command, and the
37 ownership comes back to that area of the command. At the
38 VPU I think the HRT they send reports to that central
39 command at the moment, but they would just like to see more
40 of an operational focus, similar to what the state traffic
41 command is, I guess. It's an area there where they not
42 only look at strategic but they look at operational type
43 issues as well to try and improve processes and responses.

44
45 MS O'GORMAN: Thank you, Mr Ainsworth, those are the
46 questions that I have for you.

47 A. Thank you.

1
2 COMMISSIONER: Ms Hillard?

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

5
6 Q. Mr Ainsworth, in one of your answers you spoke about
7 scrutiny and oversight of police and that in some ways, or
8 as has been reported to you been counterproductive to the
9 overall culture; you would agree that's an accurate summary
10 of some of the things you've talked about today and your
11 report?

12 A. That's correct.

13
14 Q. In respect of oversight, though, noting that the
15 officers second-guessed themselves, they were uncomfortable
16 about whether they had made the right direction, was there
17 any scope, do you think, from what they had communicated to
18 you that a positive feedback process of rather than
19 scrutiny would be well received?

20 A. I think so. I think that would be very encouraging
21 and a positive move. You know, if an officer knows that
22 they're performing and doing the role very, very well that
23 some feedback advising of that would be good, and it gives
24 them a little bit more confidence to move forward. But if
25 their peers are aware of that then it's another go to point
26 for a peer who may be uncertain to go to.

27
28 Q. And one of the problems I suppose that you identified
29 with the VPU or the DVLOs is that because they are doing
30 what I use the phrase a desktop review or an audit review
31 that that can be viewed as criticism rather than positive
32 feedback?

33 A. Correct.

34
35 Q. And so perhaps some changes need to be made about if
36 they continue that oversight auditing role about how that
37 happens?

38 A. That's correct, yes.

39
40 Q. Do you think that there would be some scope, and it
41 would be well received, if that feedback process was more
42 formalised particularly for young recruits and people
43 finishing the first year constable training, say, in their
44 first five years of service to get those sorts of reviews?

45 A. I think so. They have the - I'm talking from when
46 I was in in 2018, there was the PPA performance review
47 which was done 12 monthly where your supervisor would

1 overview the performance of an officer and then overviewed
2 by another person up the tree. But I think DV could be
3 included as a part of a standard appraisal of the officer
4 on how they perform on a 12-monthly basis, and it gives
5 them honest feedback on how they're going with that. I'm
6 not sure what the current system is, but under the old
7 system an officer could also identify any areas of training
8 that they wanted to undertake, and I think particularly
9 from what we've seen from domestic and family violence
10 that's a critical thing to give the officers an opportunity
11 as to what they perceive that they're lacking on and that's
12 part of that process as well.

13
14 Q. I suppose one of the problems with the performance
15 reviews that you're talking about is they're often done by
16 someone higher up in the same chain of command from the
17 person that's being reviewed; is that right?

18 A. It used to be generally if I was doing my review the
19 next person up from me. So if you've got a constable on
20 the street it would either be the sergeant team leader or
21 supervisor that has most of the supervision or has them in
22 their team and then it's overviewed by someone up the tree
23 further just to sign off and make sure it's being done
24 appropriately.

25
26 Q. And perhaps that demonstrates the need for immediate
27 accessibility for a domestic violence worker in the station
28 to participate in that review because if they're separated
29 at a district level or the VPU is nowhere connected then
30 they wouldn't be able to oversight or participate in that
31 feedback; would that be right?

32 A. No, that's correct.

33
34 Q. One of the things that you spoke about was the
35 misidentification of who the person is who is using the
36 violence or who the actual perpetrator is, and the second
37 part of what you spoke about was what's referred to as the
38 rhetoric about whether it should be women focused or not.
39 Can I just ask about that. When you spoke to the officers
40 about whether it should be women focused or not did they
41 demonstrate to you or indicate to you that they understood
42 societal imbalances or societal differences between men and
43 women for why that exists?

44 A. No.

45
46 Q. And when they were talking to you about there being
47 more male aggrieveds and they're seeing more same sex

1 couples did they demonstrate to you or give anything to you
2 to indicate that they understood that an imbalance of power
3 can still exist in those types of relationships?

4 A. They did. One particular officer talked about in the
5 area that she works that one in four she believes according
6 to her would be a male aggrieved, but then trying to get
7 that male aggrieved to come forward, not being embarrassed
8 by I'm a male, I've been subject to DV, that was a bit of a
9 challenge.

10
11 Q. And that officer that you're talking about, that one
12 in four, they didn't tell you the source of that knowledge;
13 it was just their anecdotal experience of what they had
14 observed?

15 A. That's correct.

16
17 Q. And in relation to the First Nations evidence that
18 you've given and you spoke about some positive aspects of
19 the officers trying to engage with the communities, when
20 you were talking with the officers they spoke primarily
21 about sporting activities and engaging in that kind of way,
22 did they speak to you or did they demonstrate how they
23 would be able to or knew how to connect with women if women
24 are isolated in those communities?

25 A. They did. There was an example there or a couple of
26 examples where police officers in those communities were
27 providing presentations to female First Nations people
28 about domestic violence, trying to educate them about what
29 domestic violence is and break down those barriers of
30 reporting. There was that one part there. There's also
31 another example of a court process up in one of the
32 First Nations areas where they would try and rehabilitate
33 any male respondent in that they would put in a temporary
34 protection order and adjourn a matter for a period of nine
35 months for that person to go and receive some training to
36 break down the barriers. The feedback we got from the
37 prosecutor I was talking who was part of that process was
38 that seemed to be working pretty well. If the respondent
39 broke that chain then they come back before the court and
40 get sent appropriately. But just trying some of those
41 positives in the a First Nations community to try and break
42 the ongoing cycle of DV.

43
44 Q. And I would be correct in assuming then based on what
45 you have spoken about now and the officers you have spoken
46 to that those sorts of engagement and things that work well
47 is still very ad hoc and depends on the individual area and

1 the individual officer?

2 A. Not necessarily. The first one we talked about was
3 the sporting one and that was in the Cherbourg community,
4 it's well advertised. That's been ongoing now for many,
5 many years, and it's still going on, and a part of that is
6 getting NRL footballers there talking to young men and
7 women up to about 18 years of age, part of that is talking
8 about respectful relationships. So it's trying to break
9 down the barriers having sports people there, but also
10 police involved in breaking down those barriers. I think
11 that's a pretty critical part of that. Officers I spoke to
12 that have been in the First Nations communities for quite
13 some time said that the best thing you can do is to engage
14 with the community, understand the community, understand
15 how they feel and break down those barriers so that the
16 interactions are a lot easier.

17

18 Q. Of the officers that you spoke about who provided that
19 wonderful support for that Indigenous lady that resulted in
20 a 25-page statement out of curiosity was that a male or a
21 female officer?

22 A. That was a male officer, and he was [REDACTED]
23 and that was a male officer that undertook that, and then
24 they used that as an example for training of other police
25 officers about the importance of taking that time to show
26 the empathy, separate the parties, but get them in an area
27 where they're comfortable, but using your skill set and
28 ability to show some empathy to get the best out of
29 the scenario.

30

31 Q. And I suppose the real point there to be made, too, is
32 because [REDACTED]
33 [REDACTED] that perhaps your newer recruits
34 wouldn't have?

35 A. That's correct, yes.

36

37 Q. And out of interest there was a support worker who was
38 organised. Was that a female support worker?

39 A. Yes, it was.

40

41 Q. And was that at the point of the involvement of the
42 female support worker through that [REDACTED] instigation
43 that resulted in perhaps a more fulsome report from that
44 woman, when I say that woman the woman who was aggrieved
45 who was affected?

46 A. I don't know who was responsible for getting the
47 25-page statement, but from my understanding it was a bit

1 of a team effort there between the police officer and the
2 support person, obviously communicating beforehand what the
3 challenges were, and then getting that person to go and
4 offer support, and that was the outcome. So it was a good
5 example of a joint agency working together to get a good
6 desired outcome.

7
8 Q. You spoke about the police officers generally feeling
9 very diligent and understanding the importance of domestic
10 and family violence, and the frustration of referring
11 things out to services and whether or not things were able
12 to be taken up by those referral agencies. Of the officers
13 that you spoke to did they speak to you about whether they
14 did follow up with an aggrieved to see how the referral
15 went or did they just not have capacity to do that?

16 A. I had one officer that contacted me. There was a male
17 respondent and it was [REDACTED]
18 [REDACTED] who was a truck driver who asked for some
19 assistance. So a referral was done. He was a respondent.
20 A referral was done. Two days later the same officer gets
21 a phone call from the truck driver saying, "You didn't do
22 the referral. Where was the referral?" She did do the
23 referral and in the referral she actually commented there
24 that this person was a truck driver and was in and out of
25 range, "Here's his mobile number". So she put in a second
26 referral for that to occur, and after that follow up it did
27 occur.

28
29 Q. When we talk about follow up about following up or
30 checking back in with an aggrieved who they have referred
31 or who might have declined charges being pressed at a
32 point, did the officers express to you a desire if they had
33 capacity to be able to do that?

34 A. That was not all officers. It was sort of case by
35 case, you know, each officer, appropriate follow up, a lot
36 didn't, some did, so it's hard to break down the
37 percentages there.

38
39 MS HILLARD: Thank you, Commissioner. Those are my
40 questions.

41
42 COMMISSIONER: Thanks, Ms Hillard. Do you have any
43 questions?

44
45 MR HUNTER: I have no questions.

46
47 MR McCafferty: I have a question, Commissioner.

1
2 COMMISSIONER: Oh, my goodness. Yes.

3
4 MR McCafferty: It's a bit of an in joke we've got,
5 Mr Ainsworth.

6
7 <EXAMINATION BY MR McCafferty:

8
9 Q. The question is this: can you, based on your
10 experience, make an assessment about the additional time
11 that would be involved in taking relationship based
12 statements rather than incident based statements from
13 aggrieveds?

