
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.

Thursday, 28 July 2022

1 COMMISSIONER: Yes.

2

3 MS O'GORMAN: Commissioner, the first witness this morning
4 is Professor Heather Douglas, and she is available on the
5 videolink. Just two things before we get underway.
6 Firstly, Ms Hillard is required in another court at least
7 for the part of this morning, and so Ms Bromley will be
8 appearing for the Women's Legal Service.

9

10 COMMISSIONER: Yes. Thank you.

11

12 MS O'GORMAN: And, secondly, if it's a convenient time,
13 I'll tender tender bundle L now.

14

15 COMMISSIONER: Yes.

16

17 MS O'GORMAN: It comprises the expert report of
18 Professor Heather Douglas, the expert report of
19 Dr Silke Meyer, and the statement of Dr Marlene Longbottom.

20

21 COMMISSIONER: That will be exhibit 18.

22

23 **EXHIBIT #18 TENDER BUNDLE L**

24

25 MS O'GORMAN: I call Professor Heather Douglas.

26

27 **<HEATHER DOUGLAS, affirmed:**

28

29 **<EXAMINATION BY MS O'GORMAN:**

30

31 COMMISSIONER: Ms O'Gorman.

32

33 MS O'GORMAN: Professor Douglas, can you see and hear me?

34

A. I can.

35

36 Q. All right. Thank you. We have already tendered into
37 evidence the report that you've provided to the Commission
38 dated 14 July 2022. Do you have a copy of that report
39 there in front of you?

40

A. Yes, I do.

41

42 Q. All right. Thank you. Before we get to the body of
43 the report I just want to confirm a few matters with
44 respect to your qualifications and your academic background
45 with you. You're a professor of law at the University of
46 Melbourne?

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A. Yes, that's correct.

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Q. And for some 20 years now you have been heavily involved in gender-based violence research, focusing primarily on domestic and family violence?

A. That's correct.

Q. Relevantly for this particular Commission, between 2015 and 2018 you undertook 65 interviews with women, on a number of occasions up to three per woman, to explore their experiences of domestic and family violence, and the role of the legal system in response?

A. Yes, that's correct.

Q. And those women were based here in South East Queensland, were they not?

A. At some point in their journey. So not the whole period necessarily, but at some point they were accessing services in Brisbane.

Q. All right. Thank you. And following on from that study you published a book, "Women intimate partner violence and the law", containing themes that emerged as a result of your interviews and the study of those women's experiences?

A. Yes, that's correct. I also published an article in the International Journal of Crime, Justice and Social Democracy which unpacked some of the comments in a different way but perhaps in some ways in more detail. My concern in the book was to tell the longitudinal stories of women's experiences with law, so a slightly different approach in the book, but those two pieces focus most on the police question.

Q. All right. I was going to ask you to confirm that in fact one of the chapters in your book is dedicated to those women's experiences of their interactions with police about their domestic and family violence abuse?

A. Yes, look, that's correct. The reason why the book is separated into chapters about essentially the people that women dealt with is that's how they talk about their experience. They talk about the relationships with the individuals that worked with them along the way - so the child protection officers, the judges, the lawyers, the police - and they were the important people that they connected with in that journey away from domestic and family violence.

1 Q. All right. Now, of the women that you spoke to, 59 of
2 the 65 had had some contact with police during the course
3 of the three-year study?

4 A. That's correct.

5

6 Q. And we have asked you, that is the Commission has
7 asked you, to revert to that study and draw out for us some
8 of the key themes from those women's experiences with
9 police; is that right?

10 A. Yes, that's correct.

11

12 Q. All right. Now, the first one that you identify is
13 set out on page 2 of your report, and it is a lack of
14 understanding of the dynamics of domestic and family
15 violence on behalf of the police?

16 A. Yes, that's correct.

17

18 Q. You say that a common issue raised by the women that
19 you interviewed was that police sometimes misunderstood the
20 context of intimate partner violence and minimised women's
21 experiences of abuse, especially when that abuse was not
22 physical abuse?

23 A. Yes, that's correct. I give the example of texting in
24 the report. But there were other examples in the article
25 I produced, which I understand has been submitted to
26 the Commission as well --

27

28 Q. It has, thank you.

29 A. -- or presented to the Commission as well. Yes, and
30 that also included things like emotional abuse, stalking or
31 monitoring types of behaviour, financial abuse. So those
32 non-physical types of abuse a lot of the women reported
33 they felt were minimised by police in their interactions
34 with police.

35

36 Q. How was it that they reported to you that they felt
37 that was minimised? Was it the language that was used by
38 police or the lack of action that was taken or something
39 else?

40 A. Both. In both - in different situations both were
41 nominated by women as a problem. In some cases police were
42 looking for evidence of physical violence and abuse in
43 order to underpin protection order applications. In other
44 cases they would suggest that it's not enough, it's hard to
45 prove in terms of allegations of non-physical abuse. So
46 both kinds of responses were reported by women.

47

1 Q. When that does happen, when police officers minimise
2 non-physical forms of abuse, either in their language and
3 their interactions with the women or in a failure to take
4 action based on that, does that cause a concern for you?

5 A. Well, I think there are concerns on a number of
6 levels. One is that it would suggest to me that the police
7 officers involved with the women don't understand the risks
8 that are associated with non-physical violence. We know
9 now that coercive control, for example, which is often a
10 range of non-physical forms of abuse that the woman is
11 experiencing, is a risk factor and underpins perhaps most
12 homicides. So it's a real concern that that's not being
13 recognised.

14
15 It's also a concern that if women don't feel like
16 they're being listened to and respected by police they may
17 not contact the police again, and we know that actually for
18 many women the police do help them get to safety. So it's
19 a concern if they no longer contact the police because
20 they're concerned they're not taken seriously or their
21 experience isn't respected or heard.

22
23 Q. There's no doubt, is there, that in the scheme of a
24 woman making that decision to seek help, although informal
25 sources of support might be important, that the police play
26 a very critical role in a woman's safety?

27 A. Yes. I think that's true. For a lot of women police
28 do play an important role. For many women, of course, they
29 don't call the police for many, many years. So often it's
30 a bit of a last resort for women when they do call the
31 police, and the abuse has been going on for some time. And
32 certainly not all women do call the police. Some women are
33 fearful of the police. I'm thinking particularly of
34 Aboriginal and Torres Strait Islander women, for example,
35 who may be concerned about their children being taken away,
36 people from culturally and linguistically diverse
37 backgrounds who may be fearful of being deported or the
38 police in their home country are considered corrupt and
39 they might bring those cultural assumptions to Australia,
40 for example.

41
42 So there are lots of women who don't call the police
43 or who are fearful of calling the police. But, yes,
44 I would agree with you that for many women police are an
45 important contact, often a first contact, with the service
46 to take them towards safety.

47

1 Q. All right. If a woman has made that decision to reach
2 out to police for assistance, and I'm talking about women
3 who have been suffering from domestic and family violence
4 for a long period of time before they have made that
5 decision, and if that decision is known to their partner
6 does it become very important that police take action so
7 that the partner is aware that they are being watched and
8 that they will be held to account?

9 A. Yes, I think it is really important. There was some
10 suggestions in the interviews that I undertook with women
11 that some police saw this as a relationship issue, and in
12 fact one police officer said to a woman who had alleged
13 that she was physically harmed by her partner - a police
14 officer had told her that they don't like to take sides,
15 for example. So that's I guess a concern that there's this
16 refusal to intervene because there's no wish to take sides,
17 and that was one example.

18
19 But, yes, look, it is really important that women feel
20 at least that there's a neutral response when police
21 attend, and one of the concerns a lot of women reported to
22 me, that they felt that it certainly wasn't neutral; in
23 fact, that the police aligned with the alleged perpetrator
24 in the cases where women had called the police or a
25 neighbour or a child had called the police, and that's
26 obviously a real concern.

27
28 Q. Before we get to that issue, can I just ask you about
29 the text message example that you do set out in the report.
30 You say in the report that in relation to text messages
31 women reported that police officers described text messages
32 as technical or soft breaches of protection order?

33 A. Yes.

34
35 Q. Is there any place for any breaches of domestic and
36 family violence orders to be seen as merely technical or
37 soft?

38 A. Well, a breach is a breach, and the conditions are put
39 in place for no contact for good reason, and I don't think
40 that that type of description is appropriate. It may be
41 that some breaches might suggest that the person isn't a
42 higher risk, but it's certainly not a technical or a
43 trivial breach in a context of text messaging.

44
45 Q. All right. Now, in the context of this particular
46 theme that you've identified, that is that lack of
47 understanding of the dynamics of domestic and family

1 violence, you've recommended that regardless of other
2 future law reform it's important that all police are
3 trained regularly about coercive and controlling behaviour
4 and non-physical forms of abuse in the context of domestic
5 and family violence. When you say "regularly", are you
6 talking about a need for ongoing refresher training over
7 and above the first time that police officers are taught
8 about coercive control?

9 A. Absolutely. Absolutely. Some of the research says
10 every eight months, and I point to that research in the
11 report, that police need that refresher training. I think
12 it's really important, and it may not be practically
13 possible to have training that often, but certainly it is
14 important to have refresher training regularly. We see
15 changes, new reports, new data in relation to, for example,
16 the risks associated with coercive control that have just
17 come out in the last few years. So a police officer that
18 had training five years ago would be perhaps not aware of
19 that new information and that new evidence-based
20 information. So I think that's really important.

21
22 What I also think is really important is that I see
23 the Police Service as a rather hierarchical organisation
24 and often police are working in pairs and often there is a
25 more senior police officer working with perhaps a junior
26 constable who's fresh out of training, and unless those two
27 are on the same page about what domestic and family
28 violence is, even if the cadet has up-to-date training, or
29 the recent graduate has up-to-date training, because of the
30 hierarchical structure of the organisation, any more senior
31 police officer's views of the circumstances might take
32 precedence in those circumstances. So really everybody has
33 to be on the same page about this. So, yes, regular
34 updated training for all police officers.

35
36 Q. You say that the women in the study that you undertook
37 also reported an expectation from the police officers that
38 they engage with that they, that is the women, should leave
39 the abusive relationship and felt that if they didn't leave
40 they were judged by police?

41 A. Yes.

42
43 Q. When that was reported to you, that perception that
44 they were judged by police, was it coming through as being
45 reported as being a problem in the language and demeanour
46 of police officers, or, again, was it related to whether
47 action or inaction was taken?

1 A. Again both, and I think more importantly, though, it
2 had implications for women contacting the police. Again,
3 if they don't feel that they're taken seriously, if they
4 don't feel like the interaction was helpful, they are more
5 reluctant to call. I think what's really important - and
6 I appreciate also incredibly frustrating - is that women
7 will potentially call the police a number of occasions over
8 even years before they actually leave the abusive
9 relationship, and that was certainly the situation for some
10 of the women in the study.

11

12 I'm thinking of one woman who told me that a police
13 officer would come out and be sort of saying, "You're still
14 here. What are you doing still here," and that would
15 further degrade her confidence. It's not dissimilar to the
16 kind of abuse she's probably experiencing from the
17 perpetrator. So it's really almost perpetrating a
18 secondary form of abuse. But certainly the real risk
19 I think is that she won't call again.

20

21 Q. It might be frustrating for a police officer to be
22 called out a number of times over the course of a
23 relationship, but nonetheless we know, don't we, as a
24 matter of developing research that each of those
25 attendances are key points in a woman's journey to
26 ultimately escaping that relationship, and therefore they
27 are all important points of contact with police?

28 A. Yes, absolutely, and each contact is an opportunity to
29 provide information to that woman about the context of her
30 situation. She may not realise the level of risk she's in.
31 It may be important to explain that to her. It may be an
32 opportunity to provide referrals to services in a safe way.
33 You know, it is an opportunity each time to try to support
34 her to get away from the violence that she's living with.

35

36 Q. In your report to the Commission you make reference to
37 a study from the US, admittedly, not from Australia, that
38 demonstrated that more than 70 per cent of the police
39 officers the subject of that study held the view that it
40 would be easy for a woman to leave her domestic and family
41 violence relationship. Does that tend to underscore the
42 need for ensuring that training here in Queensland informs
43 police officers about the difficulties that women face in
44 making that decision to leave?

45 A. Yes, look, I think that's really important, and part
46 of my report addresses the kinds of supports that women
47 need, and obviously we need to be thinking about

1 appropriate resourcing for those supports as well so that
2 there can be appropriate referrals made by police and they
3 can be confident that there will be what the woman needs
4 provided by those support agencies.

5
6 But, yes, look, I do think it's really important that
7 various myths and misunderstandings are addressed in any
8 police training. One of those is what domestic violence
9 looks like and those assumptions around physical abuse.
10 One of them is around the expectation that women will be in
11 a position to leave violence. There's all sorts of factors
12 that contribute to the reasons for why women might not be
13 able to leave violence at that time. One might be that she
14 thinks that it's dangerous to leave right now, and we know
15 that leaving puts women in serious danger for the weeks and
16 months after they leave. That is a risk factor for higher
17 levels of danger towards the woman. So she often is aware
18 that that's a dangerous thing to do.

19
20 But there are also other issues, such as financial
21 issues, issues around care of the kids and whether she will
22 be able to take them with her, and all of those kinds of
23 things, safety of the children. So there's many, many
24 issues that women have to deal with if they're going to
25 leave, not just their own immediate safety, and even that
26 might be put in jeopardy if they leave, and they know that.
27 So there's lots of things they have got to think about.

28
29 Q. Can I ask you now about the second key theme which you
30 say emerged from that study. You referred to it already.
31 It was the issue of women's perceptions that police were
32 aligning with their abuser.

33 A. Yes.

34
35 Q. Can I ask did that concern on the part of the women
36 that you studied manifest in misidentification of the woman
37 as the respondent or --

38 A. Absolutely. Absolutely.

39
40 Q. All right. If you could explain that part of it then?

41 A. Absolutely, and I think that was particularly
42 problematic. A lot of the women in my study - there were
43 24 women from linguistically - people who didn't speak
44 English as the first language who had come to Australia in
45 the last five years or so, and I think it was particularly
46 problematic in those contexts where they lived with an
47 Australian born or a person who could speak English well,

1 and I think that there was a tendency for the police to
2 rely on that clear narrative from an English-speaking
3 person, and I think that that was a concern.
4

5 I can recall a couple of situations where that
6 occurred amongst the women that I spoke to. One, for
7 example, the woman was quite distressed when the police
8 were called, and her partner, who was an English-speaking
9 man, an Australian-born man, she was from another country,
10 he grabbed something, a stick in the room, a kind of
11 walking stick, and pretended that he couldn't walk very
12 well, he was very rationale, spoke very clearly, meanwhile
13 she was very distressed and screaming, and at that point
14 she was actually arrested and kept in the police cells
15 overnight. Eventually the charges - the assault charge
16 that was initially laid against her was withdrawn, but
17 nevertheless obviously a distressing and inappropriate
18 response in those particular circumstances.
19

20 So, yes, I think the issues around identifying the
21 perpetrator is - that can be difficult too, I appreciate,
22 but I do think that we need to deal with stereotypes about
23 what we expect victims to look like and avoid privileging
24 the person that speaks apparently most rationally and
25 clearly in the circumstances. There are lots of reasons
26 why people who are fearful will be incoherent and seem
27 potentially highly distressed and irrational. So I think
28 it's really important to be careful of how the primary
29 victim is identified, and sometimes that can be a difficult
30 issue to identify.
31

32 There were also other issues where there was a woman
33 who had grabbed a knife because she had been strangled by
34 her partner. In that particular case when the police
35 arrived she did have a knife in her hand, and she was
36 also - in fact, mutual protection orders were made against
37 both of the parties, and she was very distressed about that
38 because she was actually defending herself in the context
39 of being strangled. So obviously that's a concern as well.
40 I think that's a particular issue with strangulation
41 because it's very common, we know, in relationships -
42 around a third of the women I interviewed had been
43 strangled in the relationship, and when women are strangled
44 they are so terrified that they often kick back and are
45 quite violent in terms of trying to save their lives, and
46 so when police turn up the only injuries that might be
47 visible are on the real primary aggressor. So that's a

1 particular concern in that context as well, and that came
2 up in the study also.

3
4 Q. Strangulation, in addition to obviously being very
5 dangerous medically, is dangerous, is it not, because it's
6 almost the ultimate form of exercising control over
7 someone, literally taking their life in one's hands?

8 A. Exactly, yes. Seven times more likely to be killed or
9 experience very serious harm according to US studies by
10 people like Carolyn Block and Strak in the US.

11
12 Q. Can we go back just very briefly to that cohort of
13 women that you mentioned who came from culturally and
14 linguistically diverse backgrounds; I think some third of
15 the women that you spoke to fit into that category. Did
16 any of them report to you that they had difficulties
17 communicating in English with police officers and had the
18 experience of not having an interpreter present?

19 A. Yes, they did, and in some ways worse than that. They
20 had their children co-opted to interpret, which is pretty
21 problematic in some of those circumstances as well. So
22 there was some women who said that police felt that they
23 spoke well enough to be understood and there weren't
24 interpreter - it was very rare, actually, for police to
25 engage interpreters with the women that I spoke to. Mostly
26 the experience was that children were actually co-opted to
27 do that at the scene. Obviously that's an intense moment.
28 But I think it is important to ensure that there's an
29 interpreter if possible, especially doing the risk
30 assessment to make sure that the information is appropriate
31 and properly gathered.

32
33 Q. In the context of talking about women's concerns that
34 the police had aligned with their abusers and that in some
35 cases manifested itself in misidentification of the woman
36 as a respondent, you set out in your report other ways that
37 that might manifest itself short of misidentification but
38 nonetheless leading to disempowerment of the woman if she
39 feels that the police officers are siding with the male
40 partner and potentially by their language or engagements
41 with the male partner being seen to minimise the complaint
42 being made by the woman.

43 A. Yes.

44
45 Q. Was that something which was frequently complained of
46 by the cohort that you studied?

47 A. Yes, look, I think what was really interesting was

1 that there was a diverse range of responses to that. The
2 example I give in the report is being told by the police
3 officer that her partner had reported to the police that he
4 felt nagged in the relationship and the police put that to
5 her, even though she had made a complaint about being
6 assaulted, so this was some sort of justification for the
7 assault in some way, which of course it's not. But she
8 felt that was completely inappropriate.

9
10 Others, though, focus more on the fact that the level
11 of distress when they called the police or when the police
12 attended, they were often heightened, heightened
13 emotionally, not very coherent, not telling a clear
14 narrative, whereas their partner was able to be clear,
15 concise, appear very rational. So that reporting some
16 women felt was prioritised.

17
18 But, you know, women reported the opposite of that as
19 well, that they might be seen to underreact, is what I've
20 referred to it in the report. So one woman was
21 really - and we saw this in the death I think of
22 Doreen Langham, the coronial inquest in relation to that
23 case. Some women are concerned not to be letting their
24 partners know that they're fearful, they're trying to break
25 away, they're trying to be strong, so they're trying to
26 remain calm. But if they remain too calm they also felt
27 that they weren't being perceived as a victim.

28
29 So one woman talked about her partner being outside of
30 the house, calling the police and calmly telling them that
31 she thought it was the police outside of the house, but
32 feeling like - the police said they would send around
33 someone the next day to take photographs but didn't think
34 that she was in particular danger, and she thought that was
35 because she wasn't responding with heightened emotional
36 responses and sounding fearful and so on. So, you know,
37 there was a range of concerns expressed by women about this
38 assumption about what victims look like made by police --

39
40 Q. The recommendation that you make --

41 A. Or sound like.

42
43 Q. The recommendation that you make in respect of this
44 particular issue is for police to undertake implicit bias
45 training to help ameliorate issues around stereotypical
46 expectations of victims and how they may present. Does
47 that training need to go deeper than merely identifying

1 that not all aggrieveds and not all respondents present in
2 the same way?

3 A. Yes, look, I think so. When - this suggestion comes
4 from my work on the National Domestic and Family Violence
5 Bench Book, where our judicial and magistrates reference
6 groups recommended implicit bias training for judges and
7 magistrates dealing with domestic and family violence cases
8 on the basis that they shouldn't make racial assumptions,
9 cultural assumptions, which obviously also feed into
10 assumptions made about domestic and family violence in many
11 contexts. But, yes, I think those broader issues probably
12 could be incorporated in that kind of training. I mean,
13 I was thinking there more specifically about what victims
14 and perpetrators look like in the domestic and family
15 violence context as a way to address that issue of
16 misidentification and perpetrator alignment. But, yes,
17 I think it could go broader than that. Obviously there are
18 other issues that could be addressed.

19
20 Q. Is it necessary that the training reinforce the
21 gendered nature of domestic and family violence?

22 A. I would be surprised if any domestic and family
23 violence training wouldn't identify the clear statistics on
24 these issues and what we know about who is most affected by
25 domestic and family violence, and I would think that would
26 be an important part of any training.

27
28 Q. Is there a need for the training to be nuanced when it
29 comes to dealing with people who identify as LGBTIQI+?

30 A. Yes, sure. I mean, I think that - I noticed,
31 actually, in the issues around the risk and safety
32 framework that there's quite a good section in relation to
33 the fact sheets which talks about priority population
34 groups, so it focuses on this notion of intersectionality,
35 and I think that this is how we need to see this issue, as
36 an intersectional issue, that people - you know, gender is
37 an issue here. Culturally and linguistically diverse -
38 diversity is an issue. Whether a person is from an
39 Aboriginal and Torres Strait Islander background may be an
40 issue. Age might be an issue. So it's an intersectional
41 lens. We see that victim as the whole person, and all of
42 these things might be at play in that context. They're not
43 pieces. They're not pieces that can be divided. So all of
44 those things need to be taken into account, and that
45 intersectional lens has been recommended across the board.
46 I was surprised to not see gender in that intersectional
47 lens. Although it's priority population groups that are

1 focused on, I would have thought that in the context of
2 domestic and family violence women might be a priority
3 population as well in terms of being such common victims of
4 domestic and family violence, and I see gender as part of
5 that intersectional lens.

6
7 Q. Okay. Thank you.

8
9 COMMISSIONER: Professor Douglas, on that topic can I just
10 ask you or get you to comment on something that we've
11 learnt during these hearings, which is that the police have
12 a draft manual on domestic and family violence that they're
13 working on. Apparently the first draft had in it that
14 gender was a risk factor, that it was gendered violence
15 effectively, and that's been taken out of the next draft.
16 Can you comment on the wisdom of taking out that particular
17 topic as a risk factor?

18 A. Yes. Look, I'd refer to our work on the National
19 Domestic and Family Violence Bench Book, which - we talk
20 about - and it's possibly outdated to some extent. We talk
21 about vulnerable groups, but within that we talk about the
22 groups that are mentioned as priority groups, but we also
23 include women in those groups. I would have thought, given
24 the statistics on domestic and family violence, being a
25 woman is probably the greatest risk of experiencing
26 domestic and family violence. Obviously there are many
27 others but, if we look at who is most likely to experience
28 it, it is women.

29
30 MS O'GORMAN: Can I turn now to the third of those key
31 themes that emerged from your study. You've articulated it
32 as the need to think about the children?

33 A. Yes.

34
35 Q. One of the matters that you raised is, in
36 circumstances where there's domestic and family violence
37 and there's evidence that children have been exposed to it,
38 applications for protection orders should identify children
39 as protected under the application?

40 A. Yes. I think that's --

41
42 Q. That seems to be an important step to be taken in
43 respect of protecting the family?

44 A. Yes, look, I think too often we leap to the conclusion
45 that Child Protection are needed in these contexts, and
46 actually what's needed is support for the woman to set up
47 support so that she can help protect her children. She's

1 perfectly capable in many cases of looking after the kids.
2 She just needs to ensure that he stays away for a little
3 while, perhaps while they get clear family law orders or
4 she needs a situation where there's clear contact
5 arrangements that are safe for everybody. That is actually
6 something that magistrates can put in place. They have
7 historically been reluctant. Both police and the
8 magistrates courts have said, you know, "This is more a
9 matter for the family courts."

10
11 But the protection order legislation does have wide
12 discretion to allow for children to be protected and also
13 wide discretion in terms of the types of conditions that
14 can be applied. So I think it is important if police think
15 it would be useful for there to be conditions that make
16 very clear limitations on the kind of circumstances for
17 contact with those children until there's family law orders
18 to ensure they're safe. I think that's really important.
19 Then obviously if circumstances change - maybe there is a
20 family law order in place but that seems to be working in
21 an unsafe way for that family - police can actually
22 intervene and support the woman to apply for changes of
23 conditions to her protection order. So I do think more use
24 could be made of those powers in this context.

25
26 Q. The recommendation that you make in respect of this
27 particular issue is that it might be useful for guidance to
28 be provided to police and prosecutors regarding
29 magistrates' powers. You've mentioned a couple of times
30 now the bench book. Would it not also be a good idea to
31 provide relevant parts from that bench book as part of
32 training for police and prosecutors?

33 A. Certainly that could be one possibility. I know the
34 national judicial council has developed lots of training
35 programs using the bench book as its sort of central
36 manual. So there might be a lot to learn from the national
37 judicial council about how to operationalise training for
38 police. That might be one possibility.

39
40 Q. Thank you. One of the matters that the Commission
41 asked you to identify were the good policing practices that
42 you have observed either in your study of that group of 65
43 women or more broadly in your research over the years, and
44 you've set some of that out on page 6 of your report?

45 A. Yes.

46
47 Q. Is it fair to say that, in terms of what women have

1 told you about what they have appreciated in their
2 interactions with police, it boils down to police taking
3 the time to listen to their story and determine what the
4 appropriate next action is?

5 A. Yes, doing their job properly, you mean?

6

7 Q. Well --

8 A. Is that kind of what you're saying? I mean,
9 listening --

10

11 Q. I do. I do.

12 A. Yes, getting all the relevant information, collecting
13 evidence, thinking about what their powers are, what this
14 person needs to be safe. I mean, if we think of the
15 Police Service as a first responder, presumably their job
16 is to take the information, to work out what's needed in
17 the circumstances. I mean, their powers are limited to
18 I guess protection orders and criminal charges and perhaps
19 various, you know, police notices and so on. But they can
20 also obviously refer to relevant services, and I guess
21 that's coming up in terms of talking about real connections
22 between services so that we have a safety net in these
23 contexts.

24

25 But, yes, look, I think when police do their job well
26 a lot of women had really great reports about police doing
27 their job well, and what it looked like to me was simply
28 police doing their job well. It wasn't anything
29 exceptional. Perhaps the followup was going above and
30 beyond, so that would be one thing that stood out. But
31 generally being respectful, listening to women,
32 investigating properly, given them their options,
33 explaining what they can do, what they can't do, in some
34 situations telling them what was available to them in terms
35 of supports, and I guess where they went above and beyond
36 were in a few circumstances - and we saw this in
37 Hannah Clarke's case, and I'm not necessarily saying that
38 this is the way to go, but in a couple of circumstances -
39 one that stands out to me was a police officer gave the
40 woman his mobile phone number and said she could call him
41 any time. That was, you know, exceptional. But more
42 common was several women talked about how police would just
43 do a drive by and check in with them in the weeks and
44 months after the issues had started to settle down, in
45 effect the issues had really been finalised. So, yes,
46 I think doing their job properly and having the time to do
47 their job properly is really important.

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Q. All right. You talk in this context about there being evidence that appropriate training can make a difference in improving police empathy with their victims and their understanding of victims and their need for intervention to ensure safety?

A. Yes.

Q. Is it your view that at least to an extent empathy can be trained then?

A. I think so. I think if people are really aware of people's stories, and, I mean, I know the Victorian police have a couple of weeks of training around priority groups, and they actually invite people to come in and speak in small groups with the police cadets and tell their story. So it's not - it's just telling their story of their life so they understand their experiences and where they're coming from. So those real human stories might be quite influential in terms of training. So I think it would be really helpful to ensure that in the police training context police have lots of contact with the priority groups that they're planning to work with.

Q. All right. Talking of empathy, over on page 10 of your report you recommend that, given the complexity of the police role and the complexity of the social problems they're routinely tasked to intervene in, police recruitment strategy should be based on evidence about best practice regarding recruitment. In your view, is there any role for any empathy-based assessments to be done at that point in time?

A. You know, I probably am going beyond my knowledge here. I mean --

Q. I won't press you on it. That's fine. Can we move then to disciplinary or multi-disciplinary DV stations and teams.

COMMISSIONER: Sorry, just before you go off that topic, Professor Douglas, on page 9 of your report you refer to some research by Angehrn. Is that - Angehrn et al --

A. Yes.

COMMISSIONER: 2021?

A. Yes.

COMMISSIONER: I just can't find that in your

1 bibliography. Can you tell me what that is?

2 A. I might have to take that on notice. But just let me
3 see if I can find it quickly. Is it possible to contact
4 the people I've been dealing with to provide that to you
5 after today?

6

7 COMMISSIONER: Sorry, you dropped out?

8 A. Is it possible to provide a reference to the team
9 after today?

10

11 COMMISSIONER: Yes, absolutely. Yes, that would be good.
12 Thank you. I just would be interested in reading that
13 research.

14 A. Yes.

15

16 COMMISSIONER: Is that local research or - do you know?

17 A. I don't think it is. No, I think it's American.

18

19 MS O'GORMAN: Professor, women's police stations. You say
20 in your report that there - although there's been
21 significant discussion about whether or not women's police
22 stations as a model works, there's ultimately relatively
23 limited evidence about this question and it appears an
24 absolute dearth of research about whether or not a women's
25 police station will assist in an Aboriginal and Torres
26 Strait Islander context. Ultimately do you have a view on
27 whether there is a place for the trialling of women's
28 police stations in Queensland?