14 A. I think there are a number of variables there. You
15 know, if you get an aggrieved that is very cooperative and
16 that wants to sit down and give a statement it flows
17 freely. From the police I've spoken to there were a lot of
18 situation where an aggrieved will not talk to police and
19 you've got to break it down. The example of the
20 First Nations one there, that took a lot of time for that
21 to occur, and the outcome was really good. So I think it's
22 case by case as well. But a lot of police spoke, and
23 you'll see it in the report, about the use of body-worn
24 video where they go to an incident, the emotions of the
25 people involved in the incident is captured on the
26 body-worn video and the versions of the aggrieved, the
27 respondent if they're still there and any witnesses is
28 captured as well. There's some disconnect then that a lot
29 of the courts would not accept that body-worn video as
30 being a statement from the aggrieved. So there's some
31 concerns and there's recommendations in the report about
32 maybe changing that possibility of using that, because what
33 a number of police said was if you go to get a statement
34 from an aggrieved person a day or two after they may have
35 changed their mind, they may not want to provide a
36 statement at all. So it's a case-by-case type scenario. .

37
38 MR McCafferty: Thank you, Mr Ainsworth.

39
40 COMMISSIONER: I suppose just following on from that
41 wonderful question from Mr McCafferty, just looking at that
42 First Nations example in your report on page 14, obviously
43 it's going to be a lot quicker to take a statement in
44 relation to the phone being thrown at the head as opposed
45 to a 25-page written statement detailing 36 breaches or 39
46 breaches or whatever it was?

47 A. Definitely.

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COMMISSIONER: So a 25-page written statement is going to take hours and hours and hours, isn't it?

A. It can, and that statement, it went back to a history over a period of time where the aggrieved felt quite comfortable to talk about that history, and in that statement it contained issues where she had been assaulted by her partner using a blow torch, issues that she was involved in robberies. So it was very holistic. The investigating officer then went back to look at previous DV incidents where police had turned up and because of the lack of cooperation and other issues it was recorded as a DV other or no DV.

So in that circumstance there was quite a lot of investigative work that went in to contribute to that 25-page statement. So then that officer dealt with the domestic and family violence and the CIB dealt with the criminal charges. Unfortunately I guess with a number of DV matters and the volume is the ability of police to go to that length to obtain that sort of information. But one thing in the report here we talk about investigations and a lot of the police were frustrated that they're not seeing proper investigations of domestic violence occur. You will go to the incident, yes, the aggrieved he or she has injuries, there's damage to a property. What's led up to that? What's the history behind it, and to give the officer a better understanding of what the relationship has been. I think from the senior police I spoke to that was some of the frustrations, that not having the time to conduct those what they describe as basic investigations at the time to get a full understanding of the crux of the matter.

COMMISSIONER: The body-worn camera is not going to cure that particular problem?

A. It won't cure it, but it will show the emotions at the scene at the time and get the versions at the time of the aggrieved and any witnesses and respondents. By way of an example another area, [REDACTED] where police attended a call for DV. They go to this address and there is a person, a female, with a knife, a bit of blood on the knife. Anyway, in front of her witnesses spoke about, "He came at me with a knife." Police go around the back. They find a male respondent covered in blood with injuries. The police arrested him, took him to the watchhouse. It wasn't until

1 later when one of the detectives went and spoke to the male
2 that he was actually the aggrieved. The female had taken
3 the knife from him, was holding the knife, and the police
4 went on the assumption that on the aggrieved's story,
5 corroborated by witnesses who weren't separated when police
6 spoke to the aggrieved, that, "Yeah, what she's saying is
7 true," and when they did the proper investigation the whole
8 area was twisted around. So the critical nature of
9 conducting a proper investigation the best way you can at
10 the time covering off on those issues is quite critical,
11 and in some cases is being overlooked.

12
13 COMMISSIONER: All right. Thank you.

14
15 MS O'GORMAN: Might Mr Ainsworth be excused, please,
16 Commissioner

17
18 COMMISSIONER: Yes, thanks very much, Mr Ainsworth.
19 Thanks for all your work as well. Thank you.

20
21 <THE WITNESS WITHDREW

22
23 MS O'GORMAN: Commissioner, I call Dr Brian Sullivan.

24
25 <BRIAN SULLIVAN, sworn:

26
27 <EXAMINATION BY MS O'GORMAN:

28
29 Q. Dr Sullivan, we've asked you to come along to
30 the Commission today to give some evidence to
31 the Commission about, firstly, the gendered nature of
32 domestic and family violence but also evidence about men's
33 intervention programs and how they may assist with an
34 overall community response to meeting the issue of domestic
35 and family violence in the community. Can I start by
36 asking you a little about your background. I can see from
37 your statement that you've worked on perpetrator programs
38 here in Queensland and in the US, starting with when you
39 set out in this industry. Can you give us an idea of what
40 you've done both in terms of your study but also your work?
41 A. Okay. I'm into this space completely accidentally,
42 really. I went to the US in 1997 to begin my doctorate and
43 it was a doctorate in counselling and mental health at the
44 University of Toledo, Ohio, and the Australian dollar
45 dropped around that time substantially and my Australian
46 money halved pretty much overnight. As part of the program
47 I was on I had to do 1,000 hours of internship and I was

1 trying to find an internship that was paying. So I had a
2 colleague who I was studying with over there who was a
3 program manager of a court ordered men's domestic violence
4 intervention program and she said, "We can offer you some
5 money if you begin working with us as a co-facilitator of
6 the men's program here,". Initially it was in Sandusky,
7 Ohio, but I worked in Sandusky and in Toledo. I had never
8 had a history in domestic violence. I didn't have abuse in
9 my background. I was terrified of these men, I must admit,
10 when I started. But poverty got the better of me and
11 I took on this role and began this work as a
12 co-facilitator, completely green and basically learned the
13 art of facilitation of working with these men from a very
14 experienced woman co-facilitator I worked with in America;
15 became so fascinated in the rationales and the
16 justifications that these men used for what is absolutely
17 unacceptable behaviour that I did my PhD research in the
18 effectiveness of court-mandated programs for male
19 offenders, and came back to Australia in 2001 and was
20 working in a regional university there and teaching
21 violence issues in counselling at that university. I began
22 the masters of counselling program at UQ in 2004 and
23 introduced violence issues in counselling there at UQ. And
24 finished there in 2012 and subsequently I've done
25 practitioner work back here in Australia in Logan Beenleigh
26 between 2016 and 2019, and in 2019 started work with
27 Central Queensland University as the head of course in
28 their domestic and family violence program. So for about
29 the last 20 years or so I've been engaged in either working
30 with these men or working with professionals who work with
31 these men, training and educating in that space.

32
33 Q. And most recently, as I understand it, you've
34 established your own business and you will be involved
35 moving forward in helping organisations and the community
36 generally to audit, review and develop men's domestic and
37 family violence intervention programs?

38 A. Correct. My experience has been that there seems to
39 be a dearth in that training space and a need for that
40 training. I feel my experience and practice over 20 years
41 has given me some knowledge and capacity to do that
42 training. So that's a new venture I'm just entering into.

43
44 Q. We've heard some evidence that some police officers
45 feel a degree of frustration that when they're attempting
46 to do their work in relation to domestic and family
47 violence there's a paucity of domestic and family violence

1 intervention programs that men can be referred to quickly.
2 Is that your experience in Queensland?

3 A. Firstly, my experience would be I share that
4 frustration. I think most people who work in the sector
5 would share that frustration around paucity of resources
6 and interventions initially, and certainly as a facilitator
7 of men's programs I would think there is a - my experience
8 has been waiting lists are long and the research would
9 suggest swift and certain consequences and swift and
10 certain referral to a program is best practice for these
11 men. So I think, yes, there is a need for more resources
12 and more intervention in the men's work.

13
14 I would also just qualify that with it's got to be
15 I think the right interventions, not just any
16 interventions, and interventions that are not operating in
17 some kind of silo but certainly with collaboration and
18 coordination with other statutory and non-statutory
19 services in the sector.

20
21 Q. All right. Now, perhaps the need for these
22 interventions to be done properly is highlighted most
23 poignantly in the first paragraph of your submission to
24 the Commission where you talk about the fact that even for
25 a first-time offender in terms of men perpetrating violence
26 and being detected by the authorities that that man has
27 been engaged in a dynamic pattern of behaviour, in many
28 cases I presume you would qualify, are driven by his
29 beliefs of ownership of his partner, superiority to her,
30 his rights over her and that he is in fact usually a
31 long-term abuser by that time?

32 A. Correct.

33

34 Q. Is it your experience and is it borne out by the
35 research you've done over time that men who are even
36 long-term abusers can be susceptible to the benefits of
37 domestic and family violence intervention groups if they're
38 done right?

39 A. That's my belief, yes, and I've worked with men from
40 18 to nearly 80 in that - in the past 20 years. So I would
41 consider a program that's part of a wider community
42 coordinated response where there's strong connections to
43 courts, police, probation and parole, child safety, women's
44 services, women's advocates, that a program like that that
45 is nested or embedded within a community response can have
46 very positive outcomes for most men.

47

1 Q. All right. Before we come to the features of or the
2 necessary features of a good intervention program can I ask
3 you this: is domestic and family violence a gendered issue?

4 A. I couldn't do the work that I do if I didn't believe
5 it absolutely was. So any program that I've been involved
6 with has to have a gender analysis as part of the program
7 where men look at their beliefs about their rights and
8 entitlements and privileges over women and children as men,
9 and the role of a quality, reputable and effective program
10 will help a man dismantle and disrupt those beliefs about
11 ownership and property that they hold over women and
12 children.

13
14 Q. Do you have a view about whether there tends to be a
15 difference between the violence that men use towards women
16 or a male partner and the violence that women use towards
17 their male partner?

18 A. Certainly my experience has been that - and I'm not
19 sure how much I can go into anecdotes here or story
20 telling, I don't want to take up too much time, but one of
21 my first incidents when I was working with YFS in Logan was
22 a woman who came in on a Friday afternoon. She had been
23 sent there by the court to do DV intervention work with us.
24 This woman had been a sex worker. She was a diminutive
25 person and she was - had been identified as a respondent.
26 I normally wouldn't speak with a female client. I would
27 leave that to our women's counsellors. But strangely I was
28 the only person on deck that afternoon, and this woman came
29 in and I asked her if she would like to wait for a woman
30 counsellor to return as it was I think about 3.30 in the
31 afternoon and she said, no, she was happy to speak with me.