29 A. I don't have a strong view about that. My view after
30 reading everything is that it's ambulant. The research
31 that has been done even in India and South America is
32 actually ultimately ambivalent about the effects.
33 Obviously those two contexts are very different to the
34 contexts we're living in in Queensland or in Australia. So
35 I feel very ambivalent about that. I guess new experiments
36 are worth trying. I think that if it was an experiment
37 within a city context where women had other options I think
38 that would be worthwhile doing. My concern would be
39 trialling it in a regional or more rural area where that
40 was the only option for women should they want to connect
41 with the police. So I think if it was trialled I would
42 want to see it tried in a place where there were other
43 alternatives, women didn't have to go to the women's police
44 station.

45

46 Q. I take it from your report that you have more favour
47 for multi-disciplinary teams models?

1 A. I think most people agree that police - and even
2 police agree over and over again that they need to be
3 working with other services to respond appropriately to
4 domestic and family violence. I don't think there's any
5 doubt about that. Again, though, the models - in terms of
6 the research on what models work, and particularly what
7 models work for Aboriginal and Torres Strait Islander
8 people, there's a lot of research on processes and what
9 processes work best for the workers in those agencies, and
10 a lot less research on how effective they are in, you know,
11 saving lives or supporting women. Having said that, the
12 research that is available is reasonably positive about
13 that. But it is fairly limited.

14
15 There's work also that I didn't refer to in my report,
16 but work from Kyllie Cripps, who is an Aboriginal and
17 Torres Strait Islander woman, who has done work for the
18 Indigenous Justice Clearinghouse, and I can refer this to
19 the Commission as well. But she talks about her concerns
20 about, well, what works with Aboriginal people is very
21 unclear in terms of these multi-disciplinary teams. So
22 that would be another untested area.

23
24 Q. Thank you. I think she might in fact be giving
25 evidence to the Commission later this week. In terms of
26 multi-disciplinary teams, is co-location necessary?

27 A. I don't think it is. I don't get the sense from any
28 of the reports that I've read that co-location is the key.
29 I've prepared in my report what I think the literature says
30 about what's needed in terms of multi-disciplinary teams.
31 You know, on page 15, they have to be truly collaborative,
32 context specific, developed from local consultation, so
33 ground up with the services working together to set up the
34 model. But they need to have a coordinating position
35 that's supported, so a person who is coordinating the teams
36 that are working together. There needs to be time in
37 advance spent on setting up the relationships between the
38 services that are working in the team; and that all of the
39 agencies involved in the team need to be properly funded.
40 So these are real challenges, I think, all of them, in
41 terms of setting up really good, effective
42 multi-disciplinary teams.

43
44 I should say that there's reported anecdotal reports
45 of co-located police stations with DV services in Victoria.
46 There's no evaluations of those at this point. But, again,
47 the reports are generally positive at the moment. So it

1 may be worth talking to people in Victoria who are working
2 in those services in the Victoria Police to find out more
3 about how that's going and what kind of statistics they
4 have on success and so on. I don't believe there's been
5 any evaluations of those services yet.

6

7 Q. Can we move to the DV-PAF.

8 A. Yes.

9

10 Q. You're familiar with that document?

11 A. Yes, I am. This is at the back of the police - the
12 manual, the OPM. I've also read the most recent material
13 from the Queensland government, the common risk and
14 safety - risk and safety framework fact sheets and so on.

15

16 Q. Yes. Before I ask you some questions about the new
17 material, the DV-PAF is also contained on a foldout
18 tri-card that police officers attending domestic and family
19 violence incidents can have on their person and use to
20 either ask questions or to use as a point of assessment of
21 things that they're being told at the scene, and later,
22 once back at the station or at a computer, we understand
23 that the answers given to those questions then get put into
24 the system. You say in your report that you think that
25 risk assessments should be done as close as possible in
26 time to when the information is gathered, that it should be
27 completed at the incident, not later back at the station?

28 A. Well, that's right. That is what the research seems
29 to suggest. I can imagine scenarios where police are out
30 on the road for four or five hours seeing four or five
31 different incidents and then going back to the station to
32 write everything up. There's real chance that things will
33 be forgotten, mixed up, confused, misremembered and so on.
34 So I think those are real concerns about not doing it at
35 the scene. There's also - if it's done at the scene or the
36 point where the police are having contact with the person
37 that they're assessing the risk for, there's an opportunity
38 to clarify and ask questions and, you know, dig deeper if
39 necessary. So I think that back at the scene, filling in
40 and finding out you've missed something is really
41 problematic.

42

43 Q. Do you have --

44 A. It's unlikely a person will go back.

45

46 Q. Thank you. Do you --

47 A. Sorry, it's unlikely the police are going to go back

1 and check. Sorry about that.

2

3 Q. Do you have a view about whether or not that card
4 should be used and the questions on the card should
5 actually directly be asked of the person at the scene, or
6 whether the card should just be used as an internal
7 checklist by the police officer?

8 A. I think the card should be used as an internal
9 checklist by the police officer and that questions should
10 be developed so that there can be a conversation with the
11 victim which basically address all those concerns and get
12 to the story that the woman has to tell and make sure that
13 she tells her full story. But ideally they don't ask those
14 direct questions. Obviously they don't want to lead women
15 to pressure them to say particular things. So I think
16 there has to be care taken in terms of asking those
17 questions.

18

19 Q. You've made reference now to having seen the recently
20 developed and distributed risk assessments, common risk
21 assessment tools?

22 A. Yes.

23

24 Q. Do you have a view about whether either those tools or
25 a modified form of them should be used by police officers
26 as well?

27 A. Well, I would say that - what I would say is that, if
28 there's this move towards interagency collaboration, there
29 should be consistency between the use of risk tools. So
30 I guess my answer then is yes. It may be that these need
31 to be designed differently to fit in with police
32 requirements, but I think that there should be consistency
33 between the risk tools used by various interveners or
34 support groups, et cetera.

35

36 Q. Professor Douglas, those are the questions that I have
37 for you. There may be some other people at the Bar table
38 who also have questions.

39 A. Thanks.

40

41 COMMISSIONER: Ms Bromley?

42

43 MS BROMLEY: Commissioner, for the record, my name is
44 Bromley, initials NH, solicitor instructed by the Women's
45 Legal Service Queensland.

46

47 COMMISSIONER: Thank you.

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<EXAMINATION BY MS BROMLEY:

Q. Professor Douglas, I just have a number of questions for you. I would like to take you back to the point of intersectionality. The Commission has heard some evidence, and particularly from the LGBTI community, about negative interactions with police where police, for example, made some assumptions based on gender or perceptions of who the most masculine person was at a site and so they were identified as the perpetrator. That could potentially raise a concern about a gendered analysis and how that might fit with inclusive policing and diverse communities. What do you say about the use of gendered analysis and how it applies to intersectionality?

A. I mean, I think it's part of it. I think that it's a whole picture of a person, as I said before. I don't think you can take the person apart and say one aspect is that they're in a same-sex relationship and another aspect is that they're a woman and another aspect is that - you know, I think it's all part of an analysis. So it's a complex analysis. A little bit like coercive control, you can't take one piece out and say there's emotional abuse; it's in a context which makes it much worse. So I think thinking about it intersectionally means thinking about these things together, that the person is complex and these things intersect.

Q. So it's not your view that the existence of diverse communities would remove a justification for a gendered-based approach to domestic and family violence?

A. I don't think so.

Q. One last question, and perhaps you may not be able to answer this, but in your report you make a number of recommendations about training, especially for cadets, about increasing diversity in the service, about changes to recruitment, multi-disciplinary services. Had you to prioritise your recommendations, is there one that you think is the most critical?

A. Look, I mean, recruitment is a harder, long-term issue. Training is something we could integrate next year, next month, so I really think that's something we can do straight away, get that right. So I suppose I would prioritise that, just because it's quick and easy to do relative to changing the whole recruitment strategy and process, and cultural and gendered look of the police. So,

1 yes, I would probably prioritise the training aspect.

2
3 MS BROMLEY: Thank you, Professor. Those were my
4 questions, Commissioner.

5
6 MR McCAFFERTY: No questions, thank you, Commissioner.

7
8 MR HUNTER: I have some questions.

9
10 **<EXAMINATION BY MR HUNTER:**

11
12 Q. Professor, can I ask you whether you have seen any
13 documentation concerning a training package that's been
14 developed by the Queensland Police Service entitled
15 "Domestic and family violence - the holistic approach"?

16 A. No, I haven't.

17
18 Q. Were you aware that such a program had been very
19 recently developed and promulgated?

20 A. Only through being cross-examined in one of
21 the coronial inquests recently that I understood that there
22 had been something developed, but I haven't seen it.

23
24 Q. All right. Okay. In terms of the PAF, is it your
25 understanding that the PAF is something that a police
26 officer would ask a series of questions, make some notes in
27 a notebook and then later on back at the police station sit
28 down and make an assessment about what the responses to the
29 PAF questions meant in terms of how they should handle a
30 particular matter?

31 A. Yes. That is my concern that many police do do that.

32
33 Q. Right. So would it be right to say that a preferable
34 approach would be for a police officer to use the PAF at
35 the time they're interacting with the aggrieved to form in
36 a dynamic sense an assessment of the level of risk to which
37 the aggrieved was exposed?

38 A. Yes, that's correct, and I don't see why with
39 technology that wouldn't be possible.

40
41 Q. Sure. So the proper approach would be for a police
42 officer to use the PAF whilst at the scene, if you like -
43 I'm talking about a first responder - to make a decision at
44 the scene about what action they'll take in response to the
45 information they have been given?

46 A. Yes. Well, they do make decisions at the scene about
47 what action they will take. So that should be made on the

1 basis of a proper risk assessment.

2

3 Q. That's what I'm saying to you. So it should be
4 done - the PAF should be used at the scene as a means of
5 assessing the level of risk, which would therefore inform
6 the response to the information that they have been given?

7 A. Yes, both the level of risk and also what might be
8 needed to keep that woman safe or that person safe.

9

10 Q. Okay. And that's what I meant when I said what they
11 should do?

12 A. Yes, sure.

13

14 Q. Okay. In terms of recruiting, you referred to the
15 report of Mr Fitzgerald from 1989 concerning police
16 culture?

17 A. Yes.

18

19 Q. I'm looking at page 9 of your report.

20 A. Yes. The reason I did that was in response to the
21 recent suggestion that there should be 17-year-olds
22 recruited to the police.

23

24 Q. The plan - as I understand it, the plan is that
25 17-year-olds could apply but they would need to be 18
26 before they embarked upon any training. Did you understand
27 that 17-year-olds would themselves become police officers?

28 A. No, I understood that by the time they were police
29 officers they would be 18. But they would still be very
30 young and inexperienced.

31

32 COMMISSIONER: They would still be fresh out of school
33 because you're 18 when you finish school.

34 A. Yes.

35

36 MR HUNTER: But you accept, though, that a lot has changed
37 since 1989 in terms of the Police Service?

38 A. Well - but I'm concerned it might - well, I accept
39 that a lot's changed. Yes, I accept that some things have
40 changed. But I think there's a real cultural problem
41 within the police, and I think that these have not been
42 addressed to the standard that Fitzgerald would have hoped,
43 I would suggest, and that - anyway. So, yes, I would
44 accept that, but I think there's more change that can
45 happen culturally and it's not assisted by bringing in
46 very, very young people into the Police Service, especially
47 given the complex social problems that police are routinely

1 called to deal with.

2

3 Q. Sure. But do you accept this: that there was at the
4 time of the Fitzgerald inquiry a demonstrated
5 anti-intellectual subculture within the Police Service?

6 A. Yes, and I think that we see that from time to time
7 still within the Police Service and certainly serious
8 problems. I'm thinking of the recent Punchard case, for
9 example, in this context, who was, as I understand it,
10 convicted in relation to sharing information around
11 domestic and family violence with a perpetrator. I think
12 that's on the public record.

13

14 Q. I have some familiarity with that case.

15 A. Yes, it's on the public record. And you could say
16 that that's a bad apple. But that culture is there, and
17 I think that there's more work to be done, and that's just
18 a given, I think, and I think many people in the community
19 would agree. That's not to say that there are lots of very
20 good police officers out there who do the right thing.
21 I just think that there is in the police culture still more
22 that can be done to improve things.

23

24 Q. Sure. But can I suggest to you that the comments made
25 by Mr Fitzgerald were made in the context where you had the
26 then president of the police union being openly scornful of
27 higher education? You recall that that's what he said,
28 that Mr Edington --

29 A. Yes, that's true but --

30

31 Q. -- sorry, just let me finish the question - and that
32 Mr Edington had expressed the view that he preferred police
33 officers to be seasoned in the school of - in the
34 university of hard knocks?

35 A. Well, that's the direction that taking 17-year-olds
36 into the police force looks like it's taking, doesn't it,
37 that their main schooling will be in the school of hard
38 knocks, as you call it, as you refer to it there. So that
39 was my response to this concern, that if we're going to go
40 in a new direction with the police and improve the
41 responses to domestic and family violence, the right way
42 isn't to go backwards in terms of recruitment to uneducated
43 police officers. I would suggest that there's scope for
44 perhaps recruiting more broadly from social work degrees,
45 for example, or, you know, into - other university
46 graduates.

47

1 Q. Are you aware that many recruits do have a tertiary
2 education?

3 A. Yes, I am. But 17-year-olds wouldn't.
4

5 Q. No, of course. Some of those 17-year-olds could go on
6 to complete tertiary education during the course of their
7 career as a police officer?

8 A. Sorry, are you supportive of this idea? I'm simply
9 not supportive of it.
10

11 Q. I'm asking you questions, that's all. I'm not
12 expressing a personal view --
13

14 COMMISSIONER: You might be forgiven for thinking he is,
15 but Mr Hunter is acting for the police, so I think he's
16 just testing the proposition.

17 A. I appreciate that. Look, there is a possibility that
18 police officers, once they join the Police Service, might
19 do tertiary education.
20

21 MR HUNTER: I suppose the next issue is difficulties in
22 recruiting people to the Police Service, particularly in
23 the current economic climate; do you accept that's likely
24 to be a problem?

25 A. Possibly so.
26

27 Q. We've heard evidence, for example, about police
28 officers who get posted to somewhere like Weipa and a
29 first-year constable I think earns about \$70,000 a year
30 perhaps plus a remote area allowance, but that police
31 officer would see other people his or her age driving a
32 haul truck at the mine for substantially higher
33 remuneration, which perhaps demonstrates just how
34 competitive the market right now is. Do you accept that
35 it's a valid issue, that there are real problems in
36 attracting people to the Police Service at present?

37 A. Yes, and I'm not sure - it's a bit of a chicken and
38 egg question about why that might be. It might be, as you
39 say, simply a question in certain contexts about
40 the salaries that can be earned doing other jobs, but it
41 might also be a public perception about what police are
42 about. So it might be that having - and I notice there has
43 been a change to even the recruitment website of the
44 Police Service in the last few years towards a kind of more
45 formal array of police officers in uniform. But what if we
46 change the recruiting strategy to provide information to
47 the public that what police were about was about helping

1 people who were experiencing domestic and family violence,
2 would that actually make it more attractive to some people
3 who are currently not interested in policing work because
4 they think it's all about guns and power and so on and
5 arresting people. So, you know, I think that's a good
6 question as to what the recruitment problem is. I'm not
7 sure.

8
9 COMMISSIONER: Just on that question of recruitment, if it
10 is the case that the police are having trouble in what's
11 probably the lowest unemployment Australia has seen for
12 very many years and they have made a decision to broaden
13 the recruitment to younger people, would it then be
14 necessary for the police to consider more carefully where
15 they're placing those first-year recruits and who's doing
16 the training of those new people who are just out of the
17 academy into stations?

18 A. You would think that they would need better support
19 and mentoring. That's correct. I mean, it may be -
20 getting back to the questions before - that it may be
21 appropriate to actually build in supported tertiary
22 education to those police officers as well so that they can
23 do their police work as well as do a part-time degree or
24 something like that to extend their education. I guess
25 Fitzgerald's worries were about sort of the internal focus
26 of the police and to ensure that people were getting new
27 ideas, and interacting with a broader range of ideas was
28 important. So perhaps that's one way to deal with that
29 problem.

30
31 COMMISSIONER: Yes, and I take it sending them into places
32 like remote communities at that age is probably not the
33 best idea?

34 A. Yes, yes. And also there may be placements that have
35 training, you know, better support in particular stations
36 where it's recognised that senior sergeants are interested
37 in support for younger trainees or have experience or
38 whatever it might be. So, yes, careful selection of where
39 they're placed would help. But also I think potentially
40 improving their access to education once they enter the
41 police force. It might be a really attractive thing for
42 police to - for that to be advertised more, that it can be
43 a place where you're supported to do higher education at
44 the same time. I don't know --

45
46 COMMISSIONER: Something like the Army does?

47 A. Yes, exactly.

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COMMISSIONER: I just thought of a new recruitment policy for you, Mr Hunter.

MR HUNTER: So, if I understand it, the approach should be that the Police Service needs to find people who are older and tertiary educated and who are prepared to go to remote communities in Queensland?

COMMISSIONER: I don't think Professor Douglas said that at all, Mr Hunter.

MR HUNTER: That's the question I'm asking. Have I understand you correctly?

A. I'm trying to think of ways to make sure that police are part of the community and remain open-minded and exposed to a variety of ideas. My concern is that a 17-year-old police officer gets locked into a particular culture in the police and doesn't get that opportunity and that access to ideas. So there may be ways around this, and that's I think what we were talking about. But, yes, I think the idea was that 17-year-olds probably shouldn't be the fodder that goes off to really complex placements.

Q. I'm not going to argue with you about that. The problem, I suppose, from the service's point of view is that it's very difficult to find officers who are older and more experienced who are prepared to go to remote locations. So the new recruits seem to be the ones who get sent there. What's the solution, if you can think of one, to that dilemma?

A. Yes. I mean, in those communities is there good relationships within those communities - look, I probably don't have good ideas for you here today on the top of my head. But I do think that there might be ways to make the Police Service a more attractive career option, and that might be, you know, advertising the fact that police are well supported to continue higher education, for example. I don't think that is a well-known message if that is true. So that might be something that might make it more attractive to people.

MR HUNTER: Thank you. Those are my questions, thank you.

MS O'GORMAN: I don't have any further questions. If Professor Douglas might be excused?

1 COMMISSIONER: Thanks very much. Thanks for your time,
2 Professor Douglas. You're welcome to cut the connection.
3 Thank you.

4 A. Thanks very much. Goodbye.

5

6 COMMISSIONER: Goodbye.

7

8 <THE WITNESS WITHDREW

9

10 MS O'GORMAN: Commissioner, I call Professor Silke Meyer.

11

12 <SILKE MEYER, affirmed:

13

14 <EXAMINATION BY MS O'GORMAN:

15

16 Q. Professor Meyer, you provided a report to
17 the Commission dated 17 July 2022, and you have a copy of
18 that document with you today. In addition to that you have
19 some other documents that you may use and make reference to
20 as needed if you're asked questions?

21 A. Yes.

22

23 Q. In terms of your background, you have been conducting
24 research on domestic and family violence here in Queensland
25 for more than 10 years now?

26 A. Yes.

27

28 Q. Since 2009?

29 A. Yes.

30

31 Q. And you have set out on the first page of your report
32 the research that you've done as an academic in criminology
33 and social work that relates to policing around domestic
34 and family violence?

35 A. Yes.

36

37 Q. Okay. In terms of the particular research or academic
38 pursuits that you've made in relation to policing and
39 domestic and family violence, as I understand it from
40 reading your report, you conducted a study in about 2018 of
41 a number of police officers and prosecutors about the role
42 of procedural justice in responding to domestic and family
43 violence?

44 A. Correct.

45

46 Q. And you've also conducted a number of domestic and
47 family violence related death reviews, particularly in the

1 years from 2016 to 2019?

2 A. Yes.

3

4 Q. You continue to consult as an independent expert to
5 the Queensland Coroners Court?

6 A. Yes.

7

8 Q. And between 2019 and 2021 you spent three years at
9 Monash University?

10 A. Yes.

11

12 Q. There you were the Deputy Director of the Monash
13 Gender and Family Violence Prevention Centre?

14 A. M'hmm.

15

16 Q. And you conducted research in this area nationally
17 during that time?

18 A. Yes.

19

20 Q. All right. On page 2 of your report you set out what
21 you say are a number of cultural issues that appear to
22 persist in the policing of domestic and family violence in
23 Queensland?

24 A. Yes.

25

26 Q. They are cultural issues that you have picked up on in
27 the course of your more than 10 years of study in this area
28 but also in Melbourne?

29 A. Yes.

30

31 Q. But these are in particular issues that you have
32 identified as existing in the Queensland Police Service?

33 A. M'hmm.

34

35 Q. And persisting to the present day?

36 A. Yes.

37

38 Q. Might we just step through those briefly --

39 A. M'hmm.

40

41 Q. -- to see if you can explain a couple of things about
42 them?

43 A. Yes.

44

45 Q. Firstly, you say that there are perceptions that
46 non-physical domestic and family violence is not serious
47 enough to take action?

1 A. M'hmm.

2

3 Q. With reference being made to those breaches as
4 technical breaches?

5 A. Yes.

6

7 Q. How common a problem does your research suggest that
8 that is in the QPS?

9 A. Common, I would say, particularly - so the 2018 study
10 captured experiences of police officers, general duty as
11 well as specialist domestic and family violence or VPU
12 attached - Vulnerable Persons Unit attached police
13 officers, as well as court users. So we surveyed 105
14 respondents and aggrieveds that were subject to
15 domestic violence intervention order proceedings. So
16 that's the latest I can say - so the 2018 data collection
17 is the latest I can say in terms of police actually
18 discussing in interviews the nature of technical breaches
19 and referring to things that predominantly don't involve
20 physical types of abuse as technical breaches - texting,
21 making phone contact, making contact around children - as
22 technical breaches or less severe kind of breaches.

23

24 In the national studies that we undertook while I was
25 at Monash - like, in preparation for this and the
26 submission, I had separated out some of the Queensland
27 survivor data. So one of it was a national survey of
28 victim survivors who had experienced coercive control and
29 may or may not have had related police contact. So we
30 looked at the data of those that reported to police and
31 those who didn't, and the reasons why those who didn't
32 might not have, and in that sample there were just over 100
33 women - female victim survivors Queensland based who had
34 experiences of coercive control and police contact in the
35 last three years, so isolated that data out of it, and
36 those victim survivors certainly shared similar experiences
37 of reporting particularly non-physical types of abuse and
38 police saying, "It's a technical breach." If it's in the
39 context of children or child contact and breaching no
40 contact orders, it was often seen as a family issue or a
41 family law matter.

42

43 So that certainly seemed to persist in the large -
44 within a large consultation to inform the next national
45 plan to end violence against women for the Department of
46 Social Services, and consulted with just under 500
47 stakeholders over multiple workshops, focus groups and

1 interviews, and that was certainly in terms of the
2 workshops around improving police responses and criminal
3 justice responses more broadly but also civil protection
4 order responses certainly still a perception held by
5 stakeholders, that there's not enough understanding of
6 non-physical types of abuse, the risks they may pose, the
7 strategic manipulation of perpetrators of the system to
8 kind of get away with - it might have just been a text
9 message, it might just look like it is around the children,
10 but really it is a broader pattern of controlling behaviour
11 that impacts on the victim survivors' wellbeing but also
12 perceptions of safety.

13
14 Q. Is that really the big danger with minimising perhaps
15 one-off or incidental text messages or breaches like that,
16 that if they're being viewed simply as that one text
17 message or that isolated incident it's not necessarily
18 taking account of the relationship as a whole and what's
19 led up to it?

20 A. Yes. In fact, I think it's problematic in multiple
21 ways. Like, it's problematic in terms of the
22 underestimation of risk associated with non-physical types
23 of abuse, but also problematic, as you say, in the context
24 of not recognising it as part of a pattern, and very often
25 victim survivors will report multiple breaches that may not
26 involve any kind of physical evidence of injuries or
27 property damage, for example, and will be told that, you
28 know, there's not enough evidence or really this is just a
29 technical breach, it's going to go nowhere in court, and
30 essentially gradually be discouraged from reporting.

31
32 I've spoken to many victim survivors across the
33 different projects who eventually stop reporting because
34 they say, "I go to the police station and I just get a
35 response that is dismissive or that doesn't take me
36 seriously," or, "It's a waste of everyone's time," or
37 police will openly say, "This is a waste of everyone's
38 time," and it essentially discourages victim survivors from
39 continuously reporting those patterns, but eventually if
40 those patterns escalate nobody is - you know, we talk about
41 since "Not Now, Not Ever" and the Royal Commission in
42 particular. We talk about visiblising perpetrators,
43 visiblising risk and keeping perpetrators in view, and they
44 become incredibly invisible if we have police or other
45 service responses that discourage ongoing reporting of
46 patterns of behaviour.

47

1 Q. Is there a related problem, insofar as your research
2 would tell you, that if breaches are not taken seriously
3 there's a risk that the perpetrator will be emboldened?

4 A. M'hmm.

5

6 Q. Another matter that you talk about is a reluctance to
7 investigate the reporting of breaches where they involve
8 allegations of non-physical abuse, including coercive
9 control. Does your research tell you anything about why
10 that reluctance might exist?

11 A. I think there's a variety of aspects to that. I think
12 part of it are the challenges of policing, and, you know,
13 from an investigative point obviously, you know, as the -
14 I guess as a gatekeeper or entry level to the - the first
15 responder to anything that may go into a civil or criminal
16 justice system, police often put in a lot of work where the
17 police responses are thorough or positive, put in a lot of
18 work into investigating something that may not go anywhere
19 prosecution wise or court wise because the physical
20 evidence isn't there, and it's incredibly hard - like,
21 I think particularly in the context of coercive control it
22 is incredibly hard for victim survivors to pinpoint what it
23 is because it is such a manipulative pattern of behaviour
24 that I guess undermines safety, wellbeing and, you know,
25 like, I think the mental wellbeing and sanity, really.

26

27 Q. The next issue that you talk about in terms of
28 cultural issues persisting in the police are perceptions
29 that domestic violence orders are granted frequently based
30 on false allegations. Are such perceptions well-founded?

31 A. I don't know if there's research evidence in the
32 policing context. That seems to be a perception, and
33 I think part of it has come out of - you know, I think the
34 "Not Now, Not Ever" related reforms have generated a lot of
35 victim survivor confidence in reporting. So we've
36 obviously seen reporting levels go up since 2016. We've
37 seen police initiated protection orders go up. We've seen
38 protection orders going up in general. We've seen
39 reporting of breaches going up because it's given victim
40 survivors more confidence of coming forward. Sorry, I'm
41 losing - can you repeat your question, please?

42

43 Q. I was just asking whether you have any sense of
44 whether the perception that DVOs are based on false
45 allegations is in fact based in reality. Are people
46 frequently making up false allegations?

47 A. Sorry, from my observations I would say no. I think

1 we've got better evidence established in the family law
2 context where that perception also prevails but where the
3 research suggests that false allegations are incredibly
4 rare.

5
6 COMMISSIONER: So can I ask you about that research. What
7 is the research in that regard?

8 A. Research around - I guess particularly focused on the
9 aspect of the perceptions that women make up false
10 allegations of domestic violence.

11
12 COMMISSIONER: In Family Court?

13 A. In Family Court proceedings, of allegations of harm
14 towards children, and that the research - there's research
15 by I'm going to say Lawrie Moloney, who has recently looked
16 at that, particularly around the child harm one, and
17 I think the false allegation rate across the research is
18 somewhere between 3 and 10 per cent.

19
20 COMMISSIONER: Okay. So were trying to find that research
21 the other day.

22 A. Can I take that on notice and send it to you?

23
24 COMMISSIONER: If you could, that would be very helpful.
25 Thank you.

26 A. Can I just add to that. I think the other thing to
27 remember is that for every victim survivor that contacts
28 police there's a large number that never does or for years
29 never does and comes forward really when it becomes a last
30 resort. There's research that suggests that somewhere
31 around only one in 10 victim survivors actually contact the
32 police around their experience of domestic violence.
33 I think we need to recognise that there's a large
34 proportion that actually never disclose those experiences
35 to police or other formal authorities, and that it is a
36 small proportion and to think or perpetuate those ideas
37 that the majority of them are lying is highly problematic
38 for the ones that already see so many barriers for coming
39 forward in the first place.

40
41 MS O'GORMAN: Over the top of the next page you talk about
42 another cultural issue which persists, being an attitude
43 that policing domestic and family violence takes up too
44 much time because of the workload associated with it in an
45 administrative sense.

46 A. Yes.
47

1 Q. Leading to an avoidance of domestic and family
2 violence call-outs. In your research how common a problem
3 does that appear to be?

4 A. I can't really speak to a prevalence rate because
5 I haven't conducted any research surveying officers around
6 that perception. It seems to be a prevalent perception
7 that - you know, unfortunately when I think of the 2003
8 Crime and Misconduct Commission that was already picked up
9 20 years ago essentially, and I think part of the problem
10 may be that in the policing context we haven't really
11 addressed that to better support officers, because
12 I understand the frustration of officers if we think that
13 between 40 and 60 per cent of police call-outs are domestic
14 and family violence related and for every often relatively
15 brief interaction that police officers may have to consider
16 the administrative workload that comes long after that
17 occurrence because there's from one call-out to another by
18 the time they get to the station, I understand the
19 frustration of officers in general that this takes up too
20 much time.

21
22 I think there needs to be a shift in thinking around
23 how we can better support officers, because I think if
24 officers were better supported around the administrative
25 workload it would lower the level of frustration of how
26 much administrative work goes into policing domestic and
27 family violence, and again I think from a policing
28 perspective may then never go anywhere because once it
29 comes to civil protection order decision making or once it
30 comes to criminal proceedings it may fall over for one
31 reason or another.

32
33 Q. One of the things that your research has shown to be
34 very positive is the aspect of specialisation within the
35 Police Service, and you talk at the bottom of page 3 of
36 your report of the important role of specialist domestic
37 and family violence officers. In particular is it the
38 officers who work within the domestic and family violence
39 or vulnerable persons units that you're talking about
40 there?

41 A. Yes.

42
43 Q. The VPUs where there officers who can spend more
44 dedicated time following up on domestic and family violence
45 incidents?

46 A. Yes.

47

1 Q. You indicate that your research as recent as 2021
2 suggests that officers who work in those sorts of units are
3 able to clearly articulate a good understanding of domestic
4 and family violence.

5 A. Yes.

6
7 Q. Does that alone suggest that there is merit in
8 supporting those officers and potentially expanding the
9 number of vulnerable persons units around the state?

10 A. I think it's part of supporting it from an officer
11 perspective. I would probably argue that what's even more
12 persuasive is the perceptions and accounts of victim
13 survivors in particular maybe. It may be to some extent
14 equally respondents. I have seen this across research
15 projects over the years, I've seen this in Victorian based
16 research and in international based research, that victim
17 survivors' experiences tend to be much more positive if
18 they have contact with a specialised officer.

19
20 So, you know, we know that - and I think that is not
21 domestic and family violence specific. We also know that
22 Aboriginal and Torres Strait Islander experiences are
23 better if there's contact with an Aboriginal and Torres
24 Strait Islander liaison officer. We know that LGBTIQ+
25 populations having police contact have a better experience
26 if there is an LGBTI liaison officer in contact. So
27 I think it has something - I guess it is specialisation
28 about diversity of particular policing issues, but I guess
29 in the context of domestic and family violence in
30 particular we know the sensitivities, we know the
31 vulnerabilities of survivors, we know I guess the
32 heightened state of crisis they're often in when they
33 decide to or somebody else has decided on their behalf to
34 have contact with the police, which is often an unfamiliar
35 system.

36
37 So I think the fact that we see consistently across
38 research that victim survivors report more positive
39 experiences with police interactions when they have contact
40 with a specialist unit or a specialist individual police
41 officer role suggests that there's merit in these roles and
42 the units and a greater roll out.

43
44 I think the other thing they do is they support
45 frontline policing. So I think by having these units or
46 having a specialist officer sit in a team of frontline
47 police officers you have an opportunity of, you know,

1 I guess sharing specialisation. Obviously I think there
2 needs to be across the board frontline training, regular
3 and updated training. But I think the specialist role
4 we've seen in other types of service responses can just
5 have such a massive positive impact on general duty or just
6 general frontline practitioners in terms of creating
7 greater understanding, awareness and knowledge but also
8 changing attitudes around the issue that is being
9 responded.

10
11 Q. Given the benefit of those kind of specialist roles or
12 specialist units, what's the importance of making sure that
13 there are good and clear lines of career progression for
14 those who choose to take up one of those roles?

15 A. Very important, I think. I think a part of the issues
16 that we see in the culture within Queensland Police that
17 I've observed over the years, but we know that generally
18 there are Vic Pol based police publications from 2018 that
19 suggest similar things, there's international research that
20 suggests similar things, is that very often policing
21 domestic and family violence does not seem as a real
22 policing issue; it's not crime fighting; it's not catching
23 criminals; it's not really exciting. It is to a great
24 extent, I guess, a community welfare or there's a
25 perception that it is a community welfare, a family issue.

26
27 So I think really giving it the credibility that it
28 deserves based on how much of an issue it is in the
29 community and how much of policing time it takes up,
30 I think making it or giving it the same level of
31 recognition really would make a difference in terms of
32 encouraging people to step into those roles, because I can
33 certainly say from the interactions I've had over the last
34 decade or so with particularly domestic violence liaison
35 officers or specialist officers in the VPU's they're people
36 who do this because they believe in the kind of work they
37 do because they're passionate about making a difference for
38 victim survivors but also in terms of facilitating some
39 level of behaviour change and engaging with respondents.

40
41 But very often it's sidelined as an issue that's not
42 seen as relevant as other real forms of policing, and so it
43 doesn't attract - you know, it attracts people who are
44 happy to stay in a particular place for the sake of
45 policing domestic and family violence, but not necessarily
46 because their main aim of joining the police force is
47 tracking through the ranks in terms of career progression.

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Q. All right. One of the things that you talk about in your report are attitudes and beliefs surrounding parenting in the context of domestic and family violence, and it appears that there you will be shortly publishing a paper touching on this issue?

A. M'hmm.

Q. In your report at page 4 you say that, "Findings presented in this paper show that some QPS officers continue to share perceptions that domestic violence order proceedings are misused by some parents, primarily mothers, to withhold children or find an easier alternative to usually lengthy and costly family law proceedings that regulate shared parenting."

A. M'hmm.

Q. Given that that paper is yet to be released, are you nonetheless happy to expand on those findings to some extent?

A. Yes. I think there's multiple layers to that. So there's partly the perceptions and maybe to some extent based on experience, because I think part of the problem that drives these kind of perceptions other than the wider social perceptions that we have that there's attitudes that women lie in legal proceedings, whether it is a family law proceedings, whether it is a DVO proceedings, and that they're unreliable kind of reporters of violence against women, I think part of the main problem in the context of police perceptions of this is the nature in which magistrates issue protection orders involving children and that very often it makes it hard for police to police breaches of those orders because the orders aren't set out in a way that very clearly identifies no contact conditions with children.

Like, I've very rarely seen - in the 300-odd court proceedings, DVO proceedings we observe, children are listed, so, you know, I think we've become much better at that, at recognising, okay, children are listed as having to be protected from, but there's no contact court orders issued to victim survivors, and there's children involved. Respondents will say, "Well, I consent to the order, but all I want is to be able to see my children," and you have a magistrate who says, "This is not a family law proceeding. This is just a DVO proceeding. This has no implications on your parental rights and responsibilities,"

1 which in theory is correct because it does not - you know,
2 it is not a family law order. But it conflicts with the
3 idea if parties actually took or engaged in family law
4 proceedings the Family Law Court would say something very
5 different.

6
7 We know from research that around 97 per cent of
8 fathers, large-scale study, 97 per cent of fathers even in
9 the most high conflict cases who wish to have contact with
10 their children will have some form of regular and ongoing
11 contact with their children. So the reality is in
12 domestic violence matters if people pursue family law
13 orders the respondent parent will have some sort of ongoing
14 contact. So it's problematic when magistrates say, "Okay,
15 it's a no contact order. You can't contact the aggrieved
16 for whatever shape or form." Very often it will have
17 standard inclusions saying, you know, unless a child
18 protection or family law order stipulates some form of
19 contact, which we also know the majority of parents never
20 have because the majority of separating parents sort their
21 parenting matters outside of family law proceedings.

22
23 So I think if we had orders where magistrates actually
24 made the effort of recognising children as victims on the
25 order and making a very clear distinction of whether the no
26 contact condition with an adult aggrieved extends to
27 children or not, police would have an easier time policing
28 those kind of breaches where police may say it's a
29 technical breach because all the respondent did was contact
30 mum to say, "I want to see a photo of my child" or "I want
31 to talk to my child" or "I haven't seen anybody in two
32 weeks time," when the order technically says, "You're not
33 to contact the aggrieved, you're not to get anybody else to
34 make contact, you're not to show up at the residence" and
35 so forth. So I think particularly in the parenting context
36 better policing is currently complicated by the nature of
37 orders we see being made in Magistrates' Courts.

38
39 Q. It's probably an area there where there needs to be
40 more streamlined approaches across a number of the agencies
41 dealing with the issue then?

42 A. Yes, and that's exactly what that paper argues or, you
43 know, the implications, the findings raise.

44
45 Q. All right. Thank you. Could we go over to page 5 of
46 your report. You talk there about the issue of victim
47 survivors having to navigate police stations to maximise

1 their chance of a protective response.

2 A. M'hmm.

3

4 Q. And you talk about the issue of women saying that they
5 feel disincentivised from reporting experiences of coercive
6 control to police for two reasons: one, that police might
7 not take action in the absence of physical violence, but
8 also because they have had past negative experiences with
9 police when they have sought help. Can I just check you
10 make reference in this section of your report to an
11 evaluation that you did in 2011 and another one in 2021.
12 Were those sorts of concerns expressed by women to you in
13 the course of both evaluations, that is across the
14 difference of a decade?

15 A. Yes.

16

17 Q. All right. Over on page 6 you talk about police
18 behaviours that create barriers to future help seeking, and
19 one of the issues that you pick up on there is the concern
20 of women reporting to you that in the course of help
21 seeking from police officers it appeared to them at least
22 that police turned their domestic and family violence into
23 a laughing matter, in some cases appearing to align with
24 their abuser and joke or minimise the incident that the
25 woman had just been through. Is that what you're talking
26 about?

27 A. Yes.

28

29 Q. You say down the bottom of that page that, "Whilst
30 officers may not consider the impact of such behaviour at
31 the time or may try to engage an alleged perpetrator in an
32 investigation through the choice of certain language, for
33 example calling him 'mate', or joking about an aggrieved's
34 experiences and/or engaging the alleged perpetrator in
35 banter is incentive, inappropriate, and can be highly
36 retraumatising and stigmatising for victim survivors."

37

38 Given those concerns, that is the inappropriate nature
39 of that in your view and the fact that it can be
40 retraumatising and stigmatising, even if that behaviour is
41 engaged in by police officers with the best of intentions
42 of simply deescalating a situation or trying to align
43 themselves to potentially elicit admissions or engagement
44 with the male perpetrator, should police nonetheless
45 rethink that kind of policing given the downsides of it?

46 A. Absolutely, and I think for two reasons. Like,
47 obviously it has a retraumatising effect on victim

1 survivors. But I think on the other hand it also - it is
2 collusion; whether intentional or not, it is collusion with
3 a male perpetrator. We know that has effects on
4 perpetrators, perpetrators' confidence of, you know,
5 getting away with things, likely getting away with it next
6 time, perpetrator confidence that she's going to be
7 unlikely to ring the place again if this is the police
8 response. I think it is problematic in terms of the
9 message we send to respondents and it is problematic in
10 terms of the retraumatisation risk for victim survivors and
11 the risk of deterring future help seeking.

12
13 Q. You talk about the importance of supporting domestic
14 and family violence informed policing through
15 organisational change and leadership. Do you have a view
16 about the impact that words and actions at the leadership
17 level has on a Police Service?

18 A. Yes, because I think the leader - like, I think part
19 of the issue of officer perceptions on the frontline is
20 that the leadership - I haven't seen the leadership that
21 I would like to see. You know, we see leadership and we've
22 seen leadership voiced publicly of saying, "We don't have a
23 cultural issue"; this attitude of, "There's nothing to see
24 here."

25
26 I think if you have a leadership, and we've seen this
27 in other service systems, like, if I can use the example of
28 Child Protection, for example, where in terms of generating
29 domestic and family violence informed practice Queensland
30 Child Protection has moved a long way for an agency that
31 has come, like so many other child protection agencies, not
32 just in Queensland and not just in Australia, has been
33 critiqued for probably at least a decade for their
34 mother-blaming, perpetrator invisible, father invisible
35 approach to domestic and family violence, and I think a lot
36 of the change has been driven by the language of leadership
37 and the commitment of leadership to implementing
38 DV-informed training, DV-informed or DV specialist roles,
39 so I think that goes back to the domestic violence liaison
40 officer roles, as well as the units to really have
41 consistent leadership to create the space for frontline
42 officers as well as, you know, I guess, mid-career leaders
43 in the police force to really create the space and the
44 reassurance that, "This is a core priority for us. This is
45 a serious policing matter. This has been recognised for,
46 you know, your career progression as well as just in
47 general community policing" to ensure that the shift of how

1 we view domestic and family violence from a policing
2 perspective, whether it involves the criminal element or
3 not, really transcends from the youngest level or the most
4 junior level in terms of rank from the general duties
5 officer all the way to the leadership to really transform
6 that attitude about domestic and family violence.

7
8 Q. And finally then in terms of training offered by the
9 organisation to its members is there value in the
10 organisation as part of its training around domestic and
11 family violence identifying for its members the cultural
12 issues that it considers exist in the Police Service and
13 ways that that might be addressed or overturned?

14 A. Yes, and I don't think I have a simple answer to that,
15 but I've been thinking a lot about the role of training in
16 general because I think we've been training for so long and
17 we've seen so little progress for some of the amount of
18 training that we've done. And, yes, there's been some
19 improvement and, yes, there's been some upskilling. But
20 I think part of it needs to come with attitudinal change,
21 and I do think attitudinal change is possible, but I also
22 wonder whether there's a question for - and I acknowledge
23 that as I came in the issue of struggling to recruit
24 officers in general was raised. So I guess it goes back to
25 the question of how picky can you be.

26
27 But really should there be a screening mechanism of
28 attitudes around violence against women more broadly.
29 There's been a recent publication I can also send that
30 through of Queensland based researchers from Griffith on
31 police attitudes with QPS officers, and there's some
32 interesting measures in there around capturing attitudes
33 around domestic and family violence that are not - you
34 know, not asking people blatantly whether they think it is
35 okay to abuse somebody or something but, you know, I guess
36 more nuanced measures to capture officer attitudes around
37 domestic and family violence, the nature of it, the police
38 responses to it, the value of police responses to it, and
39 I wonder whether there is a role for that to be assessed
40 early on in intake processes to kind of screen for, you
41 know, what kind of police officers would we like to have in
42 the police force given how complex some of the issues are
43 and given how much policing time these complex community
44 issues as opposed to crime fighting actually take up when
45 officers join the force.

46
47 MS O'GORMAN: All right. Thank you, Professor Meyer.

1 Those are the questions that I have for you.
2

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

5 Q. Professor Meyer, just a couple of points I wanted to
6 take you to. In your report you talk about
7 the co-responder model. Based on the content it seems that
8 you favour co-location. Do you think that's an essential
9 element of a co-responder model?

10 A. I don't know if we have the evidence for it.
11 I believe the systematic Campbell review is currently doing
12 a review that hasn't been published yet on the actual
13 international evidence on co-responder including
14 co-location. So I don't think we have the evidence to say
15 one or the other is better.
16

17 I think we do have the evidence to say that the
18 co-responder model enables better police responses because
19 it provides a level of support to frontline officers that
20 frontline officers on their own might not have. If I can
21 speak to the example of PRADO, for example. I think from a
22 victim survivor perspective it gave victims a lot of
23 confidence knowing that if they came into the police
24 station at least during daytime working hours there was a
25 co-location and they would be able to either talk to the DV
26 specialist officer and/or the social worker who was the
27 PRADO worker who sits in the police station who is not a
28 uniformed officer. So I think that raised confidence for
29 people to know that that is an option. I do think there is
30 value in co-response of people going out together or at
31 least having a very close tight follow-up of the specialist
32 non-police officer model.
33

34 One of the things that came out of the national plan
35 consultation now was that for First Nations stakeholders
36 there was strong support for co-location of an Aboriginal
37 and Torres Strait Islander specialist champion domestic and
38 family violence specialist. So I think for some
39 communities the actual physical access in a police station
40 to that person that is not a uniformed officer, that is a
41 person of a diverse minority community, for example,
42 whether that's culturally linguistically diverse,
43 First Nations increases the confidence and has the benefit
44 again - like I think the other benefit it has is for
45 officers to having direct access to that person as a bit of
46 a consultant, I guess.
47

1 Q. I think that takes me to my next point which is about
2 the support officers. So in your report and today we've
3 talked about support in the form of training. Today you've
4 talked about support in the form of administrative duties.
5 The Commission has heard some evidence about the impact of
6 domestic and family violence and policing duties generally
7 on officers in terms of their fatigue and their
8 desensitisation. Do you think there would be some benefit
9 in some ongoing psychological support for officers to
10 identify and intervene with some of those issues that might
11 be contributing to behaviour concerns such as you've
12 pointed out?

13 A. Yes, absolutely, and I think it needs to be thought
14 through in a way of how to encourage that and not
15 have - you know, I think the risk of psychological support
16 in organisations like the police force always comes with a
17 risk of stigma and people not accessing it unless it is
18 really promoted and supported as something that is
19 recognised, because you deal with trauma on a daily basis.
20 We recognise in social work populations how much vicarious
21 trauma impact that has on social workers, for example. So
22 I think there's some work to be done to equally recognising
23 that, that it is okay to be affected by that nature of
24 policing and to access the support that is made available
25 to ensure, you know, the wellbeing and the mental health
26 and to prevent the burnout that we would see with the
27 constant response to that kind of policing matter.

28
29 Q. Given the point that you have raised it is the case
30 that sectors such as social work and other allied health
31 professionals have decades of experience in using
32 psychological debriefing and social work support. Given
33 that context, do you think that sector might be a useful
34 source of information and support for the Police Service if
35 they're looking to develop a program?

36 A. Yes.

37
38 MR McCAFFERTY: No questions, thank you.

39
40 MR HUNTER: No questions, thank you.

41
42 MS O'GORMAN: Might Professor Meyer be excused?

43
44 COMMISSIONER: Thank you very much. Thanks,
45 Professor Meyer.

46
47 <THE WITNESS WITHDREW

1
2 MS O'GORMAN: The next witness is also by videolink,
3 I believe. Is it worth taking the morning break and with
4 we can tee that up now?

5
6 COMMISSIONER: Yes. We'll just break for 10 minutes.

7
8 MS O'GORMAN: Thank you.

9
10 **SHORT ADJOURNMENT**

11
12 COMMISSIONER: Yes.

13
14 MS O'GORMAN: Thank you, Commissioner. I call Associate
15 Professor Marlene Longbottom.

16
17 **<MARLENE LONGBOTTOM, affirmed:**

18
19 **<EXAMINATION BY MS O'GORMAN:**

20
21 Q. Associate Professor, you've provided a statement and a
22 submission to the Commission to date; is that right?

23 A. Yes, that's correct.

24
25 Q. And you have a copy of those documents near you if you
26 need them?

27 A. Yes, I do.

28
29 Q. All right. Thank you. I should just let you know
30 that I've been told that the connection is okay but may
31 cause a little bit of a delay for either you or me. So if
32 that happens let's just go a bit slowly?

33 A. Okay.

34
35 Q. Can I just confirm, please, that you're an
36 Associate Professor of the Ngarruwan Ngadju First Peoples
37 Health and Wellbeing Research Centre in the School of
38 Medicine Indigenous Allied Health at the University of
39 Wollongong?

40 A. That's correct.

41
42 Q. All right. And you have a PhD, a masters of
43 philosophy and a bachelor of health science?

44 A. That's correct.

45
46 Q. You have also undertaken community based research
47 around a range of areas and sectors, including public

1 health, sociology and Indigenous community control?

2 A. M'hmm.

3

4 Q. And you've worked as an Aboriginal health worker in
5 the community controlled sector?

6 A. Yes, that's correct.

7

8 Q. You have been asked to provide some evidence today,
9 including to focus on the results of research that you
10 conducted in 2018 and 2019 called the First Response
11 Project. But before we get to that can you take a little
12 time to explain to us why from your perspective and based
13 on your own experiences and your research and your study it
14 is that Aboriginal and Torres Strait Islander women are
15 navigating the area of domestic and family violence in such
16 a complicated way and in a way which is quite distinct from
17 women who are not Aboriginal and Torres Strait Islander?

18 A. Thank you. Firstly, I would just like to acknowledge
19 country and state that I'm beaming in to you from Gimuy
20 Walubara Yidinji country in Far North Queensland. As
21 protocol I'd just like to make sure that that's followed.

22

23 The reason why Aboriginal and Torres Strait Islander
24 women experience violence and the responses to that by the
25 service providers differently to non-Aboriginal women is
26 because it's multi-layered and it's complex. I noticed
27 that there was discussion a little bit earlier about the
28 intersectionality of things, and quite often race and
29 racism is never discussed. Again that's what I've seen in
30 the Inquiry this morning.

31

32 We need to understand that Australia was established
33 under a penal institution and that carcerality and those
34 carceral logics still exist today, and Aboriginal and
35 Torres Strait Islander people and particularly women and
36 children who experience violence are still governed under
37 these processes. So it's really important from the outset
38 that we do say and that I do make a point with
39 the Commission that race and racism is hardly ever
40 discussed in this space, and as it comes to the policing
41 practices of domestic and family violence and I daresay
42 other parts of the policing culture that hegemonic
43 whiteness is the basis for which policing comes from and
44 it's also the cause of the strained relationships between
45 Indigenous communities and police.

46

47 Q. Thank you for that. I had indicated that I wanted to

1 ask you about the First Response Project that you undertook
2 in 2018 to 2019. As I understand it, that came about in
3 part because in the course of undertaking your PhD you
4 examined issues around why it is that Aboriginal and Torres
5 Strait Islander women are reluctant on the whole to report
6 their experiences of violence to police. Firstly, are you
7 able to give us an indication of what your research taught
8 you then about the reasons why Aboriginal and Torres Strait
9 Islander women are reluctant to report to police?

10 A. My research actually didn't prove it. I already knew
11 it from lived experience from not having police support
12 when I've experienced violence. So it was an affirmation
13 about what I was seeing as I was growing up in an
14 Aboriginal community with Aboriginal women experiencing
15 violence, but also my own personal lived experience. So
16 what the PhD actually did was affirm what myself and other
17 Aboriginal women have experienced by this system.

18
19 So what it taught me in terms of the way in which
20 Aboriginal women navigate these systems is that the police
21 system is actually impenetrable unless it's a police
22 officer making an application for a DV - sorry, a DVO. I'm
23 just going between states because my work is both in
24 Queensland and New South Wales. So I'm just being mindful
25 of the terminologies we use in different states.

26
27 The PhD, what it taught me was that racism is embedded
28 within policing culture. It actually comes out in the
29 racial and gender based micro and macro aggressions within
30 these structures and these systems, but interpersonally.
31 So what I also found out was that, interpersonally, if a
32 person is displaying certain behaviours that can be seen to
33 be a discriminatory or a racialised experience that then
34 layers the Aboriginal woman's experience - and I'm speaking
35 about Aboriginal women in this context because that's who
36 the research I have been doing is particularly focused on -
37 and those experiences are layered, and they're layered in
38 terms of the Aboriginal woman reporting the situation or
39 the experience and then they're having to navigate these
40 attitudinal behaviours by police and self-regulate emotions
41 and thoughts and feelings in that process.

42
43 In the submission to the Women's Taskforce as well as
44 the submission here to this Commission I've provided some
45 detail around those sorts of examples. I'm happy to go
46 through other examples, but I'm just conscious of the time.

47

1 Q. We've spoken already, you and I, about the fact that
2 you have set out a number of those examples in your
3 submission, and the Commission will take account of those.
4 But having discovered through the various ways that you
5 have, lived experience and your own studies, further
6 studies, that there is a reluctance amongst Aboriginal and
7 Torres Strait Islander women to report, you then went on to
8 undertake the First Response Projects that we've referenced
9 in 2018 and 2019.

10 A. Yes.

11
12 Q. Can you tell us a little bit about that project, what
13 it was intended to do?

14 A. Yes. So that was a collaboration, myself and a few
15 others, and I've included in the bibliography of my
16 submission the references. I can also provide you the
17 reports and things like that. That was a collaboration
18 with a number of research institutions, but also for
19 Aboriginal community controlled health services in New
20 South Wales specifically.

21
22 That project was helped to be informed by the PhD that
23 I conducted in that responses to domestic violence - sorry,
24 Aboriginal women who want to report domestic violence may
25 not report because of the issues that I've raised already;
26 that the police station isn't the best place to report
27 violence and there's an assumption that a police station is
28 welcoming and culturally safe and supportive. That's not
29 true, not from the research that I've done.

30
31 So in order to make sure that Aboriginal and Torres
32 Strait Islander women are protected we need to bring other
33 services into this space, and that's where we bring in the
34 Aboriginal community controlled sector. So First Response
35 came out of that and a few other things as well. It was a
36 Lowitja Institute funded project. So you can find
37 information about it there as well.

38
39 But essentially what that also affirmed was that, you
40 know, there has to be alternative ways for Aboriginal and
41 Torres Strait Islander women to report violence, and not
42 necessarily reliant on the police and the police station
43 because it's likely that racialised and gendered
44 experiences will occur and further discrimination. If that
45 happens, a woman can die, and that's what we've seen and
46 that's the gravity of this work that I do.

47

1 I'm working with two Aboriginal families who have lost
2 a woman to domestic violence - two Aboriginal women, sorry,
3 and a baby. So this stuff is real for me and it's real for
4 us in our community. So we need to make sure that the
5 Aboriginal community controlled sector are part of this
6 process and not totally reliant on the white systems of
7 police and emergency services and in particular first
8 responders.
9

10 Q. And what is it in particular that Aboriginal community
11 controlled organisations, what role would organisations
12 like that have to play in helping an Aboriginal and Torres
13 Strait Islander woman navigate their interactions with
14 the Queensland Police?

15 A. First of all to be culturally safe. A police station
16 is not culturally safe. If you have been in a police
17 station, it's not very welcoming. It's very cold and very
18 sterile. The places that are usually provided for in the
19 community are community organisations that actually take
20 the time to sit down and talk to people and understand
21 their story.
22

23 Now, when it comes to the retraumatising of victim
24 survivors when they're making a complaint or reporting
25 violence, they have to tell their story over and over and
26 over again. Now, in that process they're actually telling
27 one person, then another person, then another person. If
28 you have an Aboriginal community controlled service who
29 actually has that information and can liaise with the
30 person, with the victim survivor, it makes it a little bit
31 more easier for them to actually take a breath, find a
32 house if that's what they need to. They could be living in
33 a refuge. They could be living with family, and in my case
34 my family helped me, not the police. So it allows that
35 little bit of a space for victim survivors to actually take
36 a step back and take stock of what's going on.
37

38 The other layered context to this is the fact that
39 police being mandatory reporters is the child removal, the
40 potential removal of children. So we have all of these
41 complex factors. So Aboriginal community controlled
42 organisations, whether it's a health service or a woman's
43 service or another type of Aboriginal community service
44 could actually be places where they're safe, they're able
45 to come to and actually get the support that they need in a
46 holistic and comprehensive way.
47

1 Q. From a practical point of view would this mean that a
2 woman could approach an Aboriginal community controlled
3 organisation and seek assistance from that organisation to
4 then, as you say, liaise with police to pursue either
5 criminal charges or a civil protection application?

6 A. Yes, that's correct.

7
8 Q. Would that be a role?

9 A. Yes, there definitely is a role and that would be in
10 whatever context that service provides. Obviously they
11 would need to be adequately resourced in order to do this
12 sort of work. But I think if we're talking about justice
13 re-investment and things like that, that these models are
14 perhaps better to intervene early, get the support and
15 wraparound services around the family, not just the woman
16 and the children. I think it's really important that we
17 make sure that in Aboriginal communities men are part of
18 our communities, in terms of heterosexual relationships,
19 sorry, and we need to make sure that the whole family is
20 supported. So that's really important, that if it's a
21 situation where people intend to stay in a relationship how
22 do you wrap around that person. I don't think police can
23 actually provide that type of service. It has to come from
24 a holistic, integrated and comprehensive process.

25
26 Q. You indicate in your submission that to your knowledge
27 there are already organisations, although not funded in
28 this regard, who provide that sort of service to Aboriginal
29 and Torres Strait Islander women.

30 A. M'hmm.

31
32 Q. For it to be a sustainable model, though, were it to
33 be taken up or implemented it would need to be
34 well-resourced and properly resourced for that kind of
35 model to be both safe and appropriate; is that right?

36 A. That's correct. Yes. When I say there are
37 organisations I'm specifically talking about the community
38 controlled organisations that exist across Queensland.

39
40 Q. Yes, thank you. I just want to ask you about women
41 only police stations. You make reference to them in your
42 submission at page 6 and following.

43 A. M'hmm.

44
45 Q. I understand, having read the submission that you
46 provided to the Women's Safety and Justice Taskforce, that
47 you would urge caution in the use of the trial or the

1 roll-out of this sort of a model, and you doubt that such a
2 model would support or improve access to police services
3 for Indigenous women.

4 A. M'hmm.

5
6 Q. Did you want to add anything to that to explain to us
7 why it is that you have such concerns about that sort of a
8 model?

9 A. That model that's being put forward, and I think it's
10 being pushed by particular academics and journalists, we
11 need to be careful about what those sites do because you
12 can have it as an all woman police station meaning that
13 it's only women victim survivors that can attend the police
14 station, but you may have other people in that space.
15 Again, it comes back to the cultural safety. You can't
16 just add women and stir. It has to be something that is
17 culturally safe, that is accessible by the community, and
18 what we see is white services do not support or provide
19 culturally safe services for Aboriginal communities. This
20 is why a lot of us in the advocacy area get frustrated
21 because there's a perception that what works for white
22 women will work for Aboriginal and Torres Strait Islander
23 women, and that's just simply not the case. There's a
24 whole cultural construct that is being overlooked and
25 missed, and the way in which the cultural nuances between
26 cultures - it's such - again, it comes back to a racialised
27 space again, and I can't emphasise enough that we need to
28 cut to the chase and start looking at how race actually
29 impacts service provision and access to services.

30
31 MS O'GORMAN: All right. Thank you, Associate Professor.
32 Those are the questions that I have for you. There may be
33 other barristers who also have questions.

34
35 COMMISSIONER: Associate Professor, it's the Commissioner
36 here. I just wanted to ask you there are obviously remote
37 communities where there's a dearth of services. A lot of
38 them seem to be phone-in, which is obviously not practical
39 at all, not community based clearly because they're
40 phone-in. In an ideal world it seems to me that part of
41 the solution is to get the community to give their
42 information on what would work for that community. But I'm
43 also wondering is it possible to have a police station that
44 could be culturally safe, or is that just not possible;
45 like, if it was re-designed in some way?