32
33 So I brought her into my office, I had the door open
34 of course, and I proceeded to ask her about what had
35 happened. She said she had been sent here by the court as
36 a respondent of a DV charge. As it turned out this woman
37 had disembowelled her partner, but once we got into the
38 story of how this happened there was no way she was a
39 respondent. She was an aggrieved. She was attacked by
40 this man, and she lashed out with a wine glass she had in
41 her hand and cut him across the top of his stomach area.

42
43 So my experience has been that women's violence is
44 very different from men's violence generally, and when a
45 man is violent to a woman in a domestic violence context
46 he's trying to draw her in and push her down to subjugate
47 her. A woman when she uses violence is generally resistant

1 or reactive and she's trying to escape, flee, get away from
2 his violence. So that's certainly been my experience and
3 I think the research would bear that out.
4

5 Q. Do you have a view about whether when police officers
6 are called out to a domestic and family violence incident
7 in the community they should be attending that incident
8 with a completely open mind or whether they should be
9 attending that incident with certain things in mind about
10 the gendered nature of domestic violence?

11 A. Well, I would hope that police training would be such
12 that they would have an awareness of the dynamics of
13 domestic and family violence and that they would understand
14 and be aware of the statistics that this is a very gendered
15 crime. I'm not saying women can't be violent and I'm not
16 saying that it doesn't happen in same sex relationships.
17 But when we look at the statistics of strangulations,
18 sexual assault and stalking, the lethal Ss we call them,
19 that a high 90 per cent of perpetrators of those behaviours
20 are male. So I would hope police turn up not so much with
21 an impartial mind set but with a view to protect the
22 vulnerable here and to find out very quickly who is going
23 to be the vulnerable person, the victim, the one who is
24 afraid of the predominant aggressor in this context, and
25 generally that would be male to female violence.
26

27 Q. Is it always easy to find out who is the predominant
28 aggressor upon first interactions with two people who have
29 been involved in a violent incident together?

30 A. I don't think so. I don't think so, and my experience
31 has been - and I used to use this example when facilitating
32 group, I have been trained in the Duluth approach to
33 intervention, in Duluth in Minnesota in America, and that's
34 a program that's been operating 40 years, it's been well
35 researched, it's probably one of the gold standards of
36 intervention with men, and the men's program is very much
37 part of a community coordinated event. So one of
38 the vignettes that the program shows to these men in group
39 is a scenario where two police officers attend an incident
40 in a house. The male is sitting at the table seemingly
41 very calm and collected and the female is, let's say,
42 histrionic, hysterical, she's dishevelled, she's - her
43 dress has been torn, she's swearing, she's very much
44 yelling at the officers when they come to do something, and
45 I unpack this scenario with the men in the group and I'll
46 say to the men, "What do you think's happening in this
47 scenario that we're watching?" Typically the men will say,

1 "We know what's going on here," and I'll say, "What do you
2 mean?" "Oh, he's pretending that he's the good guy here and
3 she's the crazy one." I will generally follow that up with
4 a question, "Have any of you done this when you've had
5 police come to your" - "Absolutely. Absolutely." I love
6 when I do any training with police or Corrective Services
7 I love to talk about this incident that happens in the
8 group and this vignette because to me it shows how these
9 men manipulate statutory officials and statutory bodies,
10 courts included, when they're trying to image manage and
11 trying to deflect any responsibility or accountability from
12 themselves and place it on her. So absolutely it can be
13 difficult to ascertain who may be the victim and who may be
14 the perpetrator, the respondent or the aggrieved in this
15 case, if you're not trained well.

16
17 Q. What about for men who say to first responders or
18 police who are making subsequent enquiries, "Well, it was
19 actually her. She's really to blame for all of this.
20 She's behind it," Do you hear those kind of opinions or
21 views being expressed by the men in the groups that you
22 facilitate on a frequent basis?

23 A. Frequently, absolutely. I haven't met too many men
24 who would begin a program or begin an interview to be on
25 the program who didn't see themselves initially as some
26 kind of victim.

27
28 Q. Did you ever go further to unpack that and do their
29 views about it change or do you challenge their attitudes
30 in that way?

31 A. A program that's not challenging men's beliefs around
32 that is a program I wouldn't want to be associated with.
33 So challenge has to be part of the work we do with men,
34 done respectfully, done sensitively. I also want to have
35 compassion for these men for any history of trauma they may
36 have experienced, and any childhood experiences they may
37 have had which have led them down this pathway. So
38 compassion, collaboration with them on changing their
39 goals, but also confrontation or challenging their beliefs
40 is essential in this work.

41
42 Q. And when you scratch that initial attitude or
43 expression of a view that it's usually --

44 A. Thin veneer, yes.

45
46 Q. Their female partner who is responsible, does the
47 picture look different when you get a little deeper?

1 A. It takes time. It takes time. Because let's be
2 honest maybe the woman has been the - maybe she's scratched
3 him in the face and the police might attend an incident
4 where he's got blood on his face and he might be saying,
5 "Look what's she done to me, officer." But if you don't
6 get the dynamic or the context, he may have had his hands
7 around her throat and the wound she's inflicted have been
8 defensive wounds. So it's important that police really
9 understand this notion of predominant aggressor in a
10 relationship, not primary aggressor. It used to be called
11 primary aggressor, but being the first one to use violence
12 doesn't mean that person is not a victim.
13

14 Q. Okay. Can we go back then to what you were starting
15 to talk about a little earlier about the necessary features
16 of a good men's intervention program. One of the things
17 that you spoke of already is the need for it to be only one
18 part of a broader community response. Can you explain to
19 us what you mean by that?

20 A. Well, I mentioned before about services and programs
21 operating in isolation or in a solo fashion or silo fashion
22 which I think is a very dangerous way to work. So the best
23 evidence we have that for programs to be effective they
24 need to be embedded or nested within a coordinated
25 community response. So any program that's going to be
26 effective has to have close connection, close communication
27 with courts, with police, with Corrective Services, with
28 child safety, and with women's services and having a
29 women's advocate as part of that program. So, you know,
30 when I was operating in that space I wanted to foster and
31 develop very close connections with courts and court
32 workers, with police, so they understood what's happening
33 in our program, what we can do and what we can't do. We're
34 a community program. We're not a statutory body. So that
35 has to be backed up I think if a program is going to be in
36 any way effective with consequences for non-compliance.
37

38 Q. Before we get there can I ask you just a couple of
39 things about that sort of embedded community response set
40 up or structure. What about the need to be able to refer
41 men in the program to relevant services, for example, if
42 the client has mental health problems or alcohol or other
43 drug dependencies, is that critical to the success of the
44 program?

45 A. I think so, and I think that's another area of need in
46 Queensland, that we don't have sufficient referral
47 possibilities. We don't have case managers for these men.

1 We're asking facilitators to assess and risk assess and
2 risk manage and work with these men in program. So
3 facilitators don't have the capacity to case manage. But
4 as you pointed out a lot of these men, not all but a lot of
5 these men, will have alcohol and drug issues that they're
6 dealing with. They will have mental health issues, they
7 will have housing an employment issues. If those other
8 challenges that men face are managed and dealt with for me
9 that's going to mean that man is going to be more amenable
10 to what the non-violence or the violence prevention program
11 is going to offer him. He's going to be more able to engage
12 and to complete that program. We know that men who engage
13 and complete are more likely to be violence free at the end
14 of that program all things being equal.

15
16 Q. Now, returning then to what I would call the second
17 consideration that you were going to talk about being the
18 consequences, the need for there to be consequences for
19 non-compliance, because I take it from your submission that
20 that is an essential feature of a good intervention
21 program?

22 A. Absolutely. And again that was my frustration in
23 working as a program manager at YFS in Logan Beenleigh and
24 that's what I hear from program managers and facilitators
25 across Queensland, is that there's no back up to our work
26 when a man cannot comply either by certainly not obeying a
27 court order to attend a group or he drops out after a
28 number of sessions and doesn't complete the group, or he
29 reoffends while he's on the group. So my experience has
30 been that the system is so weighed down with cases there
31 doesn't seem to be the capacity to call these men to
32 account when they don't comply. That's a failing of our
33 system, I think, because what it means is men soon learn
34 they can get away with less than compliant behaviour, and
35 it emboldens them because they believe the system is not
36 going to take their violence seriously.

37
38 Q. Is there a benefit then to a system whereby men could
39 be ordered to complete an intervention program with
40 consequences that they have to return to court to be dealt
41 with if they don't complete it satisfactorily?

42 A. Absolutely. And I don't think, you know, any
43 consequence has to be overly draconian or harsh. As long
44 as there's a consequence and as long as they're being
45 called to order, called to account by courts, by police, by
46 someone that's above the program capacity to do that, not
47 being a statutory body in that space, I think that would be

1 very effective.

2

3 Q. Dr Sullivan, I was interested to see in your
4 submission that in your view at least mandatory completion
5 of a program tends to be more successful in changing a
6 man's beliefs, attitudes and behaviours than voluntary; is
7 that right?

8 A. I much prefer to work with men who are court ordered,
9 because primarily they're known to the system then.
10 There's leverage over them. I don't mean that in a
11 coercive way, but I mean in a way that we've got eyes on
12 them above the program. A man who volunteers to a program
13 can fake and pretend, that he's actually volunteering. But
14 generally he's got a social mandate to attend anyway,
15 either by family or friends or partner, "If you don't do
16 this program I'm out of here," he can tell his partner, he
17 can use the program to make his partner think that he's
18 changing. He might turn up for two or three sessions and
19 then disappear. We don't know where he is. We've got no
20 leverage over him in terms of reporting him to probation
21 and parole or to the court for dropping out or not
22 completing the program. So I believe "voluntary" - and
23 I use that term in inverted commas - men to these programs
24 can be far more dangerous and they're flying under the
25 radar. Once a man is court ordered he's known to the
26 system and there's capacity then in his interest to
27 complete the program, far more than if he was voluntary.

28

29 Q. All right. Now, we've talked about so far two
30 characteristics of a good intervention program. Is a third
31 that it must be run by trained and skilled facilitators?

32 A. Definitely, without a doubt. Because of the - I don't
33 know how - if I should mention this, but a lot of
34 facilitators may come from psych, social work, criminology,
35 human service backgrounds generally, not all the time but a
36 lot of the time, and in a lot of undergraduate programs
37 they don't have the capacity or the wherewithal to really
38 train young professionals, new professionals, in the
39 dynamics of domestic and family violence and in effective
40 practice and intervention. So a lot of that is actually
41 happening post university, post graduation. That's one of
42 the reasons why I'm interested in working in this area now
43 in adding to that training and giving people the capacity
44 and the competencies to work effectively with perpetrators.

45

46 Q. Now, I think you told me before that when you
47 facilitate these groups you see your client, your primary

1 client, first and foremost being the woman?

2 A. Yes, and that's part of the national outcomes of
3 standards for perpetrator interventions, that the reason we
4 work with perpetrators is to keep women and children safe
5 primarily. So if I'm doing training and I'm working with
6 people who want to do this facilitation work I'll always
7 say that our first clients are women and children. Their
8 safety is our priority. Whether this man changes on this
9 program or not is not up to us. We can help facilitate that,
10 but it's up to him if he really wants to change and it's
11 his work. But while this man is on our program we have the
12 capacity to risk assess and risk manage and to share that
13 information with statutory authorities and to work with her
14 via a woman's advocate to safety plan and work for her
15 separation from him if that's what she wants or for her
16 ongoing safety if she stays with him. So women and
17 children first, first clients. Second is the group itself.
18 So there may be some men because of their disruptive nature
19 in a group sabotage a group, and there are that men who
20 really want to change and work on that program. So I've
21 exited men from programs because of their behaviour or
22 their attitudes while they're on the program, after a
23 period of talking with them about this is not acceptable,
24 they're breaking contract with what they've signed to be on
25 this program, and I've exited them to either do individual
26 interventions for a period of time and then bring them back
27 into the program or send him to another program because
28 there is a capacity to sabotage a program, a group program
29 for other men who want to make changes. Then the third
30 client I feel is the individual man.

31
32 Q. All right. Is a fourth characteristic of a good
33 intervention program the fact that it's either trauma or DV
34 informed?

35 A. Well, both. DV informed initially, and then trauma
36 informed secondarily. I don't blame or I don't see trauma,
37 these men's experience of trauma as the cause of their
38 violence because many men on the program have not had
39 traumatic backgrounds. There is a proportion of men who
40 have. But there's also a proportion of men who have had
41 trauma and who aren't violent. So in these programs we're
42 very, very clear or I think we should be clear that
43 violence is a man's choice, it's his decision to act this
44 way. He's a free agent. He's a subject. He's making
45 these decisions. It's not outside of his control. So if
46 he's choosing to be violent he can choose to be
47 non-violent. And that's the whole reason for these

1 programs, it's working on these men and their decision to
2 choose to be non-violent.

3
4 Q. Before I move to my last couple of questions are there
5 any other key features of a good and workable intervention
6 program?

7 A. I think we have to be realistic that these programs,
8 one of the oft asked questions is do these programs work.
9 Well, that's a loaded questions because these programs,
10 there are many different kinds of programs out there, there
11 are many different levels of experience and capability of
12 facilitators, and there's many different levels of programs
13 that are nested or not nested within a coordinated
14 response. So to say does a program work, well, we have to
15 ascertain what kind of program are we talking about here?
16 Now, what do we mean by work is the second word. Does it
17 mean women and children are safer? Does it mean these men
18 stop their physical and sexual - it's easy, I think, for a
19 man to stop being physically violent when he knows courts
20 and police and probation and parole are watching him. Does
21 that mean the woman is now immediately unafraid of him?
22 I think not. Because a man through his demeanour, through
23 his attitudes, through his words can be equally as
24 threatening and without hitting her or without causing any
25 physical damage. So the research around effectiveness of
26 programs would say that for a long-term program that's part
27 of a coordinated community response where there's swift and
28 certain consequences for non-compliance that the majority
29 of men who complete one of those programs can end up
30 violence free post program.

31
32 Q. Okay. And as I understand your submission the data
33 would suggest that it might be as many as 80 per cent of
34 men who go through the programs that you've just described
35 who can remain violence free afterwards?

36 A. Certainly some research -- you know, research varies
37 in their outcomes and their methodologies of course, but
38 some research would suggest that up to 80 per cent of men
39 who finish, complete a program that I've just described can
40 be violence free.

41
42 Q. If then we're living in a climate here in Queensland
43 in 2022 where there are huge numbers of domestic and family
44 violence calls for service on the time and resources of the
45 QPS and if the research shows that the majority of men who
46 go through appropriate programs can afterwards remain
47 violence free, does it not stand to reason that the

1 development and rolling out of more programs will only be a
2 good thing in terms of assisting the QPS to meet the issue
3 of domestic and family violence?

4 A. It stands to reason for me and it has done for
5 20 years.

6
7 MS O'GORMAN: Those are the questions that I have for you,
8 Dr Sullivan. Thank you.

9
10 COMMISSIONER: Dr Sullivan, are you familiar with the KIND
11 Program?

12 A. The KIND Program?

13
14 COMMISSIONER: Yes?

15 A. I am, vaguely.

16
17 COMMISSIONER: We've been told that that's being used for
18 youth because youth generally aren't admitted to these
19 group programs. Is that an effective program, do you know?

20 A. I think it's being researched and evaluated as such.
21 This is a program for adolescence who are violent to their
22 mothers?

23
24 COMMISSIONER: To their partners?

25 A. To their partners. I don't think I could speak with
26 any level of authority on that. But I certainly know that
27 we need to get to these men the younger the better before
28 they are radicalised into becoming full blown perpetrators
29 into adulthood, and we know that certainly adolescents are
30 perpetrating violence and abuse to partners but also to
31 parents, mothers especially, and there is a program in
32 Queensland called ReNew, I think, which is looking at
33 working with 12 to 17 year old boys and their mothers.

34
35 COMMISSIONER: And you said before that trauma as a child
36 is not an excuse to be violent and I think that's easily
37 accepted, but is there a correlation? Is there a higher
38 percentage of men who commit domestic violence who come
39 from a background of neglect or violence?

40 A. There's an association for sure, and I think it would
41 be more often the case in our groups that that has been
42 their history.

43
44 COMMISSIONER: And is there an effort made to unpack that
45 childhood trauma as part of the program or is there just a
46 recommendation that they get counselling for that trauma at
47 some stage?

1 A. I see it certainly in the work I've done both that
2 getting men a referral to a mental health counsellor who
3 can help them process their own histories of trauma is
4 easier said than done because you want mental health
5 professionals who are DV informed as well, but also within
6 the program we - and this is where one of the sessions or a
7 number of the sessions within the program focus on harm to
8 children, and some men - most men on the groups will have
9 children, but some men won't have children, so we will
10 explore their own histories of growing up with a violent
11 father or stepfather or mum's live-in boyfriend who has
12 been abusive to their mum and who has been abusive to them
13 in their experience and we will unpack that with them.
14

15 My belief also is that these programs are in
16 themselves and of themselves trauma informed and can help
17 men deal with their trauma by helping men break out of
18 their isolation, tell their own stories, be listened to and
19 respected and have that group experience is very - I don't
20 want to say therapeutic but it is actually therapeutic for
21 some men, even though they might enter that space kicking
22 and screaming.
23

24 COMMISSIONER: I'm just curious because in that youth
25 justice space when you see such a lot of children growing
26 up in that neglect, violence, they often have attachment
27 disorder and a lack of impulse control, so trying to then
28 get someone with a lack of impulse control to control their
29 violence must be difficult?

30 A. Yes and no. Impulse control is an interesting
31 diagnosis because strangely these men have incredible
32 impulse control when the police turn up or when they're in
33 our program. It seems that they lose their impulse control
34 or their ability to control their behaviour when it's with
35 her. So we'll have those discussions too with these men,
36 and we'll also talk about how they're making decisions well
37 before they're getting to being physically or sexually
38 abusive towards her where they could have made another
39 decision, where they could have made another call. So I'm
40 very loath to use impulse control or lack of impulse
41 control with this cohort because it will be then used as an
42 excuse, and I don't think it actually is an excuse. They
43 use their - their abuse is about control, not lack of
44 control.
45

46 COMMISSIONER: Yes. All right. Thank you. Ms Hillard?
47

1 MS HILLARD: Thank you, Commissioner. I note the time,
2 but I don't think I'll be very long.
3

4 <EXAMINATION BY MS HILLARD:
5

6 Q. Dr Sullivan, you were asked a question about the
7 gendered nature of the work that you do. And you spoke
8 about the statistics and that of course it is gendered. Am
9 I correct in assuming then that imported into the programs
10 that you're involved with and that you advocate for there
11 is an appreciation of the gender societal imbalances that
12 exist and how they affect domestic violence as well?

13 A. Very much so.
14

15 Q. And when I say that I'm referring of course to the
16 views of women in sexual relationships as to whether or not
17 they're telling the truth about sexual assault, that type
18 of thing?

19 A. Indeed.
20

21 Q. And the other matters about sexual harassment and the
22 way that women may be valued by society as a whole forms
23 part of how you deliver the programs?

24 A. Absolutely. I think the elephant in the room with
25 these programs is pornography. Men's pornography use in
26 these programs I would suggest is very high. Problematic
27 usage. Obviously that's not giving men a respectful or
28 equal outlook on relationships with women at all. So we
29 have discussions about pornography in these programs, too,
30 and how that portrays women, portrays sexuality, portrays
31 men's power over women, and that pornography never makes a
32 man a better lover, husband, partner or man.
33

34 Q. In relation to the work that you did you spoke a
35 little bit about the women's advocate. Can I just get you
36 to just explain a little bit more about the role of the
37 women's advocate in the programs that you speak about and
38 the importance of that?