46 A. I think the system is designed to incarcerate people,
47 and I think that that's the premise that we need to move

1 away from. The history of policing in this country, as
2 I said earlier, is based on that penal institution and the
3 carceral logics. I think we need to move away from that.
4

5 I think that in terms of communities there might be
6 some good relationships with specific police officers.
7 However, those police officers move on and the new ones
8 come in, and then the community has to go through another
9 process of immersing these people with culture, how we do
10 things in community, and that takes time. I like the idea
11 of involving community, and I would suggest that for the
12 whole state of Queensland not just remote communities,
13 because we do have Aboriginal and Torres Strait Islanders
14 in urban and rural areas as well. That's really important,
15 that we need to make sure that each community - and it
16 could be a family group and it could be, you know, a
17 community group, this is the way that restorative justice
18 happens, how do we bring - or at least justice
19 re-investment, bringing those funds back into the community
20 to help families and communities address the issue.
21

22 Police stations, I've lived in remote communities.
23 I've lived in the Torres Strait. I've lived on
24 Horn Island. I've lived on TI. I know what it's like to
25 live and work in place where there are very small community
26 organisations who do very big, big, large jobs, and I think
27 they're severely underfunded and I think there's so much
28 more that could be done.
29

30 If we talk about remote communities, particularly,
31 like, how you get a woman from an island or a community to
32 safety, it's not to go to the police station. Like I said
33 in my case it was to family. So that's usually what
34 happens, or they go to the woman's safe house or they
35 actually, you know, fly out.
36

37 There's been cases up in this part of the state where
38 Aboriginal women have actually been ready to jump in a
39 plane to fly out of a community, and then the perpetrator
40 has come and coerced them to stay, and someone's died as a
41 result. So it's quite a complex environment. But I think
42 the first part is speaking with direct communities, asking
43 them about how do we deal with this, and then going from
44 there.
45

46 I mean, we can't just put resources into police. We
47 have to put resources into the community. We can't be

1 saying, "We need more police officers" when, you know,
2 there are already issues with them protecting Aboriginal
3 women. So I think a police station or a community based
4 police model, I'd have to think about it and I'd have to
5 actually talk to the community about it and see what their
6 ideas are. But in my experience I don't think that's the
7 solution.

8
9 COMMISSIONER: Okay. You've spoken now a couple of times
10 or mentioned justice re-investment. Is the Bourke model a
11 good model?

12 A. The Bourke model, that suits that community.
13 I wouldn't say you can pick that up from Bourke and -
14 I come from Yuin country, which is on the coast of New
15 South Wales. I don't think that that model might even work
16 in my community. So I don't think that that model would
17 work in, say, Lockhart River or south-eastern Queensland
18 for that matter.

19
20 I think the Bourke model, while it might have
21 principles that could be applied, I think you still have to
22 go back to community and you still have to work through
23 what that means because we have to understand that we have
24 communities that have been displaced and people from
25 different communities and tribes and clan groups and
26 historically tensions and stuff like that. So we need to
27 be respectful of that. That's what cultural safety is
28 about. It's about creating a safe space for people and
29 creating a safe space for whole of community to talk about
30 it, not just seeing the perpetrators as men and bad people;
31 how do we heal the community by coming together as a family
32 but also supporting individuals for whatever they're going
33 through.

34
35 I think justice re-investment, if we're talking about
36 models, if there's a comprehensive model that can actually
37 support these different elements, well, then, wouldn't it
38 be better to have a family unified rather than having a
39 family separated, if that's what they choose? When you
40 have women now, particularly Aboriginal women, who are
41 becoming more statistics in the incarceration rates who are
42 fighting back, so they're using what's called violent
43 resistance, and this could be an incident where they're
44 actually experiencing violence there and then or it could
45 be a culmination of incidents and they have just had
46 enough. So Aboriginal women are actually fighting back and
47 they're being charged for murder, not manslaughter. They

1 have to go through the court process and then have the
2 charges downgraded.

3
4 But if we had something that could actually support
5 the family, you know, upstream rather than always talking
6 about it at the court end it would make a lot
7 more - I think there would be a lot less DV applications.

8
9 COMMISSIONER: All right. Thank you. Ms Hillard?

10
11 MS HILLARD: Thank you, Commissioner.

12
13 **<EXAMINATION BY MS HILLARD:**

14
15 Q. Associate Professor, just picking up on
16 the Commissioner's questions she was asking about police
17 stations and being culturally safe, I suppose one of the
18 things that is talked about is I might use different words
19 a community hub or a safety hub where police are present
20 but it's not called a police station and it's got all those
21 other entities. Are you talking about really it has to be
22 moving away from being called a police station with cells,
23 watchhouses and all of that sort of stuff?

24 A. To a certain degree. But even then if you had a
25 police officer in the station I don't know how that would
26 be received. Even if it was a co-located police officer in
27 a community hub that was 10 kilometres or 20 kilometres
28 away from a police station, I don't know how that - it's
29 something that I have to talk to community about.

30
31 Q. I suppose you would have the same view that somewhere
32 in some communities the PLOs, the police liaison officers,
33 are very positive, others not so positive; I suppose it's
34 all just community specific?

35 A. Yes, it is community specific. But one thing I will
36 say about the PLOs is that they are in a very tricky
37 situation. They're the bridge between the community and
38 the system. So they actually cop racism from the police
39 and then they cop backlash from community for being part of
40 the system. So I don't think adding another layer about
41 enforcement to PLO roles would actually help. I think it's
42 either one or the other. They're either the cultural
43 connection or the law enforcement, not both. I think
44 there's an absolute blurring of their role.

45
46 We need to also be mindful why the PLO came out of the
47 Royal Commission into Aboriginal Deaths in Custody. So

1 they're pivotal. Everything that we're talking about today
2 and in the research that I conduct was already listed in
3 the Royal Commission into Aboriginal Deaths in Custody
4 around violence in communities. So these things and these
5 strategies have already been in place for a very long time.
6

7 Q. So I suppose what you're talking about there with the
8 PLOs is that you see that there has to be a clear
9 distinction between a PLO and, for example, a First Nations
10 officer, who is a sworn police officer, they would have
11 very different roles?

12 A. Yes, that's correct.
13

14 Q. There always has to be a role for police, I suppose,
15 because charges are a protective layer. Do you have a view
16 about the preference for female police officers to engage
17 with female Indigenous women where available?

18 A. Again, it's community specific. It's also
19 interpersonal relationships too. I've spoken to Aboriginal
20 women who have said that they have met some really
21 supportive non-Aboriginal police officers who are women and
22 then I've actually heard some really horrific stories about
23 women police officers who are really just horrible to
24 Aboriginal women in terms of when they have tried to report
25 violence.
26

27 Again it doesn't matter if - sorry, culturally, yes,
28 woman to woman. But when we start to cross boundaries of
29 non-Aboriginal women supporting Aboriginal women there
30 becomes a bit of this relationship needs to be established.
31 Also police officers need to understand that the role that
32 they have in terms of the power imbalance and the gender
33 issue in terms of their system, whatever they work in,
34 doesn't transfer over into Aboriginal communities.
35

36 Q. I suppose this just reinforces the benefit of what's
37 often referred to as the co-responder model of having an
38 appropriate culturally sensitive, culturally aware social
39 worker with police when they attend to anything?

40 A. Yes, and I have spoken about the co-responder model
41 and I think that has merit. But again it has to come back
42 to community, particularly if we're going to address the DV
43 rates in Aboriginal and Torres Strait Islander communities.
44 My concern is that Aboriginal women are dying, and I don't
45 want to see any more of our sisters being incarcerated for
46 fighting back.
47

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

3
4 MR McCAFFERTY: No questions, thank you.

5
6 MR HUNTER: No questions, thank you.

7
8 MS O'GORMAN: Might Associate Professor Longbottom be
9 excused?

10
11 COMMISSIONER: Thank you. Thanks very much for dialling
12 in. You can cut the connection or whatever you've got to
13 do. Thank you.

14
15 <THE WITNESS WITHDREW

16
17 MS O'GORMAN: They're the witnesses that we have for
18 today. Thank you, Commissioner.

19
20 COMMISSIONER: Thank you. Just adjourn until 10 tomorrow.

21
22 **AT 1.03PM THE COMMISSION WAS ADJOURNED UNTIL FRIDAY,**
23 **29 JULY 2022**

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47

#	1193:11	1199:23, 1199:25,	1204:2, 1204:29	1197:23
#18 [1] - 1155:23	2022 [4] - 1154:40, 1155:38, 1182:17, 1209:23	1199:34, 1200:4, 1200:8, 1200:14, 1200:17, 1200:20, 1200:34, 1200:35, 1200:38, 1201:6, 1201:19, 1201:24, 1201:31, 1201:34, 1201:40, 1202:1, 1202:2, 1202:5, 1202:10, 1202:12, 1202:28, 1202:41, 1202:43, 1203:2, 1203:17, 1203:28, 1204:19, 1204:22, 1205:13, 1205:38, 1206:2, 1206:40, 1206:46, 1207:47, 1208:3, 1208:19, 1208:21, 1208:24, 1208:29, 1208:34, 1208:43, 1208:44	accessible [1] - 1204:17 accessing [2] - 1156:17, 1197:17 according [1] - 1164:9 account [4] - 1159:8, 1166:44, 1185:18, 1201:3 accounts [1] - 1189:12 acknowledge [2] - 1195:22, 1199:18 acting [1] - 1179:15 action [9] - 1157:38, 1158:4, 1159:6, 1160:47, 1169:4, 1176:44, 1176:47, 1183:47, 1193:7 actions [1] - 1194:16 actual [2] - 1196:12, 1196:39 add [3] - 1187:26, 1204:6, 1204:16 adding [1] - 1207:40 addition [2] - 1164:4, 1182:18 address [4] - 1166:15, 1174:11, 1205:20, 1208:42 addressed [5] - 1162:7, 1166:18, 1177:42, 1188:11, 1195:13 addresses [1] - 1161:46 adequately [1] - 1203:11 adjourn [1] - 1209:20 ADJOURNED [1] - 1209:22 ADJOURNMENT [1] - 1198:10 administrative [5] - 1187:45, 1188:16, 1188:24, 1188:26, 1197:4 admissions [1] - 1193:43 admittedly [1] - 1161:37 adult [1] - 1192:26 advance [1] - 1172:37 advertised [1] - 1180:42 advertising [1] - 1181:37 advocacy [1] - 1204:20 affected [2] - 1166:24,	affirm [1] - 1200:16 affirmation [1] - 1200:12 affirmed [4] - 1155:27, 1182:12, 1198:17, 1201:39 age [3] - 1166:40, 1179:31, 1180:32 agencies [5] - 1162:4, 1172:9, 1172:39, 1192:40, 1194:31 agency [1] - 1194:30 aggressions [1] - 1200:29 aggressor [1] - 1163:47 aggrieved [5] - 1176:35, 1176:37, 1192:15, 1192:26, 1192:33 aggrieved's [1] - 1193:33 aggrieveds [2] - 1166:1, 1184:14 ago [2] - 1160:18, 1188:9 agree [4] - 1158:44, 1172:1, 1172:2, 1178:19 aim [1] - 1190:46 al [1] - 1170:41 align [2] - 1193:23, 1193:42 aligned [2] - 1159:23, 1164:34 aligning [1] - 1162:32 alignment [1] - 1166:16 allegation [1] - 1187:17 allegations [8] - 1157:45, 1186:8, 1186:30, 1186:45, 1186:46, 1187:3, 1187:10, 1187:13 alleged [4] - 1159:12, 1159:23, 1193:31, 1193:34 allied [2] - 1197:30, 1198:38 allow [1] - 1168:12 allowance [1] - 1179:30 allows [1] - 1202:34 almost [2] - 1161:17, 1164:6 alone [1] - 1189:7 alternative [2] - 1191:13, 1201:40
\$	24 [1] - 1162:43 28 [1] - 1154:40 29 [1] - 1209:23			
\$70,000 [1] - 1179:29				
'	3			
'mate' [1] - 1193:33	3 [2] - 1187:18, 1188:35 300-odd [1] - 1191:37			
1	4			
1.03PM [1] - 1209:22 10 [8] - 1170:24, 1182:25, 1183:27, 1187:18, 1187:31, 1198:6, 1207:27, 1209:20 100 [1] - 1184:32 105 [1] - 1184:13 14 [1] - 1155:38 15 [1] - 1172:31 17 [1] - 1182:17 17-year-old [1] - 1181:18 17-year-olds [7] - 1177:21, 1177:25, 1177:27, 1178:35, 1179:3, 1179:5, 1181:22 18 [4] - 1155:21, 1177:25, 1177:29, 1177:33 1989 [2] - 1177:15, 1177:37	4 [1] - 1191:9 40 [1] - 1188:13			
	5			
	5 [1] - 1192:45 500 [1] - 1184:46 59 [1] - 1157:1			
	6	absence [1] - 1193:7 absolute [2] - 1171:24, 1207:44 absolutely [9] - 1160:9, 1161:28, 1162:38, 1162:41, 1171:11, 1193:46, 1197:13 abuse [23] - 1156:37, 1157:21, 1157:22, 1157:30, 1157:31, 1157:32, 1157:42, 1157:45, 1158:2, 1158:10, 1158:31, 1160:4, 1161:16, 1161:18, 1162:9, 1175:23, 1184:20, 1184:37, 1185:6, 1185:23, 1186:8, 1195:35 abuser [2] - 1162:32, 1193:24 abusers [1] - 1164:34 abusive [2] - 1160:39, 1161:8 academic [3] - 1155:44, 1182:32, 1182:37 academics [1] - 1204:10 academy [1] - 1180:17 accept [7] - 1177:36, 1177:38, 1177:39, 1177:44, 1178:3, 1179:23, 1179:34 access [7] - 1180:40, 1181:20, 1196:39, 1196:45, 1197:24,		
	6			
	6 [3] - 1168:44, 1193:17, 1203:42 60 [1] - 1188:13 65 [3] - 1156:8, 1157:2, 1168:42			
	7			
	70 [1] - 1161:38			
	8			
	8/362 [1] - 1154:35			
	9			
	9 [2] - 1170:40, 1177:19 97 [2] - 1192:7, 1192:8			
	A			
2	able [9] - 1162:13, 1162:22, 1165:14, 1175:34, 1189:3, 1191:44, 1196:25, 1200:7, 1202:44 Aboriginal [58] - 1158:34, 1166:39, 1171:25, 1172:7, 1172:16, 1172:20, 1189:22, 1189:23, 1196:36, 1199:4, 1199:14, 1199:17,			
2 [2] - 1157:13, 1183:20 20 [3] - 1156:2, 1188:9, 1207:27 2003 [1] - 1188:7 2009 [1] - 1182:28 2011 [1] - 1193:11 2015 [1] - 1156:8 2016 [2] - 1183:1, 1186:36 2018 [8] - 1156:8, 1182:40, 1184:9, 1184:16, 1190:18, 1199:10, 1200:2, 1201:9 2019 [5] - 1183:1, 1183:8, 1199:10, 1200:2, 1201:9 2021 [4] - 1170:44, 1183:8, 1189:1,				

<p>alternatives [1] - 1171:43</p> <p>ambivalent [2] - 1171:32, 1171:35</p> <p>ambulant [1] - 1171:30</p> <p>ameliorate [1] - 1165:45</p> <p>America [1] - 1171:31</p> <p>American [1] - 1171:17</p> <p>amount [1] - 1195:17</p> <p>analysis [4] - 1175:12, 1175:14, 1175:21, 1175:22</p> <p>AND [1] - 1154:12</p> <p>anecdotal [1] - 1172:44</p> <p>Angehrn [2] - 1170:41</p> <p>ANNA [1] - 1154:28</p> <p>answer [3] - 1174:30, 1175:35, 1195:14</p> <p>answers [1] - 1173:23</p> <p>anti [1] - 1178:5</p> <p>anti-intellectual [1] - 1178:5</p> <p>anyway [1] - 1177:43</p> <p>apart [1] - 1175:18</p> <p>appear [3] - 1165:15, 1183:21, 1188:3</p> <p>appeared [1] - 1193:21</p> <p>appearing [2] - 1155:8, 1193:23</p> <p>apple [1] - 1178:16</p> <p>application [3] - 1167:39, 1200:22, 1203:5</p> <p>applications [3] - 1157:43, 1167:38, 1207:7</p> <p>applied [2] - 1168:14, 1206:21</p> <p>applies [1] - 1175:15</p> <p>apply [2] - 1168:22, 1177:25</p> <p>appreciate [3] - 1161:6, 1163:21, 1179:17</p> <p>appreciated [1] - 1169:1</p> <p>approach [8] - 1156:31, 1175:31, 1176:15, 1176:34, 1176:41, 1181:5, 1194:35, 1203:2</p> <p>approaches [1] - 1192:40</p> <p>appropriate [9] - 1159:40, 1162:1,</p>	<p>1162:2, 1164:30, 1169:4, 1170:3, 1180:21, 1203:35, 1208:38</p> <p>appropriately [1] - 1172:3</p> <p>area [8] - 1171:39, 1172:22, 1179:30, 1183:16, 1183:27, 1192:39, 1199:15, 1204:20</p> <p>areas [2] - 1198:47, 1205:14</p> <p>argue [2] - 1181:25, 1189:11</p> <p>argues [1] - 1192:42</p> <p>Army [1] - 1180:46</p> <p>arrangements [1] - 1168:5</p> <p>array [1] - 1179:45</p> <p>arrested [1] - 1163:14</p> <p>arresting [1] - 1180:5</p> <p>arrived [1] - 1163:35</p> <p>article [2] - 1156:25, 1157:24</p> <p>articulate [1] - 1189:3</p> <p>articulated [1] - 1167:31</p> <p>aspect [6] - 1175:18, 1175:19, 1175:20, 1176:1, 1187:9, 1188:34</p> <p>aspects [1] - 1186:11</p> <p>assault [2] - 1163:15, 1165:7</p> <p>assaulted [1] - 1165:6</p> <p>assessed [1] - 1195:39</p> <p>assessing [2] - 1173:37, 1177:5</p> <p>assessment [6] - 1164:30, 1173:20, 1174:21, 1176:28, 1176:36, 1177:1</p> <p>assessments [3] - 1170:30, 1173:25, 1174:20</p> <p>assist [1] - 1171:25</p> <p>assistance [2] - 1159:2, 1203:3</p> <p>assisted [1] - 1177:45</p> <p>ASSISTING [1] - 1154:26</p> <p>Associate [6] - 1198:14, 1198:21, 1198:36, 1204:35, 1207:15, 1209:8</p> <p>associate [1] - 1204:31</p> <p>associated [4] -</p>	<p>1158:8, 1160:16, 1185:22, 1187:44</p> <p>assumption [2] - 1165:38, 1201:27</p> <p>assumptions [6] - 1158:39, 1162:9, 1166:8, 1166:9, 1166:10, 1175:9</p> <p>AT [1] - 1209:22</p> <p>attached [2] - 1184:12</p> <p>attend [3] - 1159:21, 1204:13, 1208:39</p> <p>attendances [1] - 1161:25</p> <p>attended [1] - 1165:12</p> <p>attending [1] - 1173:18</p> <p>attitude [3] - 1187:42, 1194:23, 1195:6</p> <p>attitudes [7] - 1190:8, 1191:3, 1191:25, 1195:28, 1195:31, 1195:32, 1195:36</p> <p>attitudinal [3] - 1195:20, 1195:21, 1200:40</p> <p>attract [1] - 1190:43</p> <p>attracting [1] - 1179:36</p> <p>attractive [4] - 1180:2, 1180:41, 1181:36, 1181:41</p> <p>attracts [1] - 1190:43</p> <p>Australia [7] - 1158:39, 1161:37, 1162:44, 1171:34, 1180:11, 1194:32, 1199:32</p> <p>Australian [2] - 1162:47, 1163:9</p> <p>Australian-born [1] - 1163:9</p> <p>authorities [1] - 1187:35</p> <p>available [5] - 1155:4, 1169:34, 1172:12, 1197:24, 1208:17</p> <p>avoid [1] - 1163:23</p> <p>avoidance [1] - 1188:1</p> <p>aware [7] - 1159:7, 1160:18, 1162:17, 1170:11, 1176:18, 1179:1, 1208:38</p> <p>awareness [1] - 1190:7</p>	<p>background [3] - 1155:44, 1166:39, 1182:23</p> <p>backgrounds [2] - 1158:37, 1164:14</p> <p>backlash [1] - 1207:39</p> <p>backwards [1] - 1178:42</p> <p>bad [2] - 1178:16, 1206:30</p> <p>banter [1] - 1193:35</p> <p>Bar [1] - 1174:37</p> <p>barriers [2] - 1187:38, 1193:18</p> <p>barristers [1] - 1204:33</p> <p>based [25] - 1156:3, 1156:14, 1158:4, 1160:19, 1170:28, 1170:30, 1175:9, 1175:31, 1184:33, 1186:29, 1186:44, 1186:45, 1189:15, 1189:16, 1190:18, 1190:28, 1191:23, 1195:30, 1196:7, 1198:46, 1199:12, 1200:29, 1204:39, 1205:2, 1206:3</p> <p>basis [4] - 1166:8, 1177:1, 1197:19, 1199:43</p> <p>beaming [1] - 1199:19</p> <p>become [4] - 1159:6, 1177:27, 1185:44, 1191:39</p> <p>becomes [2] - 1187:29, 1208:30</p> <p>becoming [1] - 1206:41</p> <p>behalf [2] - 1157:15, 1189:33</p> <p>behaviour [9] - 1157:31, 1160:3, 1185:10, 1185:46, 1186:23, 1190:39, 1193:30, 1193:40, 1197:11</p> <p>behaviours [3] - 1193:18, 1200:32, 1200:40</p> <p>beliefs [1] - 1191:3</p> <p>bench [3] - 1168:30, 1168:31, 1168:35</p> <p>Bench [2] - 1166:5, 1167:19</p> <p>benefit [5] - 1190:11, 1196:43, 1196:44, 1197:8, 1208:36</p> <p>best [5] - 1170:28,</p>	<p>1172:9, 1180:33, 1193:41, 1201:26</p> <p>better [14] - 1180:18, 1180:35, 1187:1, 1188:11, 1188:23, 1188:24, 1189:23, 1189:25, 1191:39, 1192:36, 1196:15, 1196:18, 1203:14, 1206:38</p> <p>between [13] - 1156:7, 1169:22, 1172:37, 1174:29, 1174:33, 1183:8, 1187:18, 1188:13, 1199:44, 1200:23, 1204:25, 1207:37, 1208:9</p> <p>beyond [3] - 1169:30, 1169:35, 1170:32</p> <p>bias [2] - 1165:44, 1166:6</p> <p>bibliography [2] - 1171:1, 1201:15</p> <p>big [3] - 1185:14, 1205:26</p> <p>bit [1] - 1158:30, 1175:22, 1179:37, 1196:45, 1198:31, 1198:32, 1199:27, 1201:12, 1202:30, 1202:35, 1208:30</p> <p>blaming [1] - 1194:34</p> <p>blatantly [1] - 1195:34</p> <p>Block [1] - 1164:10</p> <p>blurring [1] - 1207:44</p> <p>board [2] - 1166:45, 1190:2</p> <p>body [1] - 1155:42</p> <p>boils [1] - 1169:2</p> <p>Book [2] - 1166:5, 1167:19</p> <p>book [8] - 1156:21, 1156:29, 1156:31, 1156:35, 1156:38, 1168:30, 1168:31, 1168:35</p> <p>born [2] - 1162:47, 1163:9</p> <p>bottom [2] - 1188:35, 1193:29</p> <p>boundaries [1] - 1208:28</p> <p>Bourke [4] - 1206:10, 1206:12, 1206:13, 1206:20</p> <p>breach [6] - 1159:38, 1159:43, 1184:38, 1185:29, 1192:29</p> <p>breaches [16] - 1159:32, 1159:35,</p>
B				
<p>baby [1] - 1202:3</p> <p>bachelor [1] - 1198:43</p>				

<p>1159:41, 1184:3, 1184:4, 1184:18, 1184:20, 1184:22, 1185:15, 1185:25, 1186:2, 1186:7, 1186:39, 1191:33, 1192:28</p> <p>breaching [1] - 1184:39</p> <p>break [3] - 1165:24, 1198:3, 1198:6</p> <p>breath [1] - 1202:31</p> <p>bridge [1] - 1207:37</p> <p>brief [1] - 1188:15</p> <p>briefly [2] - 1164:12, 1183:38</p> <p>bring [4] - 1158:39, 1201:32, 1201:33, 1205:18</p> <p>bringing [2] - 1177:45, 1205:19</p> <p>Brisbane [3] - 1154:34, 1154:35, 1156:18</p> <p>broaden [1] - 1180:12</p> <p>broader [4] - 1166:11, 1166:17, 1180:27, 1185:10</p> <p>broadly [4] - 1168:43, 1178:44, 1185:3, 1195:28</p> <p>BROMLEY [4] - 1174:43, 1175:2, 1176:3, 1196:3</p> <p>Bromley [3] - 1155:7, 1174:41, 1174:44</p> <p>build [1] - 1180:21</p> <p>bundle [1] - 1155:13</p> <p>BUNDLE [1] - 1155:23</p> <p>burnout [1] - 1197:26</p> <p>BY [7] - 1155:29, 1175:2, 1176:10, 1182:14, 1196:3, 1198:19, 1207:13</p>	<p>capture [1] - 1195:36</p> <p>captured [1] - 1184:10</p> <p>capturing [1] - 1195:32</p> <p>carceral [2] - 1199:34, 1205:3</p> <p>carcerality [1] - 1199:33</p> <p>card [5] - 1173:18, 1174:3, 1174:4, 1174:6, 1174:8</p> <p>care [2] - 1162:21, 1174:16</p> <p>career [6] - 1179:7, 1181:36, 1190:13, 1190:47, 1194:42, 1194:46</p> <p>careful [3] - 1163:28, 1180:38, 1204:11</p> <p>carefully [1] - 1180:14</p> <p>Carolyn [1] - 1164:10</p> <p>case [10] - 1163:34, 1165:23, 1169:37, 1178:8, 1178:14, 1180:10, 1197:29, 1202:33, 1204:23, 1205:33</p> <p>cases [9] - 1157:41, 1157:44, 1159:24, 1164:35, 1166:7, 1168:1, 1192:9, 1193:23, 1205:37</p> <p>catching [1] - 1190:22</p> <p>category [1] - 1164:15</p> <p>caution [1] - 1203:47</p> <p>cells [2] - 1163:14, 1207:22</p> <p>cent [5] - 1161:38, 1187:18, 1188:13, 1192:7, 1192:8</p> <p>central [1] - 1168:35</p> <p>Centre [2] - 1183:13, 1198:37</p> <p>certain [4] - 1179:39, 1193:32, 1200:32, 1207:24</p> <p>certainly [13] - 1158:32, 1159:22, 1159:42, 1160:13, 1161:9, 1161:18, 1168:33, 1178:7, 1184:36, 1184:43, 1185:1, 1185:4, 1190:33</p> <p>cetera [1] - 1174:34</p> <p>challenges [2] - 1172:40, 1186:12</p> <p>champion [1] - 1196:37</p> <p>chance [2] - 1173:32,</p>	<p>1193:1</p> <p>change [9] - 1168:19, 1177:44, 1179:43, 1179:46, 1190:39, 1194:15, 1194:36, 1195:20, 1195:21</p> <p>changed [3] - 1177:36, 1177:39, 1177:40</p> <p>changes [3] - 1160:15, 1168:22, 1175:37</p> <p>changing [2] - 1175:46, 1190:8</p> <p>chapters [2] - 1156:35, 1156:39</p> <p>charge [1] - 1163:15</p> <p>charged [1] - 1206:47</p> <p>charges [5] - 1163:15, 1169:18, 1203:5, 1207:2, 1208:15</p> <p>chase [1] - 1204:28</p> <p>check [3] - 1169:43, 1174:1, 1193:9</p> <p>checklist [2] - 1174:7, 1174:9</p> <p>chicken [1] - 1179:37</p> <p>Child [1] - 1167:45</p> <p>child [11] - 1156:43, 1159:25, 1184:39, 1187:16, 1192:17, 1192:30, 1192:31, 1194:28, 1194:30, 1194:31, 1202:39</p> <p>children [28] - 1158:35, 1162:23, 1164:20, 1164:26, 1167:32, 1167:37, 1167:38, 1167:47, 1168:12, 1168:17, 1184:21, 1184:39, 1185:9, 1187:14, 1191:13, 1191:31, 1191:35, 1191:38, 1191:40, 1191:42, 1191:44, 1192:10, 1192:11, 1192:24, 1192:27, 1199:36, 1202:40, 1203:16</p> <p>choice [1] - 1193:32</p> <p>choose [2] - 1190:14, 1206:39</p> <p>circumstances [11] - 1160:31, 1160:32, 1163:18, 1163:25, 1164:21, 1167:36, 1168:16, 1168:19, 1169:17, 1169:36, 1169:38</p> <p>city [1] - 1171:37</p>	<p>civil [4] - 1185:3, 1186:15, 1188:29, 1203:5</p> <p>clan [1] - 1206:25</p> <p>clarify [1] - 1173:38</p> <p>Clarke's [1] - 1169:37</p> <p>clear [10] - 1163:2, 1165:13, 1165:14, 1166:23, 1168:3, 1168:4, 1168:16, 1190:13, 1192:25, 1208:8</p> <p>Clearinghouse [1] - 1172:18</p> <p>clearly [5] - 1163:12, 1163:25, 1189:3, 1191:34, 1204:39</p> <p>climate [1] - 1179:23</p> <p>close [2] - 1173:25, 1196:31</p> <p>co [17] - 1164:20, 1164:26, 1172:26, 1172:28, 1172:45, 1196:7, 1196:8, 1196:9, 1196:13, 1196:14, 1196:18, 1196:25, 1196:30, 1196:36, 1207:26, 1208:37, 1208:40</p> <p>co-located [2] - 1172:45, 1207:26</p> <p>co-location [6] - 1172:26, 1172:28, 1196:8, 1196:14, 1196:25, 1196:36</p> <p>co-opted [2] - 1164:20, 1164:26</p> <p>co-responder [6] - 1196:7, 1196:9, 1196:13, 1196:18, 1208:37, 1208:40</p> <p>co-response [1] - 1196:30</p> <p>coast [1] - 1206:14</p> <p>coerced [1] - 1205:40</p> <p>coercive [10] - 1158:9, 1160:3, 1160:8, 1160:16, 1175:22, 1184:28, 1184:34, 1186:8, 1186:21, 1193:5</p> <p>coherent [1] - 1165:13</p> <p>cohort [2] - 1164:12, 1164:46</p> <p>cold [1] - 1202:17</p> <p>collaboration [3] - 1174:28, 1201:14, 1201:17</p> <p>collaborative [1] - 1172:31</p>	<p>collecting [1] - 1169:12</p> <p>collection [1] - 1184:16</p> <p>collusion [2] - 1194:2</p> <p>coming [6] - 1160:44, 1169:21, 1170:18, 1186:40, 1187:38, 1206:31</p> <p>comment [2] - 1167:10, 1167:16</p> <p>comments [2] - 1156:27, 1178:24</p> <p>Commission [20] - 1155:37, 1156:7, 1157:6, 1157:26, 1157:29, 1161:36, 1168:40, 1172:19, 1172:25, 1175:6, 1182:17, 1185:41, 1188:8, 1197:5, 1198:22, 1199:39, 1200:44, 1201:3, 1207:47, 1208:3</p> <p>COMMISSION [2] - 1154:11, 1209:22</p> <p>commissioner [1] - 1174:43</p> <p>COMMISSIONER [36] - 1154:19, 1155:1, 1155:10, 1155:15, 1155:21, 1155:31, 1167:9, 1170:39, 1170:44, 1170:47, 1171:7, 1171:11, 1171:16, 1174:41, 1174:47, 1177:32, 1179:14, 1180:9, 1180:31, 1180:46, 1181:2, 1181:10, 1182:1, 1182:6, 1187:6, 1187:12, 1187:20, 1187:24, 1197:44, 1198:6, 1198:12, 1204:35, 1206:9, 1207:9, 1209:11, 1209:20</p> <p>Commissioner [9] - 1155:3, 1176:4, 1176:6, 1182:10, 1198:14, 1204:35, 1207:11, 1209:1, 1209:18</p> <p>Commissioner's [1] - 1207:16</p> <p>commitment [1] - 1194:37</p> <p>common [9] - 1157:18, 1163:41, 1167:3, 1169:42,</p>
C				
<p>cadet [1] - 1160:28</p> <p>cadets [2] - 1170:15, 1175:36</p> <p>call-out [1] - 1188:17</p> <p>call-outs [2] - 1188:2, 1188:13</p> <p>calm [2] - 1165:26</p> <p>calmly [1] - 1165:30</p> <p>Campbell [1] - 1196:11</p> <p>capable [1] - 1168:1</p> <p>CAPPELLANO [1] - 1154:28</p>				