39 A. Indeed, and that's part of the standards and
40 principles of practice that the Queensland government
41 department that funds men's programs is saying is
42 essential, that a men's program has connection to a women's
43 advocate, because as facilitators we hear what the men tell
44 us and, you know, self-report can be very biased and very
45 skewed in their favour.
46

47 So, the women's advocate, she connects to the partners

1 or ex-partners of the men on the program and we get her
2 side of the story. Her voice then enters that program
3 space, obviously confidentially. So I've had men in group
4 and they're almost pin-up boys, poster boys in the group,
5 "Brian, this program is so influential. It's changing my
6 life. Why didn't I get sent to this program earlier?"
7 And, "Oh, I agree, it's really, really - you know, I'm much
8 better now." But we're actually hearing from the women's
9 advocate, from his ex-partner or partner that he's actually
10 still abusing her when he goes home from the program. So
11 we have to have her voice, her reality understood in the
12 program so we're not just getting a very skewed and biased
13 narrative from the men.
14

15 Q. In relation to your work that you've done about
16 mandated participation in the programs do you have a view
17 about it being delivered through Corrective Services in
18 prison, on parole via Corrective Services, probation or
19 parole, or as part of a condition on a domestic and family
20 violence order or somewhere else?

21 A. I know that there are three prisons in south-east
22 Queensland which are running programs at the moment through
23 Corrective Services. I wish every prison in Queensland had
24 a domestic violence intervention program for men sent to
25 prison for domestic violence issues. The Corrective
26 Services program, that's run through Probation and Parole,
27 my understanding is a 27-week program. The program
28 I worked on in community was 16-week programs.
29

30 I'm an advocate for longer term programs, for sure.
31 I think the research is very clear the longer a man is on
32 program under surveillance and supervision the better his
33 chances of rehabilitation and changing from violence to
34 non-violence. I don't know where we have got our research
35 base for the 16 weeks that's funded in Queensland. So
36 I would love to see longer term programs rolled out.
37

38 Q. You talked about some of the referral pathways and one
39 of the referral pathways can be at the court point of
40 contact if there's a domestic and family violence
41 application before the courts, but there is no scope for
42 there to be a condition on an order for a person to
43 participate. Is that something you see a value in or do
44 you have a view about that?

45 A. I have heard, and I'm not sure if this is correct, but
46 I have heard of magistrates in Queensland, some
47 magistrates, putting referral to a program as part of a

1 condition of their DVO. I would think off the top of my
2 head that would be a wonderful strategy. I'm always aware
3 that there's always unintended consequences of whatever we
4 do or whatever we don't do in this space and we really have
5 to look at, "Where might this lead? Could this lead for,
6 you know, more violence and abuse towards her? Will it
7 need to be managed in such a way to avoid that?" But
8 I would think that having that as part of a condition of a
9 DVO, that he attends a program, would be very good
10 leverage.

11
12 Q. When we talk about the mandated courses there's a
13 whole body of research that suggests they're not
14 particularly well received because there's no readiness to
15 change. But can I just ask you about readiness to change.
16 The reality is that readiness to change is rarely the whole
17 100 per cent, "I'm going to change right at the beginning,"
18 from the men that you see; isn't that right?

19 A. I don't think I've ever met a man who I would say was
20 entering a program ready to change. Change is not a point.
21 It's a process. That's why I'm an advocate of a longer
22 term process because you have more capacity to work with
23 this man, supporting his change over a longer term period.
24

25 These men, you know, let's say they're 35 or so when
26 they've entered a program. How can we expect a four-month
27 program to counter 35 years of lived experience and belief
28 system and mind set around what he can and can't do to
29 women and children? I think it's not realistic. I think
30 we need longer than that 16 weeks. Certainly a program of
31 itself and in itself can't do that work. That's why we
32 need that longer term plus the coordinated response
33 surrounding the program.
34

35 Q. And readiness to change can perhaps develop and evolve
36 as the program commences, can't it?

37 A. Absolutely. Absolutely. I've seen men - I won't say
38 the lights go on, but you see men start to take
39 accountability after eight, 10, 12, 14 weeks, and then
40 we're exiting them from the program at 16 weeks just when
41 really the work can begin. So, yes, I'm a big advocate for
42 longer term programs.
43

44 Q. And one of the things that you are involved with is
45 you sometimes offer maintenance programs to help continue
46 that progress and that positive work if people wish to
47 engage in that.

1 A. I know there are some services in Queensland now that
2 after a man finishes his initial violence rehabilitation
3 program they offer maintenance programs where the man might
4 continue to come in, it might be on a monthly or as needs
5 basis, but it's a way to keep connected and to keep that
6 man somehow on the straight and narrow, to keep him on that
7 non-violent pathway.

8
9 Q. And does the maintenance program benefit from
10 consequences as well or is that more during the initial
11 training?

12 A. That's more the initial, I would think. I'm not so
13 sure of the research around consequences for the
14 maintenance program, because that's when it really becomes
15 his volition.

16
17 Q. There's been a little bit of evidence about, I'll just
18 make sure I refer to it correctly, the focused deterrence
19 model which is offering people referral pathways and points
20 of contact and the like. But there's also been some
21 evidence around police turning up at the houses and
22 offering people, the male typically, a referral pathway as
23 well. Is that something that you view as positive or is it
24 better to have other interactions or --

25 A. At this point in time in my experience and career
26 I would not only say positive, I would say necessary.
27 I think focused deterrence is the way forward. It's police
28 driven and it's a program where higher risk offenders to
29 lower risk offenders are dealt with accordingly. Higher
30 risk offenders are dealt with primarily with these men
31 being called in to detectives, detectives giving them an
32 ultimatum saying, "This is your behaviour. If this
33 continues these are the consequences." A little bit like a
34 carrot and stick approach. With the detective, "There's
35 the community services here with me. To help you become
36 non-violent we've got a men's behaviour change program,
37 we've got AOD services, we've got mental health counselling
38 services to assist you in that."

39
40 Then police might turn up at the house for lower risk
41 offenders, but the higher risk offenders are actually
42 called in by the police. So it's actually a combination of
43 police and community services working in concert to deal
44 with the highest risk offenders first. The research seems
45 to suggest good outcomes. I know QPS has had a pilot
46 project in Queensland and I know the Australian Institute
47 of Criminology are rolling out a program, a research

1 project, called Cease, which is focusing on focused
2 deterrence.

3
4 Q. I suppose the key is from what you've described is it
5 needs to have that integrated approach in order to be
6 effective?

7 A. Absolutely, and I think any approach has to be
8 integrated.

9
10 Q. And, just finally, Counsel Assisting asked you some
11 questions about what are the features of a good model for
12 men's prevention programs or men's behaviour programs.
13 I was unable to find any specific ones for Queensland, but
14 I know that ANROWS have a framework and perhaps the
15 Victorian government have a framework. Are you aware of
16 any frameworks in Queensland?

17 A. I know a number of programs in Queensland use the
18 Duluth program, which has a very, as I said before, strong
19 framework in ways to work with perpetrators. I also know
20 that some services use a model I think it's called
21 "Disrupting family violence" out of New Zealand developed
22 by a man called Ken McMasters, and a lot of programs are
23 integration of various models. But I think you're
24 absolutely right. There has to be a consistent framework
25 of evidence informed interventions for these men.

26
27 Q. I know I said "finally" a moment ago, but I just
28 thought of one last question I needed to ask. About the
29 men's programs that you run, they are also open to people
30 who identify as men or people who are from other groups; is
31 that right?

32 A. A contentious area in some ways. I've been out of YFS
33 now for three years in terms of my direct work with
34 offenders. I would be cautious, I would think, in
35 proceeding in that area. Certainly we had gay men referred
36 to our program from the courts and I was always very
37 cautious about - I think gay men need programs which are
38 focused on them and that dynamic. I think it could be
39 dangerous for gay men because there's a lot of homophobia
40 in working with perpetrators. I want to guarantee
41 everyone's safety who's on the program; not just women and
42 children's, but these men have to be safe too. So we're
43 very cautious about - we might have men who were in
44 different motorcycle gangs. We couldn't put them in the
45 same group; or men who had shared a partner and there was
46 jealousy around that, we couldn't put them in the same
47 group. So I would have to have a discussion, read the

1 research and discuss with the service about the issues you
2 raise there.

3
4 MS HILLARD: Thank you, Commissioner.

5
6 COMMISSIONER: Have you seen any mandated programs for men
7 involved in family law proceedings, because they could be
8 mandated as part of an interim child custody order,
9 couldn't they?

10 A. I haven't seen that, but I would love to see it, I
11 would love to see it, because certainly my experience has
12 been - it's amazing what happens in men's group. I would
13 love anyone who works with perpetrators to take the time to
14 observe men's groups and what goes on there. You will see
15 men coaching other men in how to take out a cross-order, a
16 cross-application. You will see men coaching each other on
17 how to present to Family Court so that she's seen as
18 incapable of looking after her children and he's seen as
19 the quality parent. So men use the system to further
20 manipulate their partners. I just think it would be a
21 really solid education and good grounding for anyone who
22 works with perpetrators to have time, take time, make the
23 time to actually sit in a program and watch what happens in
24 these spaces.

25
26 COMMISSIONER: I think we heard - well, there was a
27 discussion with an ex-detective who sat in the back of one
28 of the programs.

29 A. And I believe our Attorney-General has too.

30
31 COMMISSIONER: Mr McCafferty?

32
33 MR McCAFFERTY: Nothing, thank you, Commissioner.

34
35 **<EXAMINATION BY MR HUNTER:**

36
37 Q. As I read the Act, that is the Domestic and Family
38 Violence Prevention Act, an intervention order can only be
39 imposed in the case of someone who - a respondent who
40 agrees to the making of an order. What's the efficacy when
41 it comes to the imposition in jurisdictions where it's
42 permitted of an intervention order upon someone who's not
43 willing to undergo that sort of program?

44 A. I don't have that evidence at my fingertips. But when
45 I worked in Toledo, Ohio, and in Ohio, the US, the courts
46 there could directly order a man, willing or unwilling,
47 into a program. So the majority of men I work with were

1 all court ordered directly. I think in Queensland my
2 understanding is the orders from the courts come via
3 Corrective Services; is that accurate?
4

5 Q. Well, I'm just looking at section 69 of the Act, which
6 talks about an approved intervention program provided by an
7 approved provider.

8 A. And I think we used to call them voluntary
9 intervention orders, didn't we? I think they're just
10 intervention orders now.

11
12 COMMISSIONER: What are you looking at, 69 of?

13
14 MR HUNTER: The Domestic and Family Violence Prevention
15 Act.

16
17 COMMISSIONER: So maybe as a condition of probation that
18 could be mandated on a breach?
19

20 MR HUNTER: It could be, yes. Section 71 is the provision
21 that says that the order can only be made if the respondent
22 is present and agrees to it. So you spoke about programs
23 that are available in prison. Are you able to say whether
24 those programs are available to prisoners who are on remand
25 or was it only available to sentenced prisoners?

26 A. I think it's only sentenced, but I think Corrective
27 Services would be better able to answer that.
28

29 Q. And you advocate for a program that's longer than
30 16 weeks. Do you have a number in mind as to --

31 A. Well, the Duluth program is six months, but there are
32 certainly programs in the States and North America which
33 are 40 weeks, 52 weeks. In California I believe there are
34 some two-year programs.
35

36 Q. Let's say a six-month program. What sort of level of
37 contact does a participant have?

38 A. It's generally - initially there will be an interview,
39 an individual interview, individual risk assessment,
40 orientation, getting the man set and ready, getting all his
41 paperwork done, getting him to sign a contract about
42 behavioural expectations, and then once he starts it will
43 be 26, I think, 27 weeks of a two-hour session a week.
44 Certainly I know in Queensland prisons for high-risk sex
45 offenders they get something like 350 hours of
46 intervention, whereas a 27-week program for a high-risk
47 offender is DV is, what, 52 hours. So it doesn't seem

1 commensurate to me to the level of risk that we're talking
2 about here.

3
4 Q. And how many participants ideally would you have in a
5 group?

6 A. Certainly from group interventions I think the
7 preferred number would be 12, but I think because of the
8 number of men coming through the courts I think the
9 Queensland government's number now is up to 16 for
10 perpetrator programs, which to me is a lot to deal with.
11 There's a lot of dynamics happening in those groups when
12 you've got 16 offenders in the one room.

13
14 Q. So the larger the number of participants the lower the
15 level of efficacy?

16 A. Well, my belief is that a man can hide in a larger
17 group and the focus doesn't seem to be on him. So there
18 can be vicarious learning going on. But definitely if you
19 have a group of around 12, 10 to 12, ideally then you can
20 get around to each man in that two hours and work with his
21 situation and his mind set.

22
23 Q. And presumably being a facilitator for a group like
24 this is no easy task?

25 A. Very challenging, very demanding.

26
27 Q. So there would be a limit to, for example, how many
28 sequential sessions of two hours a facilitator could do,
29 say, on a given day?

30 A. Absolutely. But we have got a shortage of
31 facilitators in Queensland. We don't have capacity to have
32 personnel to run the programs. So ideally I think a
33 facilitator should facilitate two groups a week. But I've
34 facilitated five sessions a week because of staff shortages
35 or people off on leave, and that's not sustainable.

36
37 Q. I guess my questions were really directed to
38 understanding the resourcing implications of this, and
39 they're substantial from what you're telling us; is that
40 correct?

41 A. We need resources, absolutely.

42
43 MR HUNTER: That's all I have. Thank you.

44
45 COMMISSIONER: So you simply haven't got the facilitators
46 to expand it at this stage?

47 A. No. Can I just say also in terms of First Nations

1 communities I've just recently come back from Cairns where
2 I provided two days of training to about 50 people, largely
3 First Nations people from discrete communities across the
4 cape, and quite uniquely that training had a majority of
5 men on the training. Typically the training I do is
6 95 per cent women, and a sprinkling of men might turn up to
7 training. I think obviously we need male facilitators
8 because these programs are facilitated by men and women.
9 The best case scenario is you have a man and a woman
10 co-facilitating the programs.
11

12 So, long story short, I think there is a huge need for
13 programs in Indigenous communities. The scope of violence
14 there that these people reported was absolutely horrific,
15 and the capacity to manage it and deal with it is very
16 minimal at this stage.
17

18 COMMISSIONER: What we heard last week in Cairns was
19 that - in Townsville, actually, that it would be culturally
20 inappropriate for a female to facilitate a men's program.
21 A. A contentious issue, and that is not the - that is not
22 the belief of all people in First Nations communities.
23 Certainly I found that out.
24

25 COMMISSIONER: That's probably why you had so many men.
26 A. Yes.
27

28 COMMISSIONER: All right. 2.15. Sorry, thank you very
29 much, Dr Sullivan, for coming in.
30 A. Thank you, Commissioner.
31

32 <THE WITNESS WITHDREW
33

34 LUNCHEON ADJOURNMENT 35

36 COMMISSIONER: Yes.
37

38 MS O'GORMAN: Commissioner, in respect of the statement
39 and the annexures to Mark Ainsworth's report I seek an
40 order in the terms of the draft that I hand up. It seeks a
41 non-publication order in relation to annexures D to Y of
42 Mr Ainsworth's report dated 21 July 2022 beyond access by
43 the legal representatives of the QPS, the QPUE and WLSQ.
44 Annexures D to Y are the summaries of the interviews.
45

46 COMMISSIONER: Yes.
47

1 MS O'GORMAN: And the order is sought just out of caution
2 that the confidentiality of the interviewees is not
3 breached. It was necessary to provide those to the legal
4 representatives, but they're not to be shared with any of
5 those organisations beyond the legal representatives.

6
7 COMMISSIONER: Yes, I can make that order.

8
9 MS O'GORMAN: And I should have said none of the parties
10 had an objection to that.

11
12 COMMISSIONER: I should point out in terms of the press
13 that obviously they can quote what you've said from the
14 transcript.

15
16 MS O'GORMAN: Yes.

17
18 COMMISSIONER: And just not access the actual annexures.

19
20 MS O'GORMAN: Yes. I call the next witness, Ms Toni Ellen
21 Bell.

22
23 <TONI ELLEN BELL, affirmed:

24
25 <EXAMINATION BY MS O'GORMAN:

26
27 Q. Ms Bell, you provided a statement to the Commission
28 yesterday, 26 July 2022?

29 A. That's correct.

30
31 Q. And do you have a copy of that document with you now?

32 A. Yes, I do.

33
34 Q. All right. Thank you. You're presently the director
35 of family law and civil justice services at Legal Aid
36 Queensland?

37 A. That's correct.

38
39 Q. And the family law services division in turn operates
40 the violence prevention and women's advocacy service; is
41 that right?

42 A. That's correct.

43
44 Q. And that service is one of the leading providers in
45 terms of numbers of domestic and family violence legal
46 services in Queensland?

47 A. That's correct.

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Q. You've identified in paragraph 2 of your statement two of those services, one being the women's domestic and family violence assistance service that's offered through the Brisbane Magistrates' Court, and also the domestic and family violence duty lawyer services that are operated at a number of Magistrates' Courts throughout Queensland?

A. That's correct.

Q. And in the course of offering those services Legal Aid has practitioners who have and continue to provide assistance to women who have experienced domestic and family violence?

A. That's correct, not just women but also men.

Q. Sorry, thank you, I was just going to correct myself, to people who have experienced domestic and family violence?

A. That's correct.

Q. All right. Thank you

COMMISSIONER: Is it true that Legal Aid isn't funded for respondents?

A. No, that's not correct.

COMMISSIONER: Someone suggested that at some stage?

A. No, certainly we provide services and duty lawyer services for both aggrieveds and respondents, although we brief out those respondent services mainly to community legal organisations or other firms on our preferred supplier panel list. But we - and we also do have grants of aid to represent both aggrieveds and perpetrators in applications for a protection order in the Magistrates' Courts, but the tests to successfully get a grant of aid for a respondent is somewhat higher because there's a merit test that is applied as to whether or not it's more likely than not that their defence would stand.

COMMISSIONER: All right. Okay. Thank you.

MS O'GORMAN: And if there's an assessment made by Legal Aid that it's not more likely than not that they will succeed then the grant of aid won't be provided to that person?

A. That's right, and the grant of aid provides for ongoing representation, advice, representation, drafting of

1 material and advocacy in court, whereas our duty lawyer
2 services, depending on the model and depending on the
3 court, is limited to advice, minor assistance and if it's
4 an enhanced model, representation for those most vulnerable
5 to appear in court.

6
7 Q. Okay. And does that extend all the way through to the
8 actual hearing in respect of the protection order?

9 A. Not the hearing, not for duty lawyers. Duty lawyers
10 don't appear at final hearings.

11
12 Q. All right. Thank you.

13
14 COMMISSIONER: Is that different in the DV specialist
15 courts?

16 A. No, it's not. It's the same.

17
18 MS O'GORMAN: Legal Aid Queensland was asked to share with
19 the Commission some of the observations and experiences of
20 its clients in relation to their interactions with police
21 in the domestic and family violence space and your
22 statement sets out some of those key themes?

23 A. It does.

24
25 Q. If we go to paragraph 7, first of all, you identify
26 that Legal Aid is concerned about the understanding of and
27 the systemic responses to domestic and family violence,
28 particularly where it's non-physical domestic and family
29 violence, including coercive control?

30 A. The coercive control, absolutely, the ongoing
31 monitoring, those things that don't result in physical
32 abuse, there's a lack of understanding in our support
33 officers' views from the clients' experience with the
34 Queensland Police Service.

35
36 Q. All right. And in fact if we were to go to the second
37 of your case studies, which I understand are provided on
38 the basis that they are illustrations of some frequently
39 occurring themes that the service sees?

40 A. They are. I mean, these were - we have multiple
41 examples of these sorts of things, but we pulled the most
42 recent. So the last couple of months. And also those
43 where we could readily contact clients to get their consent
44 to share their stories with the Commission.

45
46 Q. All right. In case study 2 we can see set out there
47 for us the sorts of abuse that that aggrieved was suffering

1 at the hands of her ex-husband, and then about two-thirds
2 of the way down is the information that the client called
3 the police who said they couldn't assist as it was a
4 domestic dispute and there had been no physical violence or
5 threats. So is that an example of the sorts of errors that
6 that Legal Aid has seen about police misunderstanding the
7 nature of domestic and family violence where it doesn't
8 involve an allegation of a physical assault?