<p>1173:13, 1174:20, 1184:7, 1184:9, 1188:2</p> <p>communicating [1] - 1164:17</p> <p>communities [24] - 1175:13, 1175:30, 1180:32, 1181:8, 1181:32, 1181:33, 1196:39, 1199:45, 1203:17, 1203:18, 1204:19, 1204:37, 1205:5, 1205:12, 1205:20, 1205:22, 1205:30, 1205:42, 1206:24, 1206:25, 1207:32, 1208:4, 1208:34, 1208:43</p> <p>community [55] - 1175:7, 1178:18, 1181:16, 1190:24, 1190:25, 1190:29, 1194:47, 1195:43, 1196:41, 1198:46, 1199:1, 1199:5, 1200:14, 1201:19, 1201:34, 1202:4, 1202:5, 1202:10, 1202:19, 1202:28, 1202:41, 1202:43, 1203:2, 1203:37, 1204:17, 1204:39, 1204:41, 1204:42, 1205:8, 1205:10, 1205:11, 1205:15, 1205:17, 1205:19, 1205:25, 1205:31, 1205:39, 1205:47, 1206:3, 1206:5, 1206:12, 1206:16, 1206:22, 1206:29, 1206:31, 1207:19, 1207:27, 1207:29, 1207:34, 1207:35, 1207:37, 1207:39, 1208:18, 1208:42</p> <p>competitive [1] - 1179:34</p> <p>complained [1] - 1164:45</p> <p>complaint [3] - 1164:41, 1165:5, 1202:24</p> <p>complete [1] - 1179:6</p> <p>completed [1] - 1173:27</p> <p>completely [1] - 1165:8</p> <p>complex [9] - 1175:21, 1175:26,</p>	<p>1177:47, 1181:23, 1195:42, 1195:43, 1199:26, 1202:41, 1205:41</p> <p>complexity [2] - 1170:25, 1170:26</p> <p>complicated [2] - 1192:36, 1199:16</p> <p>comprehensive [3] - 1202:46, 1203:24, 1206:36</p> <p>comprises [1] - 1155:17</p> <p>computer [1] - 1173:22</p> <p>concern [18] - 1156:29, 1158:4, 1158:12, 1158:15, 1158:19, 1159:15, 1159:26, 1162:35, 1163:3, 1163:39, 1164:1, 1171:38, 1175:12, 1176:31, 1178:39, 1181:17, 1193:19, 1208:44</p> <p>concerned [4] - 1158:20, 1158:35, 1165:23, 1177:38</p> <p>concerning [2] - 1176:13, 1177:15</p> <p>concerns [11] - 1158:5, 1159:21, 1164:33, 1165:37, 1172:19, 1173:34, 1174:11, 1193:12, 1193:38, 1197:11, 1204:7</p> <p>concise [1] - 1165:15</p> <p>conclusion [1] - 1167:44</p> <p>condition [1] - 1192:26</p> <p>conditions [5] - 1159:38, 1168:13, 1168:15, 1168:23, 1191:34</p> <p>conduct [1] - 1208:2</p> <p>conducted [6] - 1182:40, 1182:46, 1183:16, 1188:5, 1199:10, 1201:23</p> <p>conducting [1] - 1182:23</p> <p>confidence [8] - 1161:15, 1186:35, 1186:40, 1194:4, 1194:6, 1196:23, 1196:28, 1196:43</p> <p>confident [1] - 1162:3</p> <p>confirm [3] - 1155:43,</p>	<p>1156:34, 1198:35</p> <p>conflict [1] - 1192:9</p> <p>conflicts [1] - 1192:2</p> <p>confused [1] - 1173:33</p> <p>connect [1] - 1171:40</p> <p>connected [1] - 1156:45</p> <p>connection [4] - 1182:2, 1198:30, 1207:43, 1209:12</p> <p>connections [1] - 1169:21</p> <p>conscious [1] - 1200:46</p> <p>consent [1] - 1191:43</p> <p>consider [3] - 1180:14, 1188:15, 1193:30</p> <p>considered [1] - 1158:38</p> <p>considers [1] - 1195:12</p> <p>consistency [2] - 1174:29, 1174:32</p> <p>consistent [1] - 1194:41</p> <p>consistently [1] - 1189:37</p> <p>constable [2] - 1160:26, 1179:29</p> <p>constant [1] - 1197:27</p> <p>construct [1] - 1204:24</p> <p>consult [1] - 1183:4</p> <p>consultant [1] - 1196:46</p> <p>consultation [3] - 1172:32, 1184:44, 1196:35</p> <p>consulted [1] - 1184:46</p> <p>contact [38] - 1157:2, 1158:17, 1158:19, 1158:45, 1159:39, 1161:27, 1161:28, 1168:4, 1168:17, 1170:21, 1171:3, 1173:36, 1184:21, 1184:29, 1184:34, 1184:39, 1184:40, 1187:31, 1189:18, 1189:23, 1189:25, 1189:26, 1189:34, 1189:39, 1191:34, 1191:41, 1192:9, 1192:11, 1192:14, 1192:15, 1192:19, 1192:26, 1192:29, 1192:33, 1192:34</p>	<p>contacting [1] - 1161:2</p> <p>contacts [1] - 1187:27</p> <p>contained [1] - 1173:17</p> <p>containing [1] - 1156:22</p> <p>content [1] - 1196:7</p> <p>context [34] - 1157:20, 1159:43, 1159:45, 1160:4, 1161:29, 1163:38, 1164:1, 1164:33, 1166:15, 1166:42, 1167:1, 1168:24, 1170:2, 1170:21, 1171:26, 1171:37, 1172:32, 1175:24, 1178:9, 1178:25, 1184:39, 1185:23, 1186:21, 1186:32, 1187:2, 1188:10, 1189:29, 1191:4, 1191:29, 1192:35, 1197:33, 1200:35, 1202:38, 1203:10</p> <p>contexts [7] - 1162:46, 1166:11, 1167:45, 1169:23, 1171:33, 1171:34, 1179:39</p> <p>continue [3] - 1181:38, 1183:4, 1191:11</p> <p>continuously [1] - 1185:39</p> <p>contribute [1] - 1162:12</p> <p>contributing [1] - 1197:11</p> <p>control [11] - 1158:9, 1160:8, 1160:16, 1164:6, 1175:22, 1184:28, 1184:34, 1186:9, 1186:21, 1193:6, 1199:1</p> <p>controlled [9] - 1199:5, 1201:19, 1201:34, 1202:5, 1202:11, 1202:28, 1202:41, 1203:2, 1203:38</p> <p>controlling [2] - 1160:3, 1185:10</p> <p>convenient [1] - 1155:12</p> <p>conversation [1] - 1174:10</p> <p>convicted [1] - 1178:10</p>	<p>coordinating [2] - 1172:34, 1172:35</p> <p>cop [2] - 1207:38, 1207:39</p> <p>copy [3] - 1155:38, 1182:17, 1198:25</p> <p>core [1] - 1194:44</p> <p>Coroners [1] - 1183:5</p> <p>coronial [2] - 1165:22, 1176:21</p> <p>correct [20] - 1155:47, 1156:5, 1156:12, 1156:25, 1156:38, 1157:4, 1157:10, 1157:16, 1157:23, 1176:38, 1180:19, 1182:44, 1192:1, 1198:23, 1198:40, 1198:44, 1199:6, 1203:6, 1203:36, 1208:12</p> <p>correctly [1] - 1181:14</p> <p>corrupt [1] - 1158:38</p> <p>costly [1] - 1191:14</p> <p>council [2] - 1168:34, 1168:37</p> <p>COUNSEL [1] - 1154:26</p> <p>country [6] - 1158:38, 1163:9, 1199:19, 1199:20, 1205:1, 1206:14</p> <p>couple [7] - 1163:5, 1168:29, 1169:38, 1170:13, 1183:41, 1196:5, 1206:9</p> <p>course [10] - 1157:2, 1158:28, 1161:22, 1165:7, 1179:5, 1179:6, 1183:27, 1193:13, 1193:20, 1200:3</p> <p>Court [6] - 1154:34, 1183:5, 1187:12, 1187:13, 1192:4</p> <p>court [8] - 1155:6, 1184:13, 1185:29, 1186:19, 1191:37, 1191:41, 1207:1, 1207:6</p> <p>Courts [1] - 1192:37</p> <p>courts [2] - 1168:8, 1168:9</p> <p>create [3] - 1193:18, 1194:41, 1194:43</p> <p>creating [3] - 1190:6, 1206:28, 1206:29</p> <p>credibility [1] - 1190:27</p> <p>Crime [2] - 1156:26,</p>
---	--	---	--	---

<p>1188:8 crime [2] - 1190:22, 1195:44 criminal [6] - 1169:18, 1185:2, 1186:15, 1188:30, 1195:2, 1203:5 criminals [1] - 1190:23 criminology [1] - 1182:32 Cripps [1] - 1172:16 crisis [1] - 1189:32 critical [2] - 1158:26, 1175:40 critiqued [1] - 1194:33 cross [2] - 1176:20, 1208:28 cross-examined [1] - 1176:20 culmination [1] - 1206:45 cultural [15] - 1158:39, 1166:9, 1175:47, 1177:40, 1183:21, 1183:26, 1186:28, 1187:42, 1194:23, 1195:11, 1204:15, 1204:24, 1204:25, 1206:27, 1207:42 culturally [15] - 1158:36, 1164:13, 1166:37, 1177:45, 1196:42, 1201:28, 1202:15, 1202:16, 1204:17, 1204:19, 1204:44, 1207:17, 1208:27, 1208:38 culture [8] - 1177:16, 1178:16, 1178:21, 1181:19, 1190:16, 1199:42, 1200:28, 1205:9 cultures [1] - 1204:26 current [1] - 1179:23 custody [2] - 1207:47, 1208:3 cut [3] - 1182:2, 1204:28, 1209:12</p>	<p>daresay [1] - 1199:41 data [5] - 1160:15, 1184:16, 1184:27, 1184:30, 1184:35 date [3] - 1160:28, 1160:29, 1198:22 dated [2] - 1155:38, 1182:17 daytime [1] - 1196:24 deal [6] - 1162:24, 1163:22, 1178:1, 1180:28, 1197:19, 1205:43 dealing [4] - 1166:7, 1166:29, 1171:4, 1192:41 dealt [1] - 1156:40 dearth [2] - 1171:24, 1204:37 death [2] - 1165:21, 1182:47 deaths [2] - 1207:47, 1208:3 DEBORAH [1] - 1154:19 debriefing [1] - 1197:32 decade [3] - 1190:34, 1193:14, 1194:33 decades [1] - 1197:31 decide [1] - 1189:33 decided [1] - 1189:33 decision [8] - 1158:24, 1159:1, 1159:5, 1161:44, 1176:43, 1180:12, 1188:29 decisions [1] - 1176:46 dedicated [2] - 1156:35, 1188:44 deeper [2] - 1165:47, 1173:38 deescalating [1] - 1193:42 defending [1] - 1163:38 definitely [1] - 1203:9 degrade [1] - 1161:15 degree [2] - 1180:23, 1207:24 degrees [1] - 1178:44 delay [1] - 1198:31 demeanour [1] - 1160:45 Democracy [1] - 1156:27 demonstrated [2] - 1161:38, 1178:4 demonstrates [1] -</p>	<p>1179:33 Department [1] - 1184:45 deported [1] - 1158:37 Deputy [1] - 1183:12 described [1] - 1159:31 description [1] - 1159:40 desensitisation [1] - 1197:8 deserves [1] - 1190:28 designed [3] - 1174:31, 1204:45, 1204:46 detail [2] - 1156:28, 1200:45 determine [1] - 1169:3 detering [1] - 1194:11 develop [1] - 1197:35 developed [7] - 1168:34, 1172:32, 1174:10, 1174:20, 1176:14, 1176:19, 1176:22 developing [1] - 1161:24 dialling [1] - 1209:11 die [1] - 1201:45 died [1] - 1205:40 difference [4] - 1170:3, 1190:31, 1190:37, 1193:14 different [12] - 1156:28, 1156:30, 1157:40, 1171:33, 1173:31, 1185:33, 1192:5, 1200:25, 1206:25, 1206:37, 1207:18, 1208:11 differently [2] - 1174:31, 1199:25 difficult [3] - 1163:21, 1163:29, 1181:27 difficulties [3] - 1161:43, 1164:16, 1179:21 dig [1] - 1173:38 dilemma [1] - 1181:31 direct [3] - 1174:14, 1196:45, 1205:42 direction [2] - 1178:35, 1178:40 directly [1] - 1174:5 Director [1] - 1183:12 disciplinary [8] - 1170:36, 1171:47, 1172:21, 1172:26, 1172:30, 1172:42, 1175:38</p>	<p>disclose [1] - 1187:34 discourage [1] - 1185:45 discouraged [1] - 1185:30 discourages [1] - 1185:38 discovered [1] - 1201:4 discretion [2] - 1168:12, 1168:13 discrimination [1] - 1201:44 discriminatory [1] - 1200:33 discussed [2] - 1199:29, 1199:40 discussing [1] - 1184:18 discussion [2] - 1171:21, 1199:27 disempowerment [1] - 1164:38 disincentivised [1] - 1193:5 dismissive [1] - 1185:35 displaced [1] - 1206:24 displaying [1] - 1200:32 dissimilar [1] - 1161:15 distinct [1] - 1199:16 distinction [2] - 1192:25, 1208:9 distress [1] - 1165:11 distressed [4] - 1163:7, 1163:13, 1163:27, 1163:37 distressing [1] - 1163:17 distributed [1] - 1174:20 diverse [8] - 1158:36, 1164:14, 1165:1, 1166:37, 1175:13, 1175:29, 1196:41, 1196:42 diversity [3] - 1166:38, 1175:37, 1189:28 divided [1] - 1166:43 document [2] - 1173:10, 1182:18 documentation [1] - 1176:13 documents [2] - 1182:19, 1198:25 domestic [76] -</p>	<p>1156:4, 1156:10, 1156:37, 1156:45, 1157:14, 1159:3, 1159:35, 1159:47, 1160:4, 1160:27, 1161:40, 1162:8, 1166:7, 1166:10, 1166:14, 1166:21, 1166:22, 1166:25, 1167:2, 1167:4, 1167:12, 1167:24, 1167:26, 1167:36, 1172:4, 1173:18, 1175:31, 1176:15, 1178:11, 1178:41, 1180:1, 1182:24, 1182:33, 1182:39, 1182:42, 1182:46, 1183:22, 1183:46, 1184:11, 1184:15, 1186:29, 1187:10, 1187:32, 1187:43, 1188:1, 1188:13, 1188:26, 1188:36, 1188:38, 1188:44, 1189:3, 1189:21, 1189:29, 1190:21, 1190:34, 1190:45, 1191:4, 1191:11, 1192:12, 1193:22, 1194:13, 1194:29, 1194:35, 1194:39, 1195:1, 1195:6, 1195:10, 1195:33, 1195:37, 1196:37, 1197:6, 1199:15, 1199:41, 1201:23, 1201:24, 1202:2 Domestic [2] - 1166:4, 1167:19 DOMESTIC [1] - 1154:12 done [13] - 1170:30, 1171:31, 1172:17, 1173:25, 1173:35, 1177:4, 1178:17, 1178:22, 1182:32, 1195:18, 1197:22, 1201:29, 1205:28 Doreen [1] - 1165:22 doubt [3] - 1158:23, 1172:5, 1204:1 DOUGLAS [1] - 1155:27 Douglas [11] - 1155:4, 1155:18, 1155:25, 1155:33, 1167:9, 1170:40, 1174:36, 1175:4, 1181:10, 1181:46, 1182:2</p>
D				
<p>daily [1] - 1197:19 damage [1] - 1185:27 danger [4] - 1162:15, 1162:17, 1165:34, 1185:14 dangerous [4] - 1162:14, 1162:18, 1164:5</p>				

<p>down [5] - 1169:2, 1169:44, 1176:28, 1193:29, 1202:20 downgraded [1] - 1207:2 downsides [1] - 1193:45 Dr [2] - 1155:19 draft [3] - 1167:12, 1167:13, 1167:15 draw [1] - 1157:7 drive [1] - 1169:43 driven [1] - 1194:36 drives [1] - 1191:24 driving [1] - 1179:31 dropped [1] - 1171:7 during [5] - 1157:2, 1167:11, 1179:6, 1183:17, 1196:24 duties [3] - 1195:4, 1197:4, 1197:6 duty [2] - 1184:10, 1190:5 DV [11] - 1170:36, 1172:45, 1173:7, 1173:17, 1194:38, 1196:25, 1200:22, 1207:7, 1208:42 DV-informed [2] - 1194:38 DV-PAF [2] - 1173:7, 1173:17 DVO [4] - 1191:27, 1191:38, 1191:46, 1200:22 DVOs [1] - 1186:44 dying [1] - 1208:44 dynamic [1] - 1176:36 dynamics [2] - 1157:14, 1159:47</p>	<p>1179:6, 1179:19, 1180:22, 1180:24, 1180:40, 1180:43, 1181:38 effect [2] - 1169:45, 1193:47 effective [2] - 1172:10, 1172:41 effectively [1] - 1167:15 effects [2] - 1171:32, 1194:3 effort [1] - 1192:24 egg [1] - 1179:38 eight [1] - 1160:10 either [9] - 1158:2, 1168:42, 1173:20, 1174:24, 1196:25, 1198:31, 1203:4, 1207:42 element [2] - 1195:2, 1196:9 elements [1] - 1206:37 elicit [1] - 1193:43 embarked [1] - 1177:26 embedded [1] - 1200:27 emboldened [1] - 1186:3 emerged [3] - 1156:22, 1162:30, 1167:31 emergency [1] - 1202:7 emotional [3] - 1157:30, 1165:35, 1175:23 emotionally [1] - 1165:13 emotions [1] - 1200:40 empathy [4] - 1170:4, 1170:9, 1170:24, 1170:30 empathy-based [1] - 1170:30 emphasise [1] - 1204:27 enables [1] - 1196:18 encourage [1] - 1197:14 encouraging [1] - 1190:32 end [2] - 1184:45, 1207:6 enforcement [2] - 1207:41, 1207:43 engage [4] - 1160:38, 1164:25, 1193:31,</p>	<p>1208:16 engaged [2] - 1192:3, 1193:41 engagement [1] - 1193:43 engagements [1] - 1164:40 engaging [2] - 1190:39, 1193:34 English [5] - 1162:44, 1162:47, 1163:2, 1163:8, 1164:17 English-speaking [2] - 1163:2, 1163:8 ensure [8] - 1164:28, 1168:2, 1168:18, 1170:6, 1170:20, 1180:26, 1194:47, 1197:25 ensuring [1] - 1161:42 enter [1] - 1180:40 entities [1] - 1207:21 entitled [1] - 1176:14 entry [1] - 1186:14 environment [1] - 1205:41 equally [2] - 1189:14, 1197:22 escalate [1] - 1185:40 escaping [1] - 1161:26 especially [4] - 1157:21, 1164:29, 1175:36, 1177:46 essential [1] - 1196:8 essentially [5] - 1156:39, 1185:30, 1185:38, 1188:9, 1201:39 established [3] - 1187:1, 1199:32, 1208:30 et [2] - 1170:41, 1174:34 evaluation [1] - 1193:11 evaluations [3] - 1172:46, 1173:5, 1193:13 eventually [3] - 1163:15, 1185:33, 1185:39 evidence [22] - 1155:37, 1157:42, 1160:19, 1167:37, 1169:13, 1170:3, 1170:28, 1171:23, 1172:25, 1175:6, 1179:27, 1185:26, 1185:28, 1186:20,</p>	<p>1186:31, 1187:1, 1196:10, 1196:13, 1196:14, 1196:17, 1197:5, 1199:8 evidence-based [1] - 1160:19 exactly [3] - 1164:8, 1180:47, 1192:42 EXAMINATION [7] - 1155:29, 1175:2, 1176:10, 1182:14, 1196:3, 1198:19, 1207:13 examined [2] - 1176:20, 1200:4 example [24] - 1157:23, 1158:9, 1158:34, 1158:40, 1159:15, 1159:17, 1159:29, 1160:15, 1163:7, 1165:2, 1175:8, 1178:9, 1178:45, 1179:27, 1181:38, 1185:27, 1193:33, 1194:27, 1194:28, 1196:21, 1196:41, 1197:21, 1208:9 examples [4] - 1157:24, 1200:45, 1200:46, 1201:2 exceptional [2] - 1169:29, 1169:41 exciting [1] - 1190:23 excused [3] - 1181:46, 1197:42, 1209:9 exercising [1] - 1164:6 exhibit [1] - 1155:21 EXHIBIT [1] - 1155:23 exist [4] - 1186:10, 1195:12, 1199:34, 1203:38 existence [1] - 1175:29 existing [1] - 1183:32 expand [1] - 1191:19 expanding [1] - 1189:8 expect [1] - 1163:23 expectation [2] - 1160:37, 1162:10 expectations [1] - 1165:46 experience [20] - 1156:41, 1158:21, 1164:9, 1164:18, 1164:26, 1167:27, 1180:37, 1187:32, 1189:25, 1191:23,</p>	<p>1197:31, 1199:24, 1199:36, 1200:11, 1200:15, 1200:33, 1200:34, 1200:39, 1201:5, 1206:6 experienced [4] - 1181:28, 1184:28, 1200:12, 1200:17 experiences [21] - 1156:10, 1156:24, 1156:30, 1156:36, 1157:8, 1157:21, 1170:17, 1184:10, 1184:34, 1184:36, 1187:34, 1189:17, 1189:22, 1189:39, 1193:5, 1193:8, 1193:34, 1199:13, 1200:6, 1200:37, 1201:44 experiencing [6] - 1158:11, 1161:16, 1167:25, 1180:1, 1200:14, 1206:44 experiment [1] - 1171:36 experiments [1] - 1171:35 expert [3] - 1155:17, 1155:18, 1183:4 explain [5] - 1161:31, 1162:40, 1183:41, 1199:12, 1204:6 explaining [1] - 1169:33 explore [1] - 1156:9 exposed [3] - 1167:37, 1176:37, 1181:17 expressed [3] - 1165:37, 1178:32, 1193:12 expressing [1] - 1179:12 extend [1] - 1180:24 extends [1] - 1192:26 extent [6] - 1167:20, 1170:9, 1189:13, 1190:24, 1191:20, 1191:22</p>
E				
<p>early [2] - 1195:40, 1203:14 earned [1] - 1179:40 earns [1] - 1179:29 easier [3] - 1191:13, 1192:27, 1202:31 East [1] - 1156:14 eastern [1] - 1206:17 easy [2] - 1161:40, 1175:45 economic [1] - 1179:23 Edington [2] - 1178:28, 1178:32 educated [1] - 1181:7 education [9] - 1178:27, 1179:2,</p>	<p>1179:6, 1179:19, 1180:22, 1180:24, 1180:40, 1180:43, 1181:38 effect [2] - 1169:45, 1193:47 effective [2] - 1172:10, 1172:41 effectively [1] - 1167:15 effects [2] - 1171:32, 1194:3 effort [1] - 1192:24 egg [1] - 1179:38 eight [1] - 1160:10 either [9] - 1158:2, 1168:42, 1173:20, 1174:24, 1196:25, 1198:31, 1203:4, 1207:42 element [2] - 1195:2, 1196:9 elements [1] - 1206:37 elicit [1] - 1193:43 embarked [1] - 1177:26 embedded [1] - 1200:27 emboldened [1] - 1186:3 emerged [3] - 1156:22, 1162:30, 1167:31 emergency [1] - 1202:7 emotional [3] - 1157:30, 1165:35, 1175:23 emotionally [1] - 1165:13 emotions [1] - 1200:40 empathy [4] - 1170:4, 1170:9, 1170:24, 1170:30 empathy-based [1] - 1170:30 emphasise [1] - 1204:27 enables [1] - 1196:18 encourage [1] - 1197:14 encouraging [1] - 1190:32 end [2] - 1184:45, 1207:6 enforcement [2] - 1207:41, 1207:43 engage [4] - 1160:38, 1164:25, 1193:31,</p>	<p>1208:16 engaged [2] - 1192:3, 1193:41 engagement [1] - 1193:43 engagements [1] - 1164:40 engaging [2] - 1190:39, 1193:34 English [5] - 1162:44, 1162:47, 1163:2, 1163:8, 1164:17 English-speaking [2] - 1163:2, 1163:8 ensure [8] - 1164:28, 1168:2, 1168:18, 1170:6, 1170:20, 1180:26, 1194:47, 1197:25 ensuring [1] - 1161:42 enter [1] - 1180:40 entities [1] - 1207:21 entitled [1] - 1176:14 entry [1] - 1186:14 environment [1] - 1205:41 equally [2] - 1189:14, 1197:22 escalate [1] - 1185:40 escaping [1] - 1161:26 especially [4] - 1157:21, 1164:29, 1175:36, 1177:46 essential [1] - 1196:8 essentially [5] - 1156:39, 1185:30, 1185:38, 1188:9, 1201:39 established [3] - 1187:1, 1199:32, 1208:30 et [2] - 1170:41, 1174:34 evaluation [1] - 1193:11 evaluations [3] - 1172:46, 1173:5, 1193:13 eventually [3] - 1163:15, 1185:33, 1185:39 evidence [22] - 1155:37, 1157:42, 1160:19, 1167:37, 1169:13, 1170:3, 1170:28, 1171:23, 1172:25, 1175:6, 1179:27, 1185:26, 1185:28, 1186:20,</p>	<p>1186:31, 1187:1, 1196:10, 1196:13, 1196:14, 1196:17, 1197:5, 1199:8 evidence-based [1] - 1160:19 exactly [3] - 1164:8, 1180:47, 1192:42 EXAMINATION [7] - 1155:29, 1175:2, 1176:10, 1182:14, 1196:3, 1198:19, 1207:13 examined [2] - 1176:20, 1200:4 example [24] - 1157:23, 1158:9, 1158:34, 1158:40, 1159:15, 1159:17, 1159:29, 1160:15, 1163:7, 1165:2, 1175:8, 1178:9, 1178:45, 1179:27, 1181:38, 1185:27, 1193:33, 1194:27, 1194:28, 1196:21, 1196:41, 1197:21, 1208:9 examples [4] - 1157:24, 1200:45, 1200:46, 1201:2 exceptional [2] - 1169:29, 1169:41 exciting [1] - 1190:23 excused [3] - 1181:46, 1197:42, 1209:9 exercising [1] - 1164:6 exhibit [1] - 1155:21 EXHIBIT [1] - 1155:23 exist [4] - 1186:10, 1195:12, 1199:34, 1203:38 existence [1] - 1175:29 existing [1] - 1183:32 expand [1] - 1191:19 expanding [1] - 1189:8 expect [1] - 1163:23 expectation [2] - 1160:37, 1162:10 expectations [1] - 1165:46 experience [20] - 1156:41, 1158:21, 1164:9, 1164:18, 1164:26, 1167:27, 1180:37, 1187:32, 1189:25, 1191:23,</p>	<p>1197:31, 1199:24, 1199:36, 1200:11, 1200:15, 1200:33, 1200:34, 1200:39, 1201:5, 1206:6 experienced [4] - 1181:28, 1184:28, 1200:12, 1200:17 experiences [21] - 1156:10, 1156:24, 1156:30, 1156:36, 1157:8, 1157:21, 1170:17, 1184:10, 1184:34, 1184:36, 1187:34, 1189:17, 1189:22, 1189:39, 1193:5, 1193:8, 1193:34, 1199:13, 1200:6, 1200:37, 1201:44 experiencing [6] - 1158:11, 1161:16, 1167:25, 1180:1, 1200:14, 1206:44 experiment [1] - 1171:36 experiments [1] - 1171:35 expert [3] - 1155:17, 1155:18, 1183:4 explain [5] - 1161:31, 1162:40, 1183:41, 1199:12, 1204:6 explaining [1] - 1169:33 explore [1] - 1156:9 exposed [3] - 1167:37, 1176:37, 1181:17 expressed [3] - 1165:37, 1178:32, 1193:12 expressing [1] - 1179:12 extend [1] - 1180:24 extends [1] - 1192:26 extent [6] - 1167:20, 1170:9, 1189:13, 1190:24, 1191:20, 1191:22</p>
F				<p>face [1] - 1161:43 facilitating [1] - 1190:38 fact [15] - 1156:35, 1159:12, 1159:23, 1163:36, 1165:10, 1166:33, 1172:24,</p>