9 A. Absolutely. It's a common theme that our clients
10 complain that where there's no physical abuse that police
11 are sometimes reluctant to attend at their homes to assist
12 in helping them to get safe by applying for an order.

13
14 Q. Thank you. Also in that paragraph you highlight a
15 concern by Legal Aid Queensland about the increasing number
16 of domestic and family violence protection order
17 applications being taken out against victims?

18 A. Correct. Mislabelling.

19
20 Q. All right. Thank you, or the misidentification?

21 A. Absolutely.

22
23 Q. Of the person who is most in need of protection in any
24 given relationship or situation?

25 A. That's correct.

26
27 Q. All right. Now, that I think is picked up in case
28 study 4, where it becomes apparent when one reads through
29 the narrative down towards the end that upon seeing the
30 person using violence with scratch marks from defensive
31 wounds police in fact arrested the client who was the true
32 victim in that case, and the narrative goes on that the
33 client was only dressed in a bikini at the time, the police
34 refused to let her get dressed prior to arresting her
35 despite her requesting to?

36 A. That's correct.

37
38 Q. And that police then took her to the watchhouse for
39 four hours. She wasn't offered clothing during her time.
40 Ultimately there were no charges against her and she was
41 released to find her way home dressed only in the bikini
42 and not offered any medical attention following the
43 strangulation which had occurred previously?

44 A. That's correct.

45
46 Q. In respect of that incident it's made clear by the
47 practitioner who relayed that case study that that client

1 expressed hesitation and deep fear when considering calling
2 police to further incidents?

3 A. That's correct. That's a common theme, even though it
4 might not be stated in each of the case studies, their
5 experiences have meant they're less likely to call police
6 for assistance in the future.

7

8 Q. Okay. Thank you. In paragraph 8 you talk about
9 challenges in particular for First Nations communities?

10 A. Yes.

11

12 Q. And you relay the example perhaps of the First Nations
13 community of Woorabinda, which is a dry community, and
14 practitioners having knowledge that police will often
15 charge a female aggrieved or respondent to a cross
16 application with possession or consumption of alcohol with
17 the flow-on effect of deterring women from making
18 complaints or reporting

19 A. That's correct. There's two things with Woorabinda
20 and First Nations communities. Firstly there's that issue,
21 generally, that they're drinking together sometimes and the
22 mislabelling of the true victim means that those cues are
23 missed. But the other problem is that police quite often
24 tell victims and perpetrators that they don't need to
25 attend court when the matters are mentioned if they do take
26 out an order, and that means that victims and perpetrators
27 aren't given legal advice not only about
28 the domestic violence issue but also about any other family
29 or child protection ancillary issues to enable them to
30 access those services to be able to engage in safety
31 planning to obtain housing, to pre-emptively get assistance
32 to be able to sort out any issues that the Department of
33 Child Safety might identify as any issues prior to taking
34 an application, and that practice of not encouraging
35 parties to attend court means that they're missing out.
36 I think that causes Legal Aid Queensland significant
37 concern because as the previous witness, the professor,
38 indicated when you have problems with courses being
39 available perpetrators are often kept in a status of
40 inactivity where they're not seeing their children, they've
41 got at allegations against them quite rightly, but there is
42 no assistance. So you often find that that's the most
43 risky time for victims of violence because they've got all
44 these other court proceedings potentially on and without
45 any assistance to the perpetrator and the victim to be able
46 to assist them, it leads to a further escalation of risk.

47

1 Q. In Legal Aid's point of view then it would be
2 preferable if police were routinely encouraging both
3 aggrieveds and respondents to attend at the court
4 processes?

5 A. Absolutely.
6

7 Q. All right. Can I pick up on the issue of interpreters
8 that you raise then in paragraph 11 of your statement.
9 There you relay that in the experience of Legal Aid
10 Queensland DFV lawyers police often do not use interpreters
11 when investigating an incident involving parties who are
12 culturally and linguistically diverse?

13 A. That's correct.
14

15 Q. You go on to say often using family members as
16 interpreters?

17 A. Children or the other party.
18

19 Q. Do you have a sense of how prevalent that problem is?

20 A. Only anecdotally. We don't capture that sort of data.
21 But I can say that it would happen in at least 50 per cent
22 of the times where there's a CALD client or situation where
23 police are called to where there is no offering of an
24 interpreter or there's no accessibility of an interpreter
25 available on the spot for the police to be able to question
26 appropriately the victim and the perpetrator.
27

28 Q. We've heard that that can have difficulties in terms
29 of an aggrieved person being able to get out the full story
30 to police when interpreters aren't available and
31 interpretation is done by a family member or the
32 respondent. That would be a concern shared by Legal Aid?

33 A. Absolutely, and even more so the children, where the
34 children are used as interpreters.
35

36 Q. Part way through paragraph 11 you say, "Often the
37 person experiencing violence is actually the respondent to
38 the application, and only when they're in a confidential
39 room they inform the worker and lawyer that they were not
40 able to communicate the true situation to the police
41 because they didn't have an interpreter at the time."

42 A. That's correct.
43

44 Q. Presumably another issue arising from that kind of a
45 scenario is that if the person has in fact been
46 misidentified as a respondent that kind of situation only
47 compounds the trauma of the original abuse itself?

1 A. It does indeed.

2

3 Q. All right.

4 A. It does indeed. They're left questioning the system
5 that's left them down. They've called the police. The
6 police have misidentified, mislabelled them. They've taken
7 them away such as the lady with the bikini. Their
8 experience is that it didn't do any good, it actually made
9 things worse, so why would they call them again.

10

11 Q. Case study 3 picks up on the issue of interpreters.
12 There part way through the narrative the practitioner who
13 relayed that story says the client was not offered an
14 interpreter with her interaction with the police, and this
15 meant several high-risk indicators were not identified,
16 including extreme jealousy by the other party, threats
17 towards the client's family, verbal abuse, controlling
18 behaviour, telling the client she was not allowed to get a
19 job, and controlling who she could and could not see, and
20 the other party had thrown food at the client when he was
21 upset.

22 A. Yes.

23

24 Q. If we turn over the page then and go to paragraph 12,
25 Legal Aid raises the concern that QPS officers require more
26 training in dealing with domestic and family violence
27 situations where one or both of the parties suffer from
28 mental illness. What are the sorts of concerns that
29 Legal Aid has in that regard?

30 A. Again, they're called out to a crisis situation. One
31 or both parties are highly emotional. One of them has
32 usually been subjected to abuse. When that's compounded by
33 mental health difficulties, their ability to articulate to
34 police exactly what's gone on is limited. Their
35 presentation is often heightened and it leads to police
36 sometimes removing the true victim and taking them to a
37 hospital to get treatment but for their mental health
38 reasons, not for the reasons for the police call-out
39 originally.

40

41 Q. All right. In respect of paragraph 13 you talk about
42 the issues surrounding private applications and say that
43 many women accessing domestic and family violence legal
44 advice through Legal Aid Queensland had previously reported
45 their experiences of coercive control and domestic and
46 family violence to the QPS and have been reportedly advised
47 to make their own private applications?

1 A. That's very common.

2

3 Q. I was just going to ask you do you have a sense of
4 whether that is a common problem or an isolated problem?

5 A. No, it's a very, very common problem.

6

7 Q. It's picked up I think in case study 1 where the
8 practitioner who's compiled that example says in
9 paragraph 2 of the narrative that after the aggrieved
10 person had called the police, asked the police whether they
11 could hear the disturbance occurring in the background,
12 police attended and took statements but rather than taking
13 out an application on the client's behalf they encouraged
14 her to file the application on her own. Is that the sort
15 of scenario that you're referring to there?

16 A. Yes, it is, and I find it's worsened when police
17 question parties and find that there's ancillary parenting
18 issues in dispute. They'll say, "Go to the court. Go to
19 the Family Court." They don't distinguish between the
20 violent behaviours and the parenting issues being two
21 distinct issues. They lump it together and say, "It's a
22 domestic issue. Go and get some assistance."

23

24 COMMISSIONER: There seems to be a fairly strong belief
25 amongst police, I don't think I'm overstating it, that if
26 there are Family Court proceedings then it's likely that
27 the domestic violence will be a vengeance application or an
28 application of convenience I think is a term that's used?

29 A. That's correct.

30

31 COMMISSIONER: Has that been your experience?

32 A. That police think that or that people use it?

33

34 COMMISSIONER: Firstly, that police think that and,
35 secondly, is it your experience that that is in fact --

36 A. I can't say what police think, Your Honour, but
37 certainly it's a common held belief by people generally
38 that if the matter is before the FCFCOA, so the Federal
39 Circuit and Family Court of Australia, that any issues of
40 violence will be dealt with in that matter, and that's not
41 the case. It's fairly rare for FCFCOA orders to include
42 orders about parties undertaking anger management or about
43 personal protection orders for the protection of victims
44 and children. It's certainly a matter that's taken into
45 account when determining parenting orders, but there are no
46 specific or it's very rare that will be an order
47 prohibiting certain behaviours.

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COMMISSIONER: Is it your experience that these allegations are being regularly made up in the Family Court, Federal Court, Federal Circuit Court?

A. It happens. It certainly has happened and it does happen. But it's not a frequent event. Again it's a matter of degree. People speak their truth. So what might - the same incident across two people, one person might find it extremely traumatic and the other less so. So when people are drafting their material and presenting evidence in the FCFCOA they're talking from their experience and the experiences of their children. So you can't say that they're using the system. They're relaying what happened in their family circumstance. People that don't believe they hold any responsibility for those behaviours often minimise that and say that they're using the system to stop them from seeing their children and using allegations of violence as a smokescreen, when in fact that doesn't happen very often at all.

COMMISSIONER: I suppose it's very dependent on the history of the relationship, isn't it?

A. That's correct, Your Honour.

MS O'GORMAN: As a final matter, Ms Bell, I want to ask you about your opinion that the QPS should be provided with more support both here and professional to help protect against biases, compassion fatigue and burnout or frustration.