<p>1173:14, 1181:37, 1185:20, 1186:45, 1189:37, 1193:39, 1201:1, 1202:38 factor [4] - 1158:11, 1162:16, 1167:14, 1167:17 factors [2] - 1162:11, 1202:41 failure [1] - 1158:3 fair [1] - 1168:47 fairly [1] - 1172:13 fall [1] - 1188:30 false [6] - 1186:30, 1186:44, 1186:46, 1187:3, 1187:9, 1187:17 familiar [1] - 1173:10 familiarity [1] - 1178:14 families [2] - 1202:1, 1205:20 FAMILY [1] - 1154:12 family [92] - 1156:4, 1156:10, 1156:37, 1156:46, 1157:14, 1159:3, 1159:36, 1159:47, 1160:5, 1160:27, 1161:40, 1166:7, 1166:10, 1166:14, 1166:21, 1166:22, 1166:25, 1167:2, 1167:4, 1167:12, 1167:24, 1167:26, 1167:36, 1167:43, 1168:3, 1168:9, 1168:17, 1168:20, 1168:21, 1172:4, 1173:18, 1175:31, 1176:15, 1178:11, 1178:41, 1180:1, 1182:24, 1182:34, 1182:39, 1182:42, 1182:47, 1183:22, 1183:46, 1184:11, 1184:40, 1184:41, 1187:1, 1187:43, 1188:1, 1188:14, 1188:27, 1188:37, 1188:38, 1188:44, 1189:4, 1189:21, 1189:29, 1190:21, 1190:25, 1190:45, 1191:4, 1191:14, 1191:26, 1191:45, 1192:2, 1192:3, 1192:12, 1192:18, 1192:21, 1193:22, 1194:14, 1194:29, 1194:35,</p>	<p>1195:1, 1195:6, 1195:11, 1195:33, 1195:37, 1196:38, 1197:6, 1199:15, 1199:41, 1202:33, 1202:34, 1203:15, 1203:19, 1205:16, 1205:33, 1206:31, 1206:38, 1206:39, 1207:5 Family [6] - 1166:4, 1167:19, 1183:13, 1187:12, 1187:13, 1192:4 Far [1] - 1199:20 father [1] - 1194:34 fathers [2] - 1192:8 fatigue [1] - 1197:7 favour [2] - 1171:46, 1196:8 fearful [6] - 1158:33, 1158:37, 1158:43, 1163:26, 1165:24, 1165:36 feed [1] - 1166:9 feelings [1] - 1200:41 felt [9] - 1157:33, 1157:36, 1159:22, 1160:39, 1164:22, 1165:4, 1165:8, 1165:16, 1165:26 female [3] - 1184:33, 1208:16, 1208:17 few [6] - 1155:43, 1160:17, 1169:36, 1179:44, 1201:14, 1201:35 fighting [5] - 1190:22, 1195:44, 1206:42, 1206:46, 1208:46 filling [1] - 1173:39 finalised [1] - 1169:45 finally [1] - 1195:8 financial [2] - 1157:31, 1162:20 findings [3] - 1191:9, 1191:19, 1192:43 fine [1] - 1170:35 finish [2] - 1177:33, 1178:31 First [6] - 1196:35, 1196:43, 1198:36, 1199:10, 1200:1, 1208:9 first [18] - 1155:3, 1157:12, 1158:45, 1160:7, 1162:44, 1167:13, 1169:15, 1176:43, 1179:29, 1180:15, 1182:31,</p>	<p>1186:14, 1187:39, 1201:8, 1201:34, 1202:7, 1202:15, 1205:42 first-year [2] - 1179:29, 1180:15 firstly [4] - 1155:6, 1183:45, 1199:18, 1200:6 fit [3] - 1164:15, 1174:31, 1175:13 Fitzgerald [4] - 1177:15, 1177:42, 1178:4, 1178:25 Fitzgerald's [1] - 1180:25 five [4] - 1160:18, 1162:45, 1173:30 fly [2] - 1205:35, 1205:39 focus [5] - 1156:31, 1165:10, 1180:25, 1184:47, 1199:9 focused [3] - 1167:1, 1187:8, 1200:36 focuses [1] - 1166:34 focusing [1] - 1156:3 fodder [1] - 1181:23 foldout [1] - 1173:17 follow [1] - 1196:31 follow-up [1] - 1196:31 followed [1] - 1199:21 following [3] - 1156:20, 1188:44, 1203:42 followup [1] - 1169:29 force [7] - 1178:36, 1180:41, 1190:46, 1194:43, 1195:42, 1195:45, 1197:16 forgiven [1] - 1179:14 forgotten [1] - 1173:33 form [9] - 1161:18, 1164:6, 1174:25, 1176:35, 1192:10, 1192:16, 1192:18, 1197:3, 1197:4 formal [2] - 1179:45, 1187:35 forms [4] - 1158:2, 1158:10, 1160:4, 1190:42 forth [1] - 1192:35 forward [4] - 1186:40, 1187:29, 1187:39, 1204:9 founded [1] - 1186:30 four [2] - 1173:30</p>	<p>framework [2] - 1166:32, 1173:14 frequently [3] - 1164:45, 1186:29, 1186:46 fresh [2] - 1160:26, 1177:32 FRIDAY [1] - 1209:22 front [1] - 1155:39 frontline [8] - 1189:45, 1189:46, 1190:2, 1190:6, 1194:19, 1194:41, 1196:19, 1196:20 frustrated [1] - 1204:20 frustrating [2] - 1161:6, 1161:21 frustration [3] - 1188:12, 1188:19, 1188:25 full [1] - 1174:13 funded [3] - 1172:39, 1201:36, 1203:27 funds [1] - 1205:19 future [3] - 1160:2, 1193:18, 1194:11</p>	<p>1194:28 George [1] - 1154:35 Gimuy [1] - 1199:19 given [17] - 1167:23, 1169:32, 1170:25, 1173:23, 1176:45, 1177:6, 1177:47, 1178:18, 1186:39, 1190:11, 1191:18, 1193:38, 1193:45, 1195:42, 1195:43, 1197:29, 1197:32 goodbye [2] - 1182:4, 1182:6 governed [1] - 1199:36 government [1] - 1173:13 grabbed [2] - 1163:10, 1163:33 gradually [1] - 1185:30 graduate [1] - 1160:29 graduates [1] - 1178:46 granted [1] - 1186:29 gravity [1] - 1201:46 great [2] - 1169:26, 1190:23 greater [2] - 1189:42, 1190:7 greatest [1] - 1167:25 Griffith [1] - 1195:30 ground [1] - 1172:33 group [3] - 1168:42, 1205:16, 1205:17 groups [13] - 1166:6, 1166:34, 1166:47, 1167:21, 1167:22, 1167:23, 1170:13, 1170:15, 1170:22, 1174:34, 1184:47, 1206:25 growing [1] - 1200:13 guess [19] - 1159:15, 1169:18, 1169:20, 1169:35, 1171:35, 1174:30, 1180:24, 1186:14, 1186:24, 1187:8, 1189:27, 1189:28, 1189:31, 1190:1, 1190:24, 1194:42, 1195:24, 1195:35, 1196:46 guidance [1] - 1168:27 guns [1] - 1180:4</p>
G				
			<p>gatekeeper [1] - 1186:14 gathered [2] - 1164:31, 1173:26 Gender [1] - 1183:13 gender [8] - 1156:3, 1166:36, 1166:46, 1167:4, 1167:14, 1175:9, 1200:29, 1208:32 gender-based [1] - 1156:3 gendered [7] - 1166:21, 1167:14, 1175:12, 1175:14, 1175:31, 1175:47, 1201:43 gendered-based [1] - 1175:31 general [9] - 1184:10, 1186:38, 1188:19, 1190:5, 1190:6, 1194:47, 1195:4, 1195:16, 1195:24 generally [4] - 1169:31, 1172:47, 1190:17, 1197:6 generated [1] - 1186:34 generating [1] -</p>	

H				
<p>hand [2] - 1163:35, 1194:1</p> <p>handle [1] - 1176:29</p> <p>hands [1] - 1164:7</p> <p>Hannah [1] - 1169:37</p> <p>happy [3] - 1190:44, 1191:19, 1200:45</p> <p>hard [6] - 1157:44, 1178:34, 1178:37, 1186:20, 1186:22, 1191:32</p> <p>harder [1] - 1175:41</p> <p>hardly [1] - 1199:39</p> <p>harm [3] - 1164:9, 1187:13, 1187:16</p> <p>harmed [1] - 1159:13</p> <p>haul [1] - 1179:32</p> <p>head [1] - 1181:35</p> <p>heal [1] - 1206:31</p> <p>health [8] - 1197:25, 1197:30, 1198:38, 1198:43, 1199:1, 1199:4, 1201:19, 1202:42</p> <p>Health [1] - 1198:37</p> <p>hear [1] - 1155:33</p> <p>heard [5] - 1158:21, 1175:6, 1179:27, 1197:5, 1208:22</p> <p>hearings [1] - 1167:11</p> <p>Heather [3] - 1155:4, 1155:18, 1155:25</p> <p>HEATHER [1] - 1155:27</p> <p>heavily [1] - 1156:2</p> <p>hegemonic [1] - 1199:42</p> <p>heightened [4] - 1165:12, 1165:35, 1189:32</p> <p>held [3] - 1159:8, 1161:39, 1185:4</p> <p>help [11] - 1158:18, 1158:24, 1165:45, 1167:47, 1180:39, 1193:9, 1193:18, 1193:20, 1194:11, 1205:20, 1207:41</p> <p>helped [2] - 1201:22, 1202:34</p> <p>helpful [3] - 1161:4, 1170:20, 1187:24</p> <p>helping [2] - 1179:47, 1202:12</p> <p>HER [1] - 1154:19</p> <p>herself [1] - 1163:38</p> <p>heterosexual [1] - 1203:18</p>	<p>hierarchical [2] - 1160:23, 1160:30</p> <p>high [1] - 1192:9</p> <p>higher [6] - 1159:42, 1162:16, 1178:27, 1179:32, 1180:43, 1181:38</p> <p>highly [3] - 1163:27, 1187:37, 1193:35</p> <p>Hillard [2] - 1155:6, 1207:9</p> <p>HILLARD [3] - 1207:11, 1207:13, 1209:1</p> <p>historically [2] - 1168:7, 1206:26</p> <p>history [1] - 1205:1</p> <p>holistic [3] - 1176:15, 1202:46, 1203:24</p> <p>home [1] - 1158:38</p> <p>homicides [1] - 1158:12</p> <p>HONOUR [1] - 1154:19</p> <p>hoped [1] - 1177:42</p> <p>Horn [1] - 1205:24</p> <p>horrible [1] - 1208:23</p> <p>horrific [1] - 1208:22</p> <p>hours [2] - 1173:30, 1196:24</p> <p>house [4] - 1165:30, 1165:31, 1202:32, 1205:34</p> <p>hub [3] - 1207:19, 1207:27</p> <p>human [1] - 1170:18</p> <p>hunter [1] - 1179:15</p> <p>HUNTER [9] - 1176:8, 1176:10, 1177:36, 1179:21, 1181:5, 1181:13, 1181:43, 1197:40, 1209:6</p> <p>Hunter [2] - 1181:3, 1181:11</p>	<p>identifies [1] - 1191:34</p> <p>identify [7] - 1157:12, 1163:30, 1166:23, 1166:29, 1167:38, 1168:41, 1197:10</p> <p>identifying [3] - 1163:20, 1165:47, 1195:11</p> <p>imagine [1] - 1173:29</p> <p>imbalance [1] - 1208:32</p> <p>immediate [1] - 1162:25</p> <p>immersing [1] - 1205:9</p> <p>impact [5] - 1190:5, 1193:30, 1194:16, 1197:5, 1197:21</p> <p>impacts [2] - 1185:11, 1204:29</p> <p>impenetrable [1] - 1200:21</p> <p>implemented [1] - 1203:33</p> <p>implementing [1] - 1194:37</p> <p>implications [3] - 1161:2, 1191:47, 1192:43</p> <p>implicit [2] - 1165:44, 1166:6</p> <p>importance [2] - 1190:12, 1194:13</p> <p>important [31] - 1156:44, 1158:25, 1158:28, 1158:45, 1159:6, 1159:9, 1159:19, 1160:2, 1160:12, 1160:14, 1160:20, 1160:22, 1161:5, 1161:27, 1161:31, 1161:45, 1162:6, 1163:28, 1164:28, 1166:26, 1167:42, 1168:14, 1168:18, 1169:47, 1180:28, 1188:36, 1190:15, 1199:37, 1203:16, 1203:20, 1205:14</p> <p>importantly [1] - 1161:1</p> <p>improve [3] - 1178:22, 1178:40, 1204:2</p> <p>improvement [1] - 1195:19</p> <p>improving [3] - 1170:4, 1180:40, 1185:2</p>	<p>inaction [1] - 1160:47</p> <p>inappropriate [4] - 1163:17, 1165:8, 1193:35, 1193:38</p> <p>incarcerate [1] - 1204:46</p> <p>incarcerated [1] - 1208:45</p> <p>incarceration [1] - 1206:41</p> <p>incentive [1] - 1193:35</p> <p>incident [4] - 1173:27, 1185:17, 1193:24, 1206:43</p> <p>incidental [1] - 1185:15</p> <p>incidents [4] - 1173:19, 1173:31, 1188:45, 1206:45</p> <p>include [1] - 1167:23</p> <p>included [2] - 1157:30, 1201:15</p> <p>including [4] - 1186:8, 1196:13, 1198:47, 1199:9</p> <p>inclusions [1] - 1192:17</p> <p>inclusive [1] - 1175:13</p> <p>incoherent [1] - 1163:26</p> <p>incorporated [1] - 1166:12</p> <p>increases [1] - 1196:43</p> <p>increasing [1] - 1175:37</p> <p>incredibly [5] - 1161:6, 1185:44, 1186:20, 1186:22, 1187:3</p> <p>independent [1] - 1183:4</p> <p>INDEPENDENT [1] - 1154:11</p> <p>India [1] - 1171:31</p> <p>indicate [2] - 1189:1, 1203:26</p> <p>indicated [1] - 1199:47</p> <p>indication [1] - 1200:7</p> <p>Indigenous [6] - 1172:18, 1198:38, 1199:1, 1199:45, 1204:3, 1208:17</p> <p>individual [1] - 1189:40</p> <p>individuals [2] - 1156:42, 1206:32</p> <p>inexperienced [1] - 1177:30</p>	<p>influential [1] - 1170:19</p> <p>inform [2] - 1177:5, 1184:44</p> <p>informal [1] - 1158:24</p> <p>information [15] - 1160:19, 1160:20, 1161:29, 1164:30, 1169:12, 1169:16, 1173:26, 1176:45, 1177:6, 1178:10, 1179:46, 1197:34, 1201:37, 1202:29, 1204:42</p> <p>informed [5] - 1194:14, 1194:29, 1194:38, 1201:22</p> <p>informs [1] - 1161:42</p> <p>initials [1] - 1174:44</p> <p>initiated [1] - 1186:37</p> <p>injuries [2] - 1163:46, 1185:26</p> <p>inquest [1] - 1165:22</p> <p>inquests [1] - 1176:21</p> <p>INQUIRY [1] - 1154:11</p> <p>Inquiry [1] - 1199:30</p> <p>inquiry [1] - 1178:4</p> <p>insofar [1] - 1186:1</p> <p>institute [1] - 1201:36</p> <p>institution [2] - 1199:33, 1205:2</p> <p>institutions [1] - 1201:18</p> <p>instructed [1] - 1174:44</p> <p>intake [1] - 1195:40</p> <p>integrate [1] - 1175:42</p> <p>integrated [1] - 1203:24</p> <p>intellectual [1] - 1178:5</p> <p>intend [1] - 1203:21</p> <p>intended [1] - 1201:13</p> <p>intense [1] - 1164:27</p> <p>intentional [1] - 1194:2</p> <p>intentions [1] - 1193:41</p> <p>interacting [2] - 1176:35, 1180:27</p> <p>interaction [2] - 1161:4, 1188:15</p> <p>interactions [8] - 1156:36, 1157:33, 1158:3, 1169:2, 1175:8, 1189:39, 1190:33, 1202:13</p> <p>interagency [1] - 1174:28</p> <p>interested [3] -</p>
	I			
<p>idea [6] - 1168:30, 1179:8, 1180:33, 1181:22, 1192:3, 1205:10</p> <p>ideal [1] - 1204:40</p> <p>ideally [1] - 1174:13</p> <p>ideas [7] - 1180:27, 1181:17, 1181:20, 1181:34, 1187:36, 1206:6</p> <p>identified [4] - 1159:46, 1163:29, 1175:11, 1183:32</p>				

1171:12, 1180:3, 1180:36 interesting [2] - 1164:47, 1195:32 internal [3] - 1174:6, 1174:8, 1180:25 international [3] - 1189:16, 1190:19, 1196:13 International [1] - 1156:26 interpersonal [1] - 1208:19 interpersonally [2] - 1200:30, 1200:31 interpret [1] - 1164:20 interpreter [3] - 1164:18, 1164:24, 1164:29 interpreters [1] - 1164:25 intersect [1] - 1175:27 intersectional [5] - 1166:36, 1166:40, 1166:45, 1166:46, 1167:5 intersectionality [4] - 1166:34, 1175:6, 1175:15, 1199:28 intersectionally [1] - 1175:25 intervene [5] - 1159:16, 1168:22, 1170:27, 1197:10, 1203:14 interveners [1] - 1174:33 intervention [2] - 1170:5, 1184:15 interviewed [2] - 1157:19, 1163:42 interviews [5] - 1156:8, 1156:23, 1159:10, 1184:18, 1185:1 intimate [2] - 1156:21, 1157:20 INTO [1] - 1154:11 investigate [1] - 1186:7 investigating [2] - 1169:32, 1186:18 investigation [1] - 1193:32 investigative [1] - 1186:13 investment [4] - 1203:13, 1205:19, 1206:10, 1206:35 invisible [3] - 1185:44,	1194:34 invite [1] - 1170:14 involve [3] - 1184:19, 1185:26, 1186:7 involved [4] - 1156:3, 1158:7, 1172:39, 1191:42 involves [1] - 1195:2 involving [2] - 1191:31, 1205:11 irrational [1] - 1163:27 Island [1] - 1205:24 island [1] - 1205:31 Islander [20] - 1158:34, 1166:39, 1171:26, 1172:7, 1172:17, 1189:22, 1189:24, 1196:37, 1199:14, 1199:17, 1199:23, 1199:35, 1200:5, 1200:9, 1201:7, 1201:41, 1202:13, 1203:29, 1204:22, 1208:43 islander [1] - 1201:32 Islanders [1] - 1205:13 isolated [2] - 1184:35, 1185:17 issue [36] - 1157:18, 1159:11, 1159:28, 1162:31, 1163:30, 1163:40, 1165:44, 1166:15, 1166:35, 1166:36, 1166:37, 1166:38, 1166:40, 1168:27, 1175:42, 1179:21, 1179:35, 1184:40, 1186:27, 1187:42, 1190:8, 1190:22, 1190:25, 1190:28, 1190:41, 1191:6, 1191:31, 1192:41, 1192:46, 1193:4, 1194:19, 1194:23, 1195:23, 1205:20, 1208:33 issued [1] - 1191:42 issues [27] - 1162:20, 1162:21, 1162:24, 1163:20, 1163:32, 1165:45, 1166:11, 1166:18, 1166:24, 1166:31, 1169:44, 1169:45, 1183:21, 1183:26, 1183:31, 1186:28, 1189:28, 1190:15, 1193:19, 1195:12, 1195:42, 1195:44, 1197:10,	1200:4, 1201:25, 1206:2 itself [2] - 1164:35, 1164:37	1207:27 kind [20] - 1161:16, 1163:10, 1166:12, 1168:16, 1169:8, 1173:3, 1179:44, 1184:22, 1185:8, 1185:26, 1190:11, 1190:36, 1191:24, 1191:28, 1192:28, 1193:45, 1195:40, 1195:41, 1197:27, 1203:34 kinds [3] - 1157:46, 1161:46, 1162:22 knife [2] - 1163:33, 1163:35 knocks [2] - 1178:34, 1178:38 knowing [1] - 1196:23 knowledge [3] - 1170:32, 1190:7, 1203:26 known [2] - 1159:5, 1181:39 Kyllie [1] - 1172:16	1192:3, 1192:12, 1192:18, 1192:21, 1207:43 Law [1] - 1192:4 Lawrie [1] - 1187:15 lawyers [1] - 1156:43 layer [2] - 1207:40, 1208:15 layered [4] - 1199:26, 1200:37, 1202:38 layers [2] - 1191:21, 1200:34 lead [1] - 1174:14 leader [1] - 1194:18 leaders [1] - 1194:42 leadership [1] - 1194:15, 1194:16, 1194:20, 1194:21, 1194:22, 1194:26, 1194:36, 1194:37, 1194:41, 1195:5 leading [2] - 1164:38, 1188:1 leap [1] - 1167:44 learn [1] - 1168:36 learnt [1] - 1167:11 least [8] - 1155:6, 1159:20, 1170:9, 1193:21, 1194:33, 1196:24, 1196:31, 1205:18 leave [11] - 1160:38, 1160:39, 1161:8, 1161:40, 1161:44, 1162:11, 1162:13, 1162:14, 1162:16, 1162:25, 1162:26 leaving [1] - 1162:15 led [1] - 1185:19 legal [2] - 1156:11, 1191:26 Legal [2] - 1155:8, 1174:45 legislation [1] - 1168:11 lengthy [1] - 1191:14 lens [4] - 1166:41, 1166:45, 1166:47, 1167:5 less [3] - 1172:10, 1184:22, 1207:7 letting [1] - 1165:23 level [13] - 1161:30, 1165:10, 1176:36, 1177:5, 1177:7, 1186:14, 1188:25, 1190:30, 1190:39, 1194:17, 1195:3, 1195:4, 1196:19 Level [1] - 1154:35
J			L	
jeopardy [1] - 1162:26 job [7] - 1169:5, 1169:15, 1169:25, 1169:27, 1169:28, 1169:46, 1169:47 jobs [2] - 1179:40, 1205:26 join [2] - 1179:18, 1195:45 joining [1] - 1190:46 joke [1] - 1193:24 joking [1] - 1193:33 Journal [1] - 1156:26 journalists [1] - 1204:10 journey [3] - 1156:16, 1156:45, 1161:25 JUDGE [1] - 1154:19 judged [2] - 1160:40, 1160:44 judges [2] - 1156:43, 1166:6 judicial [3] - 1166:5, 1168:34, 1168:37 July [3] - 1154:40, 1155:38, 1182:17 JULY [1] - 1209:23 jump [1] - 1205:38 junior [2] - 1160:25, 1195:4 justice [8] - 1182:42, 1185:3, 1186:16, 1203:12, 1205:17, 1205:18, 1206:10, 1206:35 Justice [3] - 1156:26, 1172:18, 1203:46 justification [2] - 1165:6, 1175:30			lack [3] - 1157:13, 1157:38, 1159:46 laid [1] - 1163:16 Land [1] - 1154:34 Langham [1] - 1165:22 language [7] - 1157:37, 1158:2, 1160:45, 1162:44, 1164:40, 1193:32, 1194:36 large [6] - 1184:43, 1184:44, 1187:28, 1187:33, 1192:8, 1205:26 large-scale [1] - 1192:8 last [8] - 1158:30, 1160:17, 1162:45, 1175:34, 1179:44, 1184:35, 1187:29, 1190:33 latest [2] - 1184:16, 1184:17 laughing [1] - 1193:23 law [18] - 1155:45, 1156:22, 1156:30, 1160:2, 1168:3, 1168:17, 1168:20, 1184:41, 1187:1, 1191:14, 1191:26, 1191:45, 1192:2,	
K				
keep [1] - 1177:8 keeping [1] - 1185:43 kept [1] - 1163:14 key [5] - 1157:8, 1161:25, 1162:29, 1167:30, 1172:28 kick [1] - 1163:44 kids [2] - 1162:21, 1168:1 killed [1] - 1164:8 kilometres [2] -				

<p>levels [3] - 1158:6, 1162:17, 1186:36</p> <p>LGBTI [2] - 1175:7, 1189:26</p> <p>LGBTIQA [1] - 1189:24</p> <p>LGBTIQI [1] - 1166:29</p> <p>liaise [2] - 1202:29, 1203:4</p> <p>liaison [5] - 1189:24, 1189:26, 1190:34, 1194:39, 1207:32</p> <p>lie [1] - 1191:26</p> <p>life [2] - 1164:7, 1170:16</p> <p>likely [5] - 1164:8, 1167:27, 1179:23, 1194:5, 1201:43</p> <p>limitations [1] - 1168:16</p> <p>limited [3] - 1169:17, 1171:23, 1172:13</p> <p>lines [1] - 1190:13</p> <p>linguistically [5] - 1158:36, 1162:43, 1164:14, 1166:37, 1196:42</p> <p>listed [3] - 1191:39, 1191:40, 1208:2</p> <p>listen [1] - 1169:3</p> <p>listened [1] - 1158:16</p> <p>listening [2] - 1169:9, 1169:31</p> <p>literally [1] - 1164:7</p> <p>literature [1] - 1172:29</p> <p>live [1] - 1205:25</p> <p>lived [8] - 1162:46, 1200:11, 1200:15, 1201:5, 1205:22, 1205:23, 1205:24</p> <p>lives [2] - 1163:45, 1172:11</p> <p>living [4] - 1161:34, 1171:34, 1202:32, 1202:33</p> <p>local [2] - 1171:16, 1172:32</p> <p>located [2] - 1172:45, 1207:26</p> <p>location [6] - 1172:26, 1172:28, 1196:8, 1196:14, 1196:25, 1196:36</p> <p>locations [1] - 1181:29</p> <p>locked [1] - 1181:18</p> <p>Lockhart [1] - 1206:17</p> <p>logics [2] - 1199:34, 1205:3</p> <p>long-term [1] -</p>	<p>1175:41</p> <p>Longbottom [3] - 1155:19, 1198:15, 1209:8</p> <p>LONGBOTTOM [1] - 1198:17</p> <p>longitudinal [1] - 1156:29</p> <p>look [18] - 1156:38, 1159:19, 1161:45, 1162:6, 1163:23, 1164:47, 1165:38, 1166:3, 1166:14, 1167:18, 1167:27, 1167:44, 1169:25, 1175:41, 1175:47, 1179:17, 1181:33, 1185:9</p> <p>looked [3] - 1169:27, 1184:30, 1187:15</p> <p>looking [5] - 1157:42, 1168:1, 1177:19, 1197:35, 1204:28</p> <p>looks [2] - 1162:9, 1178:36</p> <p>losing [1] - 1186:41</p> <p>lost [1] - 1202:1</p> <p>lot's [1] - 1177:39</p> <p>lower [1] - 1188:25</p> <p>lowest [1] - 1180:11</p> <p>Lowitja [1] - 1201:36</p> <p>lying [1] - 1187:37</p>	<p>male [4] - 1164:39, 1164:41, 1193:44, 1194:3</p> <p>man [2] - 1163:9</p> <p>mandatory [1] - 1202:39</p> <p>manifest [2] - 1162:36, 1164:37</p> <p>manifested [1] - 1164:35</p> <p>manipulation [1] - 1185:7</p> <p>manipulative [1] - 1186:23</p> <p>manslaughter [1] - 1206:47</p> <p>manual [3] - 1167:12, 1168:36, 1173:12</p> <p>market [1] - 1179:34</p> <p>MARLENE [1] - 1198:17</p> <p>Marlene [2] - 1155:19, 1198:15</p> <p>masculine [1] - 1175:10</p> <p>massive [1] - 1190:5</p> <p>masters [1] - 1198:42</p> <p>material [2] - 1173:12, 1173:17</p> <p>matter [10] - 1161:24, 1168:9, 1176:30, 1184:41, 1186:6, 1193:23, 1194:45, 1197:27, 1206:18, 1208:27</p> <p>matters [5] - 1155:43, 1167:35, 1168:40, 1192:12, 1192:21</p> <p>maximise [1] - 1192:47</p> <p>McCAFFERTY [3] - 1176:6, 1197:38, 1209:4</p> <p>mean [14] - 1166:12, 1166:30, 1169:5, 1169:8, 1169:14, 1169:17, 1170:12, 1170:33, 1175:16, 1175:41, 1180:19, 1181:32, 1203:1, 1205:46</p> <p>meaning [1] - 1204:12</p> <p>means [3] - 1175:25, 1177:4, 1206:23</p> <p>meant [2] - 1176:29, 1177:10</p> <p>meanwhile [1] - 1163:12</p> <p>measures [2] - 1195:32, 1195:36</p>	<p>mechanism [1] - 1195:27</p> <p>medically [1] - 1164:5</p> <p>medicine [1] - 1198:38</p> <p>Melbourne [2] - 1155:46, 1183:28</p> <p>members [2] - 1195:9, 1195:11</p> <p>men [2] - 1203:17, 1206:30</p> <p>mental [2] - 1186:25, 1197:25</p> <p>mentioned [4] - 1164:13, 1167:22, 1168:29, 1206:10</p> <p>mentoring [1] - 1180:19</p> <p>merely [2] - 1159:36, 1165:47</p> <p>merit [3] - 1189:7, 1189:41, 1208:41</p> <p>message [5] - 1159:29, 1181:39, 1185:9, 1185:17, 1194:9</p> <p>messages [3] - 1159:30, 1159:31, 1185:15</p> <p>messaging [1] - 1159:43</p> <p>met [1] - 1208:20</p> <p>MEYER [1] - 1182:12</p> <p>Meyer [7] - 1155:19, 1182:10, 1182:16, 1195:47, 1196:5, 1197:42, 1197:45</p> <p>micro [1] - 1200:29</p> <p>mid [1] - 1194:42</p> <p>mid-career [1] - 1194:42</p> <p>might [52] - 1158:25, 1158:39, 1159:41, 1160:31, 1161:21, 1162:12, 1162:13, 1162:26, 1163:46, 1164:37, 1165:19, 1166:40, 1166:42, 1167:2, 1168:27, 1168:36, 1168:38, 1170:18, 1171:2, 1172:24, 1175:13, 1177:7, 1177:38, 1179:14, 1179:18, 1179:38, 1179:41, 1179:42, 1180:38, 1180:41, 1181:35, 1181:37, 1181:40, 1181:46, 1183:38, 1184:32, 1185:8,</p>	<p>1185:9, 1186:10, 1193:6, 1195:13, 1196:20, 1197:10, 1197:33, 1197:42, 1205:5, 1206:15, 1206:20, 1207:18, 1209:8</p> <p>minded [1] - 1181:16</p> <p>mindful [2] - 1200:24, 1207:46</p> <p>mine [1] - 1179:32</p> <p>mental [2] - 1158:1, 1164:41, 1193:24</p> <p>minimised [3] - 1157:20, 1157:33, 1157:37</p> <p>minimising [1] - 1185:14</p> <p>minority [1] - 1196:41</p> <p>minutes [1] - 1198:6</p> <p>misconduct [1] - 1188:8</p> <p>misidentification [4] - 1162:36, 1164:35, 1164:37, 1166:16</p> <p>misremembered [1] - 1173:33</p> <p>missed [2] - 1173:40, 1204:25</p> <p>misunderstandings [1] - 1162:7</p> <p>misunderstood [1] - 1157:19</p> <p>misused [1] - 1191:12</p> <p>mixed [1] - 1173:33</p> <p>mobile [1] - 1169:40</p> <p>model [22] - 1171:22, 1172:34, 1196:7, 1196:9, 1196:18, 1196:32, 1203:32, 1203:35, 1204:1, 1204:2, 1204:8, 1204:9, 1206:4, 1206:10, 1206:11, 1206:12, 1206:15, 1206:16, 1206:20, 1206:36, 1208:37, 1208:40</p> <p>models [6] - 1171:47, 1172:5, 1172:6, 1172:7, 1203:13, 1206:36</p> <p>modified [1] - 1174:25</p> <p>Moloney [1] - 1187:15</p> <p>moment [2] - 1164:27, 1172:47</p> <p>Monash [3] - 1183:9, 1183:12, 1184:25</p> <p>monitoring [1] - 1157:31</p>
M				
	<p>m'hmm [12] - 1183:14, 1183:33, 1183:39, 1184:1, 1186:4, 1191:7, 1191:16, 1193:2, 1199:2, 1203:30, 1203:43, 1204:4</p> <p>macro [1] - 1200:29</p> <p>magistrate [1] - 1191:45</p> <p>Magistrates [1] - 1154:34</p> <p>magistrates [7] - 1166:5, 1166:7, 1168:6, 1168:8, 1191:31, 1192:14, 1192:23</p> <p>Magistrates' [1] - 1192:37</p> <p>magistrates' [1] - 1168:29</p> <p>main [3] - 1178:37, 1190:46, 1191:29</p> <p>majority [3] - 1187:37, 1192:19, 1192:20</p>			

<p>month ^[1] - 1175:43</p> <p>months ^[3] - 1160:10, 1162:16, 1169:44</p> <p>morning ^[4] - 1155:3, 1155:7, 1198:3, 1199:30</p> <p>most ^[11] - 1156:31, 1158:11, 1163:24, 1166:24, 1167:27, 1172:1, 1173:12, 1175:10, 1175:40, 1192:9, 1195:3</p> <p>mostly ^[1] - 1164:25</p> <p>mother ^[1] - 1194:34</p> <p>mother-blaming ^[1] - 1194:34</p> <p>mothers ^[1] - 1191:12</p> <p>move ^[6] - 1170:35, 1173:7, 1174:28, 1204:47, 1205:3, 1205:7</p> <p>moved ^[1] - 1194:30</p> <p>moving ^[1] - 1207:22</p> <p>MR ^[12] - 1176:6, 1176:8, 1176:10, 1177:36, 1179:21, 1181:5, 1181:13, 1181:43, 1197:38, 1197:40, 1209:4, 1209:6</p> <p>MS ^[28] - 1155:3, 1155:12, 1155:17, 1155:25, 1155:29, 1155:33, 1167:30, 1171:19, 1174:43, 1175:2, 1176:3, 1181:45, 1182:10, 1182:14, 1187:41, 1195:47, 1196:3, 1197:42, 1198:2, 1198:8, 1198:14, 1198:19, 1204:31, 1207:11, 1207:13, 1209:1, 1209:8, 1209:17</p> <p>multi ^[8] - 1170:36, 1171:47, 1172:21, 1172:26, 1172:30, 1172:42, 1175:38, 1199:26</p> <p>multi-disciplinary ^[7] - 1170:36, 1171:47, 1172:21, 1172:26, 1172:30, 1172:42, 1175:38</p> <p>multi-layered ^[1] - 1199:26</p> <p>multiple ^[4] - 1184:47, 1185:20, 1185:25, 1191:21</p>	<p>mum ^[1] - 1192:30</p> <p>murder ^[1] - 1206:47</p> <p>mutual ^[1] - 1163:36</p> <p>myths ^[1] - 1162:7</p> <p style="text-align: center;">N</p> <p>nagged ^[1] - 1165:4</p> <p>name ^[1] - 1174:43</p> <p>narrative ^[2] - 1163:2, 1165:14</p> <p>national ^[6] - 1168:34, 1168:36, 1184:24, 1184:27, 1184:44, 1196:34</p> <p>National ^[2] - 1166:4, 1167:18</p> <p>nationally ^[1] - 1183:16</p> <p>Nations ^[3] - 1196:35, 1196:43, 1208:9</p> <p>nature ^[7] - 1166:21, 1184:18, 1191:30, 1192:36, 1193:38, 1195:37, 1197:23</p> <p>navigate ^[4] - 1192:47, 1200:20, 1200:39, 1202:13</p> <p>navigating ^[1] - 1199:15</p> <p>near ^[1] - 1198:25</p> <p>necessarily ^[5] - 1156:17, 1169:37, 1185:17, 1190:45, 1201:42</p> <p>necessary ^[4] - 1166:20, 1172:26, 1173:39, 1180:14</p> <p>need ^[37] - 1160:6, 1160:11, 1161:42, 1161:47, 1163:22, 1165:47, 1166:28, 1166:35, 1166:44, 1167:32, 1170:5, 1172:2, 1172:34, 1172:39, 1174:30, 1177:25, 1180:18, 1187:33, 1198:26, 1199:32, 1201:32, 1202:4, 1202:32, 1202:45, 1203:11, 1203:19, 1203:33, 1204:11, 1204:27, 1204:47, 1205:3, 1205:15, 1206:1, 1206:26, 1207:46, 1208:31</p> <p>needed ^[6] - 1167:45, 1167:46, 1169:16, 1172:30, 1177:8,</p>	<p>1182:20</p> <p>needs ^[12] - 1162:3, 1168:2, 1168:4, 1169:14, 1172:36, 1181:6, 1188:22, 1190:2, 1192:39, 1195:20, 1197:13, 1208:30</p> <p>negative ^[2] - 1175:7, 1193:8</p> <p>neighbour ^[1] - 1159:25</p> <p>net ^[1] - 1169:22</p> <p>neutral ^[2] - 1159:20, 1159:22</p> <p>never ^[6] - 1187:28, 1187:29, 1187:34, 1188:28, 1192:19, 1199:29</p> <p>nevertheless ^[1] - 1163:17</p> <p>New ^[3] - 1200:24, 1201:19, 1206:14</p> <p>new ^[12] - 1160:15, 1160:19, 1171:35, 1173:16, 1178:40, 1180:16, 1180:26, 1181:2, 1181:29, 1205:7</p> <p>next ^[12] - 1165:33, 1167:15, 1169:4, 1175:42, 1175:43, 1179:21, 1184:44, 1186:27, 1187:41, 1194:5, 1197:1, 1198:2</p> <p>Ngadju ^[1] - 1198:36</p> <p>Ngarruwan ^[1] - 1198:36</p> <p>NH ^[1] - 1174:44</p> <p>nobody ^[1] - 1185:40</p> <p>nominated ^[1] - 1157:41</p> <p>non ^[15] - 1157:32, 1157:45, 1158:2, 1158:8, 1158:10, 1160:4, 1183:46, 1184:37, 1185:6, 1185:22, 1186:8, 1196:32, 1199:25, 1208:21, 1208:29</p> <p>non-Aboriginal ^[3] - 1199:25, 1208:21, 1208:29</p> <p>non-physical ^[11] - 1157:32, 1157:45, 1158:2, 1158:8, 1158:10, 1160:4, 1183:46, 1184:37, 1185:6, 1185:22,</p>	<p>1186:8</p> <p>non-police ^[1] - 1196:32</p> <p>nonetheless ^[4] - 1161:23, 1164:38, 1191:19, 1193:44</p> <p>North ^[1] - 1199:20</p> <p>notebook ^[1] - 1176:27</p> <p>notes ^[1] - 1176:26</p> <p>nothing ^[1] - 1194:23</p> <p>notice ^[3] - 1171:2, 1179:42, 1187:22</p> <p>noticed ^[2] - 1166:30, 1199:26</p> <p>notices ^[1] - 1169:19</p> <p>notion ^[1] - 1166:34</p> <p>nowhere ^[1] - 1185:29</p> <p>nuanced ^[2] - 1166:28, 1195:36</p> <p>nuances ^[1] - 1204:25</p> <p>number ^[15] - 1156:9, 1158:5, 1161:7, 1161:22, 1169:40, 1175:4, 1175:35, 1182:41, 1182:46, 1183:21, 1187:28, 1189:9, 1192:40, 1201:2, 1201:18</p> <p style="text-align: center;">O</p> <p>O'Gorman ^[1] - 1155:31</p> <p>O'GORMAN ^[22] - 1154:26, 1155:3, 1155:12, 1155:17, 1155:25, 1155:29, 1155:33, 1167:30, 1171:19, 1181:45, 1182:10, 1182:14, 1187:41, 1195:47, 1197:42, 1198:2, 1198:8, 1198:14, 1198:19, 1204:31, 1209:8, 1209:17</p> <p>observations ^[1] - 1186:47</p> <p>observe ^[1] - 1191:38</p> <p>observed ^[2] - 1168:42, 1190:17</p> <p>obviously ^[20] - 1159:26, 1161:47, 1163:17, 1163:39, 1164:4, 1164:27, 1166:9, 1166:17, 1167:26, 1168:19, 1169:20, 1171:33, 1174:14, 1186:13, 1186:36, 1190:1,</p>	<p>1193:47, 1203:10, 1204:36, 1204:38</p> <p>occasions ^[2] - 1156:9, 1161:7</p> <p>occur ^[1] - 1201:44</p> <p>occurred ^[1] - 1163:6</p> <p>occurrence ^[1] - 1188:17</p> <p>OF ^[2] - 1154:3, 1154:11</p> <p>offered ^[1] - 1195:8</p> <p>officer ^[35] - 1159:12, 1159:14, 1160:17, 1160:25, 1161:13, 1161:21, 1165:3, 1169:39, 1174:7, 1174:9, 1176:26, 1176:34, 1176:42, 1179:7, 1179:31, 1181:18, 1189:10, 1189:18, 1189:24, 1189:26, 1189:41, 1189:46, 1194:19, 1194:40, 1195:5, 1195:36, 1196:26, 1196:28, 1196:32, 1196:40, 1200:22, 1207:25, 1207:26, 1208:10</p> <p>officer's ^[1] - 1160:31</p> <p>officers ^[65] - 1156:43, 1158:1, 1158:7, 1159:31, 1160:7, 1160:34, 1160:37, 1160:46, 1161:39, 1161:43, 1164:17, 1164:39, 1173:18, 1174:25, 1177:27, 1177:29, 1178:20, 1178:33, 1178:43, 1179:18, 1179:28, 1179:45, 1180:22, 1181:27, 1182:41, 1184:10, 1184:13, 1188:5, 1188:11, 1188:12, 1188:15, 1188:19, 1188:23, 1188:24, 1188:37, 1188:38, 1188:43, 1189:2, 1189:8, 1189:47, 1190:35, 1191:10, 1193:21, 1193:30, 1193:41, 1194:42, 1195:24, 1195:31, 1195:41, 1195:45, 1196:19, 1196:20, 1196:45, 1197:2, 1197:7, 1197:9, 1205:6, 1205:7, 1206:1,</p>
--	---	---	--	--

<p>1207:32, 1208:16, 1208:21, 1208:23, 1208:31</p> <p>often [22] - 1158:9, 1158:29, 1158:45, 1160:13, 1160:24, 1162:17, 1163:44, 1165:12, 1167:44, 1184:40, 1185:24, 1186:16, 1188:14, 1189:32, 1189:34, 1190:20, 1190:41, 1191:32, 1192:16, 1199:28, 1208:37</p> <p>older [2] - 1181:6, 1181:27</p> <p>once [5] - 1173:22, 1179:18, 1180:40, 1188:28, 1188:29</p> <p>one [45] - 1156:35, 1157:12, 1158:6, 1159:12, 1159:17, 1159:21, 1161:12, 1162:8, 1162:10, 1162:13, 1163:6, 1165:20, 1165:29, 1167:35, 1168:33, 1168:38, 1168:40, 1169:30, 1169:39, 1175:18, 1175:23, 1175:34, 1175:39, 1176:20, 1180:28, 1181:30, 1184:27, 1185:15, 1185:16, 1187:16, 1187:31, 1188:17, 1188:30, 1188:33, 1190:14, 1191:2, 1193:6, 1193:11, 1193:19, 1196:15, 1196:34, 1202:27, 1207:17, 1207:35, 1207:42</p> <p>one's [1] - 1164:7</p> <p>one-off [1] - 1185:15</p> <p>ones [3] - 1181:29, 1187:38, 1205:7</p> <p>ongoing [5] - 1160:6, 1185:45, 1192:10, 1192:13, 1197:9</p> <p>open [1] - 1181:16</p> <p>open-minded [1] - 1181:16</p> <p>openly [2] - 1178:26, 1185:37</p> <p>operationalise [1] - 1168:37</p> <p>OPM [1] - 1173:12</p> <p>opportunity [6] - 1161:28, 1161:32, 1161:33, 1173:37,</p>	<p>1181:19, 1189:47</p> <p>opposed [1] - 1195:44</p> <p>opposite [1] - 1165:18</p> <p>opted [2] - 1164:20, 1164:26</p> <p>option [3] - 1171:40, 1181:36, 1196:29</p> <p>options [2] - 1169:32, 1171:37</p> <p>order [18] - 1157:43, 1159:32, 1168:11, 1168:20, 1168:23, 1184:15, 1185:4, 1188:29, 1191:11, 1191:43, 1192:2, 1192:15, 1192:18, 1192:25, 1192:32, 1201:31, 1203:11</p> <p>orders [17] - 1159:36, 1163:36, 1167:38, 1168:3, 1168:17, 1169:18, 1184:40, 1186:29, 1186:37, 1186:38, 1191:31, 1191:33, 1191:41, 1192:13, 1192:23, 1192:37</p> <p>organisation [6] - 1160:23, 1160:30, 1195:9, 1195:10, 1203:3</p> <p>organisational [1] - 1194:15</p> <p>organisations [9] - 1197:16, 1202:11, 1202:19, 1202:42, 1203:27, 1203:37, 1203:38, 1205:26</p> <p>outdated [1] - 1167:20</p> <p>outs [2] - 1188:2, 1188:13</p> <p>outset [1] - 1199:37</p> <p>outside [3] - 1165:29, 1165:31, 1192:21</p> <p>overlooked [1] - 1204:24</p> <p>overnight [1] - 1163:15</p> <p>overturned [1] - 1195:13</p> <p>own [5] - 1162:25, 1196:20, 1199:13, 1200:15, 1201:5</p>	<p>1176:34, 1176:42, 1177:4</p> <p>page [17] - 1157:13, 1160:27, 1160:33, 1168:44, 1170:24, 1170:40, 1172:31, 1177:19, 1182:31, 1183:20, 1187:41, 1188:35, 1191:9, 1192:45, 1193:17, 1193:29, 1203:42</p> <p>pairs [1] - 1160:24</p> <p>paper [4] - 1191:5, 1191:10, 1191:18, 1192:42</p> <p>parent [1] - 1192:13</p> <p>parental [1] - 1191:47</p> <p>parenting [4] - 1191:3, 1191:15, 1192:21, 1192:35</p> <p>parents [3] - 1191:12, 1192:19, 1192:20</p> <p>part [29] - 1155:7, 1161:45, 1162:35, 1162:40, 1166:26, 1167:4, 1168:31, 1175:16, 1175:21, 1180:23, 1181:16, 1185:24, 1186:12, 1186:33, 1188:9, 1189:10, 1190:15, 1191:23, 1191:29, 1194:18, 1195:10, 1195:20, 1200:3, 1202:5, 1203:17, 1204:40, 1205:37, 1205:42, 1207:39</p> <p>part-time [1] - 1180:23</p> <p>particular [25] - 1156:7, 1159:45, 1163:18, 1163:34, 1163:40, 1164:1, 1165:34, 1165:44, 1167:16, 1168:27, 1174:15, 1176:30, 1180:35, 1181:18, 1182:37, 1183:31, 1185:42, 1188:37, 1189:13, 1189:28, 1189:30, 1190:44, 1202:7, 1202:10, 1204:10</p> <p>particularly [19] - 1158:33, 1162:41, 1162:45, 1172:6, 1175:7, 1179:22, 1182:47, 1184:9, 1184:37, 1186:21, 1187:8, 1187:16, 1190:34, 1192:35,</p>	<p>1199:35, 1200:36, 1205:30, 1206:40, 1208:42</p> <p>parties [2] - 1163:37, 1192:3</p> <p>partly [1] - 1191:22</p> <p>partner [12] - 1156:21, 1157:20, 1159:5, 1159:7, 1159:13, 1163:8, 1163:34, 1164:40, 1164:41, 1165:3, 1165:14, 1165:29</p> <p>partners [1] - 1165:24</p> <p>parts [2] - 1168:31, 1199:42</p> <p>passionate [1] - 1190:37</p> <p>past [1] - 1193:8</p> <p>pattern [3] - 1185:10, 1185:24, 1186:23</p> <p>patterns [3] - 1185:39, 1185:40, 1185:46</p> <p>penal [2] - 1199:33, 1205:2</p> <p>people [47] - 1156:39, 1156:44, 1158:36, 1162:43, 1163:26, 1164:10, 1166:29, 1166:36, 1170:11, 1170:14, 1171:4, 1172:1, 1172:8, 1172:20, 1173:1, 1174:37, 1177:46, 1178:18, 1179:22, 1179:31, 1179:36, 1180:1, 1180:2, 1180:5, 1180:13, 1180:16, 1180:26, 1181:6, 1181:41, 1186:45, 1190:32, 1190:35, 1190:43, 1192:12, 1195:34, 1196:29, 1196:30, 1197:17, 1199:35, 1202:20, 1203:21, 1204:14, 1204:46, 1205:9, 1206:24, 1206:28, 1206:30</p> <p>people's [1] - 1170:12</p> <p>Peoples [1] - 1198:36</p> <p>per [6] - 1156:9, 1161:38, 1187:18, 1188:13, 1192:7, 1192:8</p> <p>perceived [1] - 1165:27</p> <p>perception [10] - 1160:43, 1179:41, 1185:4, 1186:32,</p>	<p>1186:44, 1187:2, 1188:6, 1190:25, 1204:21</p> <p>perceptions [14] - 1162:31, 1175:9, 1183:45, 1185:12, 1186:28, 1186:30, 1187:9, 1189:12, 1191:11, 1191:22, 1191:24, 1191:25, 1191:30, 1194:19</p> <p>perfectly [1] - 1168:1</p> <p>perhaps [14] - 1156:28, 1158:11, 1160:18, 1160:25, 1168:3, 1169:18, 1169:29, 1175:34, 1178:44, 1179:30, 1179:33, 1180:28, 1185:14, 1203:14</p> <p>period [2] - 1156:17, 1159:4</p> <p>perpetrating [1] - 1161:17</p> <p>perpetrator [14] - 1159:23, 1161:17, 1163:21, 1166:16, 1175:11, 1178:11, 1186:3, 1193:31, 1193:34, 1193:44, 1194:3, 1194:6, 1194:34, 1205:39</p> <p>perpetrators [6] - 1166:14, 1185:7, 1185:42, 1185:43, 1194:4, 1206:30</p> <p>perpetrators' [1] - 1194:4</p> <p>perpetuate [1] - 1187:36</p> <p>persist [2] - 1183:22, 1184:43</p> <p>persisting [2] - 1183:35, 1186:28</p> <p>persists [1] - 1187:42</p> <p>person [26] - 1159:41, 1162:47, 1163:3, 1163:24, 1166:38, 1166:41, 1169:14, 1172:35, 1173:19, 1173:36, 1173:44, 1174:5, 1175:10, 1175:17, 1175:18, 1175:26, 1177:8, 1196:40, 1196:41, 1196:45, 1200:32, 1202:27, 1202:30, 1203:22</p> <p>personal [2] - 1179:12, 1200:15</p>
	P			
	<p>package [1] - 1176:13</p> <p>PAF [8] - 1173:7, 1173:17, 1176:24, 1176:25, 1176:29,</p>			

<p>Persons [1] - 1184:12 persons [2] - 1188:39, 1189:9 perspective [5] - 1188:28, 1189:11, 1195:2, 1196:22, 1199:12 persuasive [1] - 1189:12 PhD [5] - 1198:42, 1200:3, 1200:16, 1200:27, 1201:22 philosophy [1] - 1198:43 phone [4] - 1169:40, 1184:21, 1204:38, 1204:40 phone-in [2] - 1204:38, 1204:40 photo [1] - 1192:30 photographs [1] - 1165:33 physical [19] - 1157:22, 1157:32, 1157:42, 1157:45, 1158:2, 1158:8, 1158:10, 1160:4, 1162:9, 1183:46, 1184:20, 1184:37, 1185:6, 1185:22, 1185:26, 1186:8, 1186:19, 1193:7, 1196:39 physically [1] - 1159:13 pick [2] - 1193:19, 1206:13 picked [2] - 1183:26, 1188:8 picking [1] - 1207:15 picky [1] - 1195:25 picture [1] - 1175:17 piece [1] - 1175:23 pieces [3] - 1156:31, 1166:43 pinpoint [1] - 1186:22 pivotal [1] - 1208:1 place [13] - 1159:35, 1159:39, 1168:6, 1168:20, 1171:27, 1171:42, 1180:43, 1187:39, 1190:44, 1194:7, 1201:26, 1205:25, 1208:5 placed [1] - 1180:39 placements [2] - 1180:34, 1181:23 places [3] - 1180:31, 1202:18, 1202:44 placing [1] - 1180:15</p>	<p>plan [4] - 1177:24, 1184:45, 1196:34 plane [1] - 1205:39 planning [1] - 1170:22 play [4] - 1158:25, 1158:28, 1166:42, 1202:12 PLO [3] - 1207:41, 1207:46, 1208:9 PLOs [3] - 1207:32, 1207:36, 1208:8 plus [1] - 1179:30 point [15] - 1156:16, 1156:17, 1160:10, 1163:13, 1170:31, 1172:46, 1173:20, 1173:36, 1175:5, 1181:26, 1186:13, 1197:1, 1197:29, 1199:38, 1203:1 pointed [1] - 1197:12 points [3] - 1161:25, 1161:27, 1196:5 Pol [1] - 1190:18 Police [19] - 1160:23, 1169:15, 1173:2, 1176:14, 1177:37, 1177:46, 1178:5, 1178:7, 1179:18, 1179:22, 1179:36, 1179:44, 1181:6, 1181:36, 1183:32, 1188:35, 1194:17, 1195:12, 1197:34 police [263] - 1156:32, 1156:36, 1156:44, 1157:2, 1157:9, 1157:15, 1157:19, 1157:33, 1157:34, 1157:38, 1157:41, 1158:1, 1158:6, 1158:16, 1158:17, 1158:18, 1158:19, 1158:25, 1158:27, 1158:29, 1158:31, 1158:32, 1158:33, 1158:38, 1158:42, 1158:43, 1158:44, 1159:2, 1159:6, 1159:11, 1159:12, 1159:13, 1159:20, 1159:23, 1159:24, 1159:25, 1159:31, 1160:2, 1160:7, 1160:11, 1160:17, 1160:24, 1160:25, 1160:31, 1160:34, 1160:37, 1160:40, 1160:44, 1160:46, 1161:2, 1161:7,</p>	<p>1161:12, 1161:21, 1161:27, 1161:38, 1161:43, 1162:2, 1162:8, 1162:31, 1163:1, 1163:7, 1163:14, 1163:34, 1163:46, 1164:17, 1164:22, 1164:24, 1164:34, 1164:39, 1165:2, 1165:3, 1165:4, 1165:11, 1165:30, 1165:31, 1165:32, 1165:38, 1165:44, 1167:11, 1168:7, 1168:14, 1168:21, 1168:28, 1168:32, 1168:38, 1169:2, 1169:19, 1169:25, 1169:26, 1169:28, 1169:39, 1169:42, 1170:4, 1170:12, 1170:15, 1170:20, 1170:21, 1170:26, 1170:27, 1171:19, 1171:21, 1171:25, 1171:28, 1171:41, 1171:43, 1172:1, 1172:2, 1172:45, 1173:11, 1173:18, 1173:29, 1173:36, 1173:47, 1174:7, 1174:9, 1174:25, 1174:31, 1175:8, 1175:47, 1176:25, 1176:27, 1176:31, 1176:34, 1176:41, 1177:15, 1177:22, 1177:27, 1177:28, 1177:41, 1177:47, 1178:20, 1178:21, 1178:26, 1178:32, 1178:36, 1178:40, 1178:43, 1179:7, 1179:15, 1179:18, 1179:27, 1179:30, 1179:41, 1179:45, 1179:47, 1180:10, 1180:14, 1180:22, 1180:23, 1180:26, 1180:41, 1180:42, 1181:15, 1181:18, 1181:19, 1181:37, 1182:41, 1184:10, 1184:12, 1184:17, 1184:29, 1184:30, 1184:34, 1184:38, 1185:2, 1185:34, 1185:37, 1185:44, 1186:16, 1186:17, 1186:28, 1186:37, 1187:28,</p>	<p>1187:32, 1187:35, 1188:13, 1188:15, 1189:25, 1189:34, 1189:39, 1189:40, 1189:47, 1190:16, 1190:18, 1190:46, 1191:30, 1191:32, 1192:27, 1192:28, 1192:47, 1193:6, 1193:9, 1193:17, 1193:21, 1193:22, 1193:41, 1193:44, 1194:7, 1194:43, 1195:31, 1195:37, 1195:38, 1195:41, 1195:42, 1196:18, 1196:23, 1196:27, 1196:32, 1196:39, 1197:16, 1199:45, 1200:6, 1200:9, 1200:11, 1200:20, 1200:21, 1200:40, 1201:26, 1201:27, 1201:42, 1202:7, 1202:14, 1202:15, 1202:16, 1202:34, 1202:39, 1203:4, 1203:22, 1203:41, 1204:2, 1204:12, 1204:13, 1204:43, 1205:6, 1205:7, 1205:22, 1205:32, 1205:46, 1206:1, 1206:3, 1206:4, 1207:16, 1207:19, 1207:20, 1207:22, 1207:25, 1207:26, 1207:28, 1207:32, 1207:38, 1208:10, 1208:14, 1208:16, 1208:21, 1208:23, 1208:31, 1208:39 POLICE [1] - 1154:11 policing [35] - 1168:41, 1175:13, 1180:3, 1182:33, 1182:38, 1183:22, 1186:12, 1186:32, 1187:43, 1188:10, 1188:26, 1188:27, 1189:28, 1189:45, 1190:20, 1190:22, 1190:29, 1190:42, 1190:45, 1192:27, 1192:36, 1193:45, 1194:14, 1194:45, 1194:47, 1195:1, 1195:43, 1197:6, 1197:24, 1197:27, 1199:40, 1199:42, 1199:43, 1200:28,</p>	<p>1205:1 policy [1] - 1181:2 population [3] - 1166:33, 1166:47, 1167:3 populations [2] - 1189:25, 1197:20 pose [1] - 1185:6 position [2] - 1162:11, 1172:34 positive [9] - 1172:12, 1172:47, 1186:17, 1188:34, 1189:17, 1189:38, 1190:5, 1207:33 possibility [3] - 1168:33, 1168:38, 1179:17 possible [9] - 1160:13, 1164:29, 1171:3, 1171:8, 1173:25, 1176:39, 1195:21, 1204:43, 1204:44 possibly [2] - 1167:20, 1179:25 posted [1] - 1179:28 potential [1] - 1202:40 potentially [7] - 1161:7, 1163:27, 1164:40, 1175:11, 1180:39, 1189:8, 1193:43 power [2] - 1180:4, 1208:32 powers [4] - 1168:24, 1168:29, 1169:13, 1169:17 practical [2] - 1203:1, 1204:38 practically [1] - 1160:12 practise [2] - 1170:29, 1194:29 practices [2] - 1168:41, 1199:41 practitioners [1] - 1190:6 PRADO [2] - 1196:21, 1196:27 precedence [1] - 1160:32 predominantly [1] - 1184:19 preferable [1] - 1176:33 preference [1] - 1208:16 preferred [1] - 1178:32</p>
---	---	---	--	---

<p>premise [1] - 1204:47</p> <p>preparation [1] - 1184:25</p> <p>prepared [3] - 1172:29, 1181:7, 1181:28</p> <p>present [6] - 1164:18, 1165:46, 1166:1, 1179:36, 1183:35, 1207:19</p> <p>presented [2] - 1157:29, 1191:10</p> <p>president [1] - 1178:26</p> <p>press [1] - 1170:35</p> <p>pressure [1] - 1174:15</p> <p>presumably [1] - 1169:15</p> <p>pretended [1] - 1163:11</p> <p>pretty [1] - 1164:20</p> <p>prevails [1] - 1187:2</p> <p>prevalence [1] - 1188:4</p> <p>prevalent [1] - 1188:6</p> <p>prevent [1] - 1197:26</p> <p>Prevention [1] - 1183:13</p> <p>primarily [2] - 1156:4, 1191:12</p> <p>primary [2] - 1163:28, 1163:47</p> <p>principles [1] - 1206:21</p> <p>prioritise [3] - 1175:39, 1175:45, 1176:1</p> <p>prioritised [1] - 1165:16</p> <p>priority [7] - 1166:33, 1166:47, 1167:2, 1167:22, 1170:13, 1170:21, 1194:44</p> <p>privileging [1] - 1163:23</p> <p>problem [13] - 1157:41, 1160:45, 1177:40, 1179:24, 1180:6, 1180:29, 1181:26, 1184:7, 1186:1, 1188:2, 1188:9, 1191:23, 1191:29</p> <p>problematic [1] - 1162:42, 1162:46, 1164:21, 1173:41, 1185:20, 1185:21, 1185:23, 1187:37, 1192:14, 1194:8, 1194:9</p>	<p>problems [4] - 1170:26, 1177:47, 1178:8, 1179:35</p> <p>procedural [1] - 1182:42</p> <p>proceeding [2] - 1191:46</p> <p>PROCEEDINGS [1] - 1154:3</p> <p>proceedings [12] - 1184:15, 1187:13, 1188:30, 1191:12, 1191:14, 1191:26, 1191:27, 1191:38, 1192:4, 1192:21</p> <p>process [7] - 1175:47, 1200:41, 1202:6, 1202:26, 1203:24, 1205:9, 1207:1</p> <p>processes [4] - 1172:8, 1172:9, 1195:40, 1199:37</p> <p>produced [1] - 1157:25</p> <p>professionals [1] - 1197:31</p> <p>Professor [18] - 1155:4, 1155:18, 1155:25, 1170:40, 1176:3, 1181:10, 1181:46, 1182:2, 1182:10, 1182:16, 1195:47, 1196:5, 1197:45, 1198:15, 1198:21, 1198:36, 1204:35, 1207:15</p> <p>professor [10] - 1155:33, 1155:45, 1167:9, 1171:19, 1174:36, 1175:4, 1176:12, 1197:42, 1204:31, 1209:8</p> <p>program [2] - 1176:18, 1197:35</p> <p>programs [1] - 1168:35</p> <p>progress [1] - 1195:17</p> <p>progression [3] - 1190:13, 1190:47, 1194:46</p> <p>Project [2] - 1199:11, 1200:1</p> <p>project [3] - 1201:12, 1201:22, 1201:36</p> <p>projects [3] - 1185:33, 1189:15, 1201:8</p> <p>promoted [1] - 1197:18</p> <p>promulgated [1] - 1176:19</p>	<p>proper [2] - 1176:41, 1177:1</p> <p>properly [7] - 1164:31, 1169:5, 1169:32, 1169:46, 1169:47, 1172:39, 1203:34</p> <p>property [1] - 1185:27</p> <p>proportion [2] - 1187:34, 1187:36</p> <p>proposition [1] - 1179:16</p> <p>prosecution [1] - 1186:19</p> <p>prosecutors [3] - 1168:28, 1168:32, 1182:41</p> <p>protect [1] - 1167:47</p> <p>protected [4] - 1167:39, 1168:12, 1191:41, 1201:32</p> <p>protecting [2] - 1167:43, 1206:2</p> <p>protection [18] - 1156:43, 1157:43, 1159:32, 1163:36, 1167:38, 1168:11, 1168:23, 1169:18, 1185:3, 1186:37, 1186:38, 1188:29, 1191:31, 1192:18, 1194:28, 1194:30, 1194:31, 1203:5</p> <p>Protection [1] - 1167:45</p> <p>protective [2] - 1193:1, 1208:15</p> <p>protocol [1] - 1199:21</p> <p>prove [2] - 1157:45, 1200:10</p> <p>provide [11] - 1161:29, 1161:32, 1168:31, 1171:4, 1171:8, 1179:46, 1199:8, 1201:16, 1203:23, 1203:28, 1204:18</p> <p>provided [8] - 1155:37, 1162:4, 1168:28, 1182:16, 1198:21, 1200:44, 1202:18, 1203:46</p> <p>providers [1] - 1199:25</p> <p>provides [2] - 1196:19, 1203:10</p> <p>provision [1] - 1204:29</p> <p>psychological [3] - 1197:9, 1197:15, 1197:32</p> <p>public [5] - 1178:12,</p>	<p>1178:15, 1179:41, 1179:47, 1198:47</p> <p>publication [1] - 1195:29</p> <p>publications [1] - 1190:18</p> <p>publicly [1] - 1194:22</p> <p>published [3] - 1156:21, 1156:25, 1196:12</p> <p>publishing [1] - 1191:5</p> <p>Punchard [1] - 1178:8</p> <p>pursue [2] - 1192:12, 1203:4</p> <p>pursuits [1] - 1182:38</p> <p>pushed [1] - 1204:10</p> <p>put [10] - 1159:38, 1162:26, 1165:4, 1168:6, 1173:23, 1186:16, 1186:17, 1204:9, 1205:46, 1205:47</p> <p>puts [1] - 1162:15</p>	<p>1197:38, 1197:40, 1204:32, 1204:33, 1207:16, 1209:2, 1209:4, 1209:6</p> <p>quick [1] - 1175:45</p> <p>quickly [1] - 1171:3</p> <p>quite [7] - 1163:7, 1163:45, 1166:32, 1170:18, 1199:16, 1199:28, 1205:41</p>
R				
<p>race [3] - 1199:28, 1199:39, 1204:28</p> <p>racial [2] - 1166:8, 1200:29</p> <p>racialised [3] - 1200:33, 1201:43, 1204:26</p> <p>racism [4] - 1199:29, 1199:39, 1200:27, 1207:38</p> <p>raise [2] - 1175:12, 1192:43</p> <p>raised [6] - 1157:18, 1167:35, 1195:24, 1196:28, 1197:29, 1201:25</p> <p>range [5] - 1158:10, 1165:1, 1165:37, 1180:27, 1198:47</p> <p>rank [1] - 1195:4</p> <p>ranks [1] - 1190:47</p> <p>rare [2] - 1164:24, 1187:4</p> <p>rarely [1] - 1191:37</p> <p>rate [2] - 1187:17, 1188:4</p> <p>rates [2] - 1206:41, 1208:43</p> <p>rather [3] - 1160:23, 1206:38, 1207:5</p> <p>rational [1] - 1165:15</p> <p>rationale [1] - 1163:12</p> <p>rationality [1] - 1163:24</p> <p>re [5] - 1203:13, 1204:45, 1205:19, 1206:10, 1206:35</p> <p>re-designed [1] - 1204:45</p> <p>re-investment [4] - 1203:13, 1205:19, 1206:10, 1206:35</p> <p>reach [1] - 1159:1</p> <p>read [3] - 1172:28, 1173:12, 1203:45</p> <p>reading [3] - 1171:12, 1171:30, 1182:40</p>				
Q				
<p>QC [1] - 1154:26</p> <p>QPS [3] - 1184:8, 1191:10, 1195:31</p> <p>qualifications [1] - 1155:44</p> <p>QUEENSLAND [1] - 1154:11</p> <p>Queensland [25] - 1154:34, 1156:15, 1161:42, 1171:28, 1171:34, 1173:13, 1174:45, 1176:14, 1181:8, 1182:24, 1183:5, 1183:23, 1183:32, 1184:26, 1184:33, 1190:16, 1194:29, 1194:32, 1195:30, 1199:20, 1200:24, 1202:14, 1203:38, 1205:12, 1206:17</p> <p>questions [30] - 1173:16, 1173:20, 1173:23, 1173:38, 1174:4, 1174:9, 1174:14, 1174:17, 1174:36, 1174:38, 1175:4, 1176:4, 1176:6, 1176:8, 1176:26, 1176:29, 1179:11, 1180:20, 1181:43, 1181:45, 1182:20, 1196:1,</p>				

<p>ready [1] - 1205:38</p> <p>real [15] - 1158:12, 1159:26, 1161:18, 1163:47, 1169:21, 1170:18, 1172:40, 1173:32, 1173:34, 1177:40, 1179:35, 1190:21, 1190:42, 1202:3</p> <p>realise [1] - 1161:30</p> <p>reality [2] - 1186:45, 1192:11</p> <p>really [48] - 1159:9, 1159:19, 1160:12, 1160:20, 1160:22, 1160:32, 1161:5, 1161:17, 1161:45, 1162:6, 1163:28, 1164:47, 1165:21, 1168:18, 1169:26, 1169:45, 1169:47, 1170:11, 1170:20, 1172:41, 1173:40, 1175:43, 1180:41, 1181:23, 1185:10, 1185:14, 1185:28, 1186:25, 1187:29, 1188:4, 1188:10, 1190:23, 1190:27, 1190:31, 1194:40, 1194:43, 1195:3, 1195:5, 1195:27, 1197:18, 1199:37, 1203:16, 1203:20, 1205:14, 1207:21, 1208:20, 1208:22, 1208:23</p> <p>reason [5] - 1156:38, 1159:39, 1177:20, 1188:31, 1199:23</p> <p>reasonably [1] - 1172:12</p> <p>reasons [6] - 1162:12, 1163:25, 1184:31, 1193:6, 1193:46, 1200:8</p> <p>reassurance [1] - 1194:44</p> <p>received [1] - 1207:26</p> <p>recent [6] - 1160:29, 1173:12, 1177:21, 1178:8, 1189:1, 1195:29</p> <p>recently [4] - 1174:19, 1176:19, 1176:21, 1187:15</p> <p>recognise [2] - 1187:33, 1197:20</p> <p>recognised [4] - 1158:13, 1180:36,</p>	<p>1194:45, 1197:19</p> <p>recognising [4] - 1185:24, 1191:40, 1192:24, 1197:22</p> <p>recognition [1] - 1190:31</p> <p>recommend [1] - 1170:25</p> <p>recommendation [3] - 1165:40, 1165:43, 1168:26</p> <p>recommendations [2] - 1175:36, 1175:39</p> <p>recommended [3] - 1160:1, 1166:6, 1166:45</p> <p>record [3] - 1174:43, 1178:12, 1178:15</p> <p>recruit [1] - 1195:23</p> <p>recruited [1] - 1177:22</p> <p>recruiting [4] - 1177:14, 1178:44, 1179:22, 1179:46</p> <p>recruitment [1] - 1170:28, 1170:29, 1175:38, 1175:41, 1175:46, 1178:42, 1179:43, 1180:6, 1180:9, 1180:13, 1181:2</p> <p>recruits [3] - 1179:1, 1180:15, 1181:29</p> <p>refer [6] - 1167:18, 1169:20, 1170:40, 1172:15, 1172:18, 1178:38</p> <p>reference [8] - 1161:36, 1166:5, 1171:8, 1174:19, 1182:19, 1184:3, 1193:10, 1203:41</p> <p>referenced [1] - 1201:8</p> <p>references [1] - 1201:16</p> <p>referrals [2] - 1161:32, 1162:2</p> <p>referred [4] - 1162:30, 1165:20, 1177:14, 1208:37</p> <p>referring [1] - 1184:19</p> <p>reform [1] - 1160:2</p> <p>reforms [1] - 1186:34</p> <p>refresher [3] - 1160:6, 1160:11, 1160:14</p> <p>refuge [1] - 1202:33</p> <p>refusal [1] - 1159:16</p> <p>regard [2] - 1187:7, 1203:28</p> <p>regarding [2] -</p>	<p>1168:28, 1170:29</p> <p>regardless [1] - 1160:1</p> <p>regional [1] - 1171:39</p> <p>regular [3] - 1160:33, 1190:2, 1192:10</p> <p>regularly [3] - 1160:3, 1160:5, 1160:14</p> <p>regulate [2] - 1191:15, 1200:40</p> <p>reinforce [1] - 1166:20</p> <p>reinforces [1] - 1208:36</p> <p>related [6] - 1160:46, 1182:47, 1184:29, 1186:1, 1186:34, 1188:14</p> <p>relates [1] - 1182:33</p> <p>relation [6] - 1159:30, 1160:15, 1165:22, 1166:32, 1178:10, 1182:38</p> <p>relationship [12] - 1159:11, 1160:39, 1161:9, 1161:23, 1161:26, 1161:41, 1163:43, 1165:4, 1175:19, 1185:18, 1203:21, 1208:30</p> <p>relationships [8] - 1156:41, 1163:41, 1172:37, 1181:33, 1199:44, 1203:18, 1205:6, 1208:19</p> <p>relative [1] - 1175:46</p> <p>relatively [2] - 1171:22, 1188:14</p> <p>released [1] - 1191:18</p> <p>relevant [4] - 1168:31, 1169:12, 1169:20, 1190:42</p> <p>relevantly [1] - 1156:7</p> <p>reliant [2] - 1201:42, 1202:6</p> <p>reluctance [3] - 1186:6, 1186:10, 1201:6</p> <p>reluctant [4] - 1161:5, 1168:7, 1200:5, 1200:9</p> <p>rely [1] - 1163:2</p> <p>remain [3] - 1165:26, 1181:16</p> <p>remember [1] - 1187:27</p> <p>remote [8] - 1179:30, 1180:32, 1181:7, 1181:28, 1204:36, 1205:12, 1205:22, 1205:30</p>	<p>removal [2] - 1202:39, 1202:40</p> <p>remove [1] - 1175:30</p> <p>remuneration [1] - 1179:33</p> <p>repeat [1] - 1186:41</p> <p>report [48] - 1155:17, 1155:18, 1155:37, 1155:38, 1155:43, 1157:13, 1157:24, 1159:29, 1159:30, 1160:11, 1161:36, 1161:46, 1164:16, 1164:36, 1165:2, 1165:20, 1168:44, 1170:25, 1170:40, 1171:20, 1171:46, 1172:15, 1172:29, 1173:24, 1175:35, 1177:15, 1177:19, 1182:16, 1182:31, 1182:40, 1183:20, 1185:25, 1188:36, 1189:38, 1191:3, 1191:9, 1192:46, 1193:10, 1196:6, 1197:2, 1200:5, 1200:9, 1201:7, 1201:24, 1201:25, 1201:26, 1201:41, 1208:24</p> <p>reported [12] - 1157:32, 1157:36, 1157:46, 1159:21, 1159:31, 1160:37, 1160:43, 1160:45, 1165:3, 1165:18, 1172:44, 1184:30</p> <p>reporters [2] - 1191:28, 1202:39</p> <p>reporting [14] - 1165:15, 1184:37, 1185:30, 1185:33, 1185:39, 1185:45, 1186:7, 1186:35, 1186:36, 1186:39, 1193:5, 1193:20, 1200:38, 1202:24</p> <p>reports [6] - 1160:15, 1169:26, 1172:28, 1172:44, 1172:47, 1201:17</p> <p>required [1] - 1155:6</p> <p>requirements [1] - 1174:32</p> <p>research [51] - 1156:3, 1160:9, 1160:10, 1161:24, 1168:43, 1170:41, 1171:13, 1171:16, 1171:24,</p>	<p>1171:30, 1172:6, 1172:8, 1172:10, 1172:12, 1173:28, 1182:24, 1182:32, 1182:37, 1183:16, 1184:7, 1186:1, 1186:9, 1186:31, 1187:3, 1187:6, 1187:7, 1187:8, 1187:14, 1187:17, 1187:20, 1187:30, 1188:2, 1188:5, 1188:33, 1189:1, 1189:14, 1189:16, 1189:38, 1190:19, 1192:7, 1198:46, 1199:9, 1199:13, 1200:7, 1200:10, 1200:36, 1201:18, 1201:29, 1208:2</p> <p>Research [1] - 1198:37</p> <p>researchers [1] - 1195:30</p> <p>residence [1] - 1192:34</p> <p>resistance [1] - 1206:43</p> <p>resort [2] - 1158:30, 1187:30</p> <p>resourced [3] - 1203:11, 1203:34</p> <p>resources [2] - 1205:46, 1205:47</p> <p>resourcing [1] - 1162:1</p> <p>respect [4] - 1155:44, 1165:43, 1167:43, 1168:26</p> <p>respected [2] - 1158:16, 1158:21</p> <p>respectful [2] - 1169:31, 1206:27</p> <p>respond [1] - 1172:3</p> <p>responded [1] - 1190:9</p> <p>respondent [4] - 1162:37, 1164:36, 1192:13, 1192:29</p> <p>respondents [6] - 1166:1, 1184:14, 1189:14, 1190:39, 1191:43, 1194:9</p> <p>responder [9] - 1169:15, 1176:43, 1186:15, 1196:7, 1196:9, 1196:13, 1196:18, 1208:37, 1208:40</p> <p>responders [1] -</p>
---	---	---	--	---

<p>1202:8 responding [2] - 1165:35, 1182:42 response [14] - 1156:11, 1159:20, 1163:18, 1176:44, 1177:6, 1177:20, 1178:39, 1185:35, 1193:1, 1194:8, 1196:30, 1197:27, 1201:8, 1201:34 Response [2] - 1199:10, 1200:1 RESPONSES [1] - 1154:12 responses [16] - 1157:46, 1165:1, 1165:36, 1176:28, 1178:41, 1185:2, 1185:3, 1185:4, 1185:45, 1186:17, 1190:4, 1195:38, 1196:18, 1199:24, 1201:23 responsibilities [1] - 1191:47 restorative [1] - 1205:17 result [2] - 1156:23, 1205:41 results [1] - 1199:9 rethink [1] - 1193:45 retraumatisation [1] - 1194:10 retraumatising [4] - 1193:36, 1193:40, 1193:47, 1202:23 revert [1] - 1157:7 review [2] - 1196:11, 1196:12 reviews [1] - 1182:47 RICHARDS [1] - 1154:19 rights [1] - 1191:47 ring [1] - 1194:7 risk [29] - 1158:11, 1159:42, 1161:18, 1161:30, 1162:16, 1164:29, 1166:31, 1167:14, 1167:17, 1167:25, 1173:13, 1173:14, 1173:25, 1173:37, 1174:20, 1174:29, 1174:33, 1176:36, 1177:1, 1177:5, 1177:7, 1185:22, 1185:43, 1186:3, 1194:10, 1194:11, 1197:15, 1197:17</p>	<p>risks [3] - 1158:7, 1160:16, 1185:6 River [1] - 1206:17 road [1] - 1173:30 role [17] - 1156:10, 1158:26, 1158:28, 1170:26, 1170:30, 1182:41, 1188:36, 1189:41, 1190:3, 1195:15, 1195:39, 1202:11, 1203:8, 1203:9, 1207:44, 1208:14, 1208:31 roles [8] - 1189:41, 1190:11, 1190:14, 1190:32, 1194:38, 1194:40, 1207:41, 1208:11 roll [2] - 1189:42, 1204:1 roll-out [1] - 1204:1 room [1] - 1163:10 routinely [2] - 1170:27, 1177:47 Royal [3] - 1185:41, 1207:47, 1208:3 rural [2] - 1171:39, 1205:14 RUTH [1] - 1154:26</p>	<p>scale [1] - 1192:8 scenarios [1] - 1173:29 scene [10] - 1164:27, 1173:21, 1173:35, 1173:39, 1174:5, 1176:42, 1176:44, 1176:46, 1177:4 scheme [1] - 1158:23 school [5] - 1177:32, 1177:33, 1178:33, 1178:37, 1198:37 schooling [1] - 1178:37 science [1] - 1198:43 scope [1] - 1178:43 scornful [1] - 1178:26 screaming [1] - 1163:13 screen [1] - 1195:40 screening [1] - 1195:27 seasoned [1] - 1178:33 second [1] - 1162:29 secondary [1] - 1161:18 secondly [1] - 1155:12 section [2] - 1166:32, 1193:10 sector [4] - 1197:33, 1199:5, 1201:34, 1202:5 sectors [2] - 1197:30, 1198:47 see [27] - 1155:33, 1160:14, 1160:22, 1166:35, 1166:41, 1166:46, 1167:4, 1171:3, 1171:42, 1176:38, 1178:6, 1179:31, 1183:41, 1187:38, 1189:37, 1190:16, 1191:44, 1192:30, 1192:37, 1194:21, 1194:23, 1197:26, 1204:18, 1206:5, 1208:8, 1208:45 seeing [3] - 1173:30, 1200:13, 1206:30 seek [2] - 1158:24, 1203:3 seeking [3] - 1193:18, 1193:21, 1194:11 seem [4] - 1163:26, 1181:29, 1190:21, 1204:38 selection [1] - 1180:38</p>	<p>self [1] - 1200:40 self-regulate [1] - 1200:40 send [4] - 1165:32, 1187:22, 1194:9, 1195:29 sending [1] - 1180:31 senior [3] - 1160:25, 1160:30, 1180:36 sense [4] - 1172:27, 1176:36, 1186:43, 1187:45 sensitive [1] - 1208:38 sensitivities [1] - 1189:30 sent [1] - 1181:30 separated [3] - 1156:39, 1184:26, 1206:39 separating [1] - 1192:20 sergeants [1] - 1180:36 series [1] - 1176:26 serious [5] - 1162:15, 1164:9, 1178:7, 1183:46, 1194:45 seriously [4] - 1158:20, 1161:3, 1185:36, 1186:2 SERVICE [1] - 1154:12 service [14] - 1158:45, 1175:37, 1185:45, 1190:4, 1194:27, 1199:25, 1202:28, 1202:42, 1202:43, 1203:10, 1203:23, 1203:28, 1204:29 Service [20] - 1155:8, 1160:23, 1169:15, 1174:45, 1176:14, 1177:37, 1177:46, 1178:5, 1178:7, 1179:18, 1179:22, 1179:36, 1179:44, 1181:6, 1181:36, 1183:32, 1188:35, 1194:17, 1195:12, 1197:34 service's [1] - 1181:26 Services [1] - 1184:46 services [20] - 1156:18, 1161:32, 1169:20, 1169:22, 1172:3, 1172:33, 1172:38, 1172:45, 1173:2, 1173:5, 1175:38, 1201:19, 1201:33, 1202:7,</p>	<p>1203:15, 1204:2, 1204:18, 1204:19, 1204:29, 1204:37 set [10] - 1157:13, 1159:29, 1164:36, 1167:46, 1168:44, 1172:33, 1182:31, 1183:20, 1191:33, 1201:2 setting [2] - 1172:37, 1172:41 settle [1] - 1169:44 seven [1] - 1164:8 several [1] - 1169:42 severe [1] - 1184:22 severely [1] - 1205:27 sex [1] - 1175:19 shape [1] - 1192:16 share [1] - 1191:11 shared [2] - 1184:36, 1191:15 sharing [2] - 1178:10, 1190:1 sheets [2] - 1166:33, 1173:14 shift [2] - 1188:22, 1194:47 short [1] - 1164:37 SHORT [1] - 1198:10 shortly [1] - 1191:5 show [2] - 1191:10, 1192:34 shown [1] - 1188:33 sidelined [1] - 1190:41 sides [2] - 1159:14, 1159:16 siding [1] - 1164:39 significant [1] - 1171:21 SILKE [1] - 1182:12 Silke [2] - 1155:19, 1182:10 similar [3] - 1184:36, 1190:19, 1190:20 simple [1] - 1195:14 simply [6] - 1169:27, 1179:8, 1179:39, 1185:16, 1193:42, 1204:23 sisters [1] - 1208:45 sit [3] - 1176:27, 1189:46, 1202:20 site [1] - 1175:10 sites [1] - 1204:11 sits [1] - 1196:27 situation [7] - 1161:9, 1161:30, 1168:4, 1193:42, 1200:38, 1203:21, 1207:37</p>
S				
<p>safe [18] - 1161:32, 1168:5, 1168:18, 1169:14, 1177:8, 1201:28, 1202:15, 1202:16, 1202:44, 1203:35, 1204:17, 1204:19, 1204:44, 1205:34, 1206:28, 1206:29, 1207:17 Safety [1] - 1203:46 safety [16] - 1158:18, 1158:26, 1158:46, 1162:23, 1162:25, 1166:31, 1169:22, 1170:6, 1173:14, 1185:12, 1186:24, 1204:15, 1205:32, 1206:27, 1207:19 sake [1] - 1190:44 salaries [1] - 1179:40 same-sex [1] - 1175:19 sample [1] - 1184:32 sanity [1] - 1186:25 save [1] - 1163:45 saving [1] - 1172:11 saw [3] - 1159:11, 1165:21, 1169:36</p>	<p>safe [18] - 1161:32, 1168:5, 1168:18, 1169:14, 1177:8, 1201:28, 1202:15, 1202:16, 1202:44, 1203:35, 1204:17, 1204:19, 1204:44, 1205:34, 1206:28, 1206:29, 1207:17 Safety [1] - 1203:46 safety [16] - 1158:18, 1158:26, 1158:46, 1162:23, 1162:25, 1166:31, 1169:22, 1170:6, 1173:14, 1185:12, 1186:24, 1204:15, 1205:32, 1206:27, 1207:19 sake [1] - 1190:44 salaries [1] - 1179:40 same-sex [1] - 1175:19 sample [1] - 1184:32 sanity [1] - 1186:25 save [1] - 1163:45 saving [1] - 1172:11 saw [3] - 1159:11, 1165:21, 1169:36</p>	<p>scale [1] - 1192:8 scenarios [1] - 1173:29 scene [10] - 1164:27, 1173:21, 1173:35, 1173:39, 1174:5, 1176:42, 1176:44, 1176:46, 1177:4 scheme [1] - 1158:23 school [5] - 1177:32, 1177:33, 1178:33, 1178:37, 1198:37 schooling [1] - 1178:37 science [1] - 1198:43 scope [1] - 1178:43 scornful [1] - 1178:26 screaming [1] - 1163:13 screen [1] - 1195:40 screening [1] - 1195:27 seasoned [1] - 1178:33 second [1] - 1162:29 secondary [1] - 1161:18 secondly [1] - 1155:12 section [2] - 1166:32, 1193:10 sector [4] - 1197:33, 1199:5, 1201:34, 1202:5 sectors [2] - 1197:30, 1198:47 see [27] - 1155:33, 1160:14, 1160:22, 1166:35, 1166:41, 1166:46, 1167:4, 1171:3, 1171:42, 1176:38, 1178:6, 1179:31, 1183:41, 1187:38, 1189:37, 1190:16, 1191:44, 1192:30, 1192:37, 1194:21, 1194:23, 1197:26, 1204:18, 1206:5, 1208:8, 1208:45 seeing [3] - 1173:30, 1200:13, 1206:30 seek [2] - 1158:24, 1203:3 seeking [3] - 1193:18, 1193:21, 1194:11 seem [4] - 1163:26, 1181:29, 1190:21, 1204:38 selection [1] - 1180:38</p>	<p>self [1] - 1200:40 self-regulate [1] - 1200:40 send [4] - 1165:32, 1187:22, 1194:9, 1195:29 sending [1] - 1180:31 senior [3] - 1160:25, 1160:30, 1180:36 sense [4] - 1172:27, 1176:36, 1186:43, 1187:45 sensitive [1] - 1208:38 sensitivities [1] - 1189:30 sent [1] - 1181:30 separated [3] - 1156:39, 1184:26, 1206:39 separating [1] - 1192:20 sergeants [1] - 1180:36 series [1] - 1176:26 serious [5] - 1162:15, 1164:9, 1178:7, 1183:46, 1194:45 seriously [4] - 1158:20, 1161:3, 1185:36, 1186:2 SERVICE [1] - 1154:12 service [14] - 1158:45, 1175:37, 1185:45, 1190:4, 1194:27, 1199:25, 1202:28, 1202:42, 1202:43, 1203:10, 1203:23, 1203:28, 