A. Yes.

Q. You say that more funding and more normalisation of debriefing and support is necessary to combat those issues and to emotionally strengthen the workforce.

A. Yes.

Q. Does Legal Aid have a system whereby peer support or professional support is provided to its employees?

A. Yes, absolutely. It's a highly emotive area and it's very draining on our staff. So we certainly have mechanisms where there's one-on-one debriefing. There are days down. We limit the number of days that people attend court so that they're not being subjected to burnout and cynicism et cetera.

Q. What about ongoing supervision of your employees?

A. Yes.

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Q. Do you have a system in place whereby people can access ongoing supervision?

A. Both internally and externally. So our team structures mean that we have a principal clinician at a P06 level, we have a P05, a P04 and our main workers are P03. So they have ongoing support there. But we also engage external providers to provide debriefing and crisis support and ongoing interventions for our staff to be able to protect them from the vicarious trauma that's associated with the nature of this work.

Q. Is there a requirement that your staff access that externally provided supervision at least annually?

A. No.

Q. How does it happen?

A. On an as needs basis.

MS O'GORMAN: Thank you, Ms Bell. Those are the questions that I have for you.

COMMISSIONER: Ms Hillard?

<EXAMINATION BY MS HILLARD:

Q. Ms Bell, just in respect of paragraph 7 of your statement you talk about consistency of responses and you make reference to your concerns being across the state. One of the common experiences reported by the lawyers and clients to Women's Legal Service Queensland has been that there is great variability between individual police, individual stations, individual postcodes and individual regions. Have you got a view or comment on that based on your work?

A. I'd entirely agree. It is ad hoc. You have some very, very good regions. You have some very, very good officers. You have some very, very good stations and you have less so. But that's the nature of people, isn't it?

At Legal Aid Queensland we pride ourselves on being a leading law firm, but you couldn't hand on heart say that we have the best. Everywhere there is good and bad in every profession. I'm not saying "bad" in a derogatory way; I'm just saying not as switched on to what needs to occur with domestic and family violence issues.

1 Q. In relation to paragraph 11 you were asked a couple of
2 questions about the engagement at the court process, and
3 right in the middle of the paragraph there you make
4 reference to a worker and a lawyer. Can I just speak about
5 your domestic violence duty lawyer service. You have a
6 social worker and a lawyer that sees whoever comes to
7 engage with that service?

8 A. That's correct.

9

10 Q. And --

11 A. Sorry, I should just clarify that. That's in
12 Brisbane.

13

14 Q. And Legal Aid provide duty lawyer services for other
15 places outside of Brisbane?

16 A. Absolutely. We're the primary aggrieveds presence at
17 all of the specialist courts, the five specialist courts,
18 and we attend 30 courts across the state.

19

20 Q. And otherwise where Legal Aid is not able to or there
21 is a conflict because you can't appear for both parties it
22 gets outsourced to preferred suppliers?

23 A. That's correct. So I should say as well so we have a
24 primary aggrieved service, we have a primary respondent
25 service, and then we've got conflict services as well. So
26 if there is a conflict that neither the primary or the
27 secondary can deal with we make sure that every person gets
28 a service and so can brief that out.

29

30 Q. In relation to the workers and the lawyers I believe
31 that Legal Aid Queensland has been talking about a trial
32 involving a social worker and a lawyer. Did you want to
33 speak about that?

34 A. That's correct. It's very, very exciting. It's come
35 up fairly recently where there's a proposal that a lawyer
36 and a social worker will be embedded in a police station to
37 assist clients on the spot. So it's not envisaged at this
38 stage that they would go on call-outs, but in the event
39 that the police attended an incident and needed to separate
40 the victim and the aggrieved and didn't have the time on
41 the spot, as we hear often is the case, there would be a
42 lawyer and a social worker at the police station able to
43 take the time to spend with the client to be able to draw
44 out the history of the family violence and also for the
45 lawyer to be able to assist with what other advice and
46 minor assistance they might need; you know, preparing an
47 application if the police weren't going to do so, letters

1 of demand if children have been removed wrongfully,
2 organising mediation, arranging for grants of Legal Aid to
3 be able to urgently lodge applications either in the FCFCOA
4 or the Magistrates' Court for protection order, or there
5 might be some ancillary child protection proceedings
6 ongoing. So the lawyer is there to provide advice
7 holistically to the client. The social worker would be
8 there to assist them, assist the lawyer in a trauma and
9 DV-informed way to get the client's story out and to assist
10 them with safety planning and the like.

11
12 Q. And that process would involve the administration, no
13 doubt, of a risk assessment by the social worker?

14 A. Every matter involves a risk assessment.

15
16 Q. And in relation to the risk assessment it would cover
17 this type of scenario: the woman is there talking about a
18 very serious allegation, it might include rape, it might
19 include strangulation and the like. Would the lawyer's
20 role then be to advocate to police, "You need to consider
21 charges or you need to talk about charges"?

22 A. It hasn't started yet. So how it will unfold is yet
23 to be determined. But my view is that the primary focus of
24 the lawyer is on the client but also in doing that they're
25 advocating to police about what the most appropriate police
26 interventions should be if they're taking out a PPN or if
27 they're taking out an application for a protection order,
28 absolutely, but also those ancillary matters such as
29 property removal, criminal charges flowing from the events
30 that have occurred leading to the call-out or prior events.

31
32 Q. It might also perhaps include, for example, advocating
33 to police to do a follow-up as part of the safety plan?

34 A. Definitely. Flagging addresses, things like that,
35 absolutely.

36
37 Q. And perhaps advocating to police to not refer a matter
38 to the Department of Child Safety, if appropriate?

39 A. I can't speak to that, I think, because I'm not sure
40 what the police obligations are in relation to that. But
41 we could certainly understand what the police notification
42 might be and certainly work to address that.

43
44 Q. I notice at paragraph 8 of your statement or your
45 affidavit, rather, that you specifically talk about
46 First Nations communities having a lot of referrals to the
47 Department of Child Safety?

1 A. Yes.

2

3 Q. Is that something that you commonly see with
4 First Nations people?

5 A. Yes.

6

7 Q. Would you say that it is with virtually all of your
8 First Nations people or could you say it's a very, very
9 high percentage?

10 A. I'd say a high percentage. I couldn't say all. But
11 the further north you go the less services there are for
12 First Nations communities. The issue is dealing with
13 communities, consulting with communities to get a standing
14 in the community so that they feel safe in approaching our
15 staff to be able to report things.

16

17 At the moment if you go out to Woorabinda there are
18 families there that have the Department of Child Safety
19 involved in their family. So they're reluctant to do
20 anything that draws the attention of authorities to them.
21 So we're trying to develop a system, particularly in
22 Rockhampton, going out to Woorabinda, Emerald, Blackwater
23 et cetera, with a social worker and a lawyer to be able to
24 assist them to make them understand the necessity of
25 attending court but also linking them in with services so
26 they won't feel so reluctant or anxious about calling
27 police in those circumstances.

28

29 But it also means working with the police out there as
30 well quite a bit. Police I don't think really - their job
31 is to stop crime, to stop violence. They don't think about
32 the processes that occur probably following their immediate
33 intervention, and I think it's really important that they
34 understand that the process doesn't just end with a
35 protection order. There's a whole lot of other things that
36 flow from that, and the benefit of having a social support
37 as well as a lawyer is gold in those circumstances.

38

39 Q. In respect of some of your answers about the reporting
40 at police station and the effect that that has, one of
41 the experiences reported to Women's Legal Service is that
42 when women go to a police station, aside from being turned
43 away, that at times it's common to not even have their
44 details taken by police so there's no DV occurrence. Do
45 you have a view or comment about that?

46

47 A. I've heard that does happen from our workers from the
stories of their clients, and I've also seen that happen in

1 matters in which I've been appointed children's
2 representative as an independent children's lawyer in
3 Family Court proceedings where I know there has been a
4 history of domestic violence, but certain stations that the
5 clients say they have attended at have no record of them
6 ever making a complaint.
7

8 Q. You were asked some questions about the Family Court
9 process and the Family Court proceedings and the use of it.
10 There seems to be, as has been canvassed, a view held by
11 police officers or a perception that it is often used by an
12 aggrieved or by a woman to be vexatious or malicious, if
13 I could use those specific words. Is that something that
14 is your common experience?

15 A. That the police think it or that women do it?
16

17 Q. Both of those.

18 A. Again, it goes back to my answer that I gave
19 Her Honour earlier. I can't say what police think, but
20 I do know that there is a widespread view out there amongst
21 practitioners, amongst the population, that some women use
22 the system and make allegations unwarranted to boost their
23 case in the Family Court in relation to parenting or
24 property matters. In terms of my experience, it happens
25 very rarely. I can't say it doesn't happen, I've seen it
26 happen, but it happens so infrequently given the numbers of
27 matters that go through the court that it would be such a
28 small number.
29

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

33 MR McCAFFERTY: Nothing, thank you, Commissioner.
34

35 COMMISSIONER: Are we missing Mr Hunter? Where's
36 Mr Hunter?
37

38 MS WILLIAMS: He has other commitments for the afternoon,
39 Your Honour.
40

41 COMMISSIONER: All right. Do you have any questions,
42 Ms Williams?
43

44 MS WILLIAMS: I have no questions, thank you, Your Honour.
45

46 COMMISSIONER: Okay. Thank you. You probably should
47 announce your appearance, however.

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MS WILLIAMS: Williams, initial S. I appear for the Commissioner of Police.

COMMISSIONER: Thank you.

MS O'GORMAN: Commissioner, might Ms Bell be excused?

COMMISSIONER: Yes. Thank you very much, Ms Bell. Thanks for coming in.

<THE WITNESS WITHDREW

MS O'GORMAN: Our next witness is available at 10 o'clock tomorrow, Commissioner.

COMMISSIONER: All right.

MS O'GORMAN: She'll be by way of videolink, and the link will be established before we get under way tomorrow.

COMMISSIONER: Okay. Lovely. Thank you. Just adjourn until 10.

**AT 2.50PM THE COMMISSION WAS ADJOURNED UNTIL THURSDAY,
28 JULY 2022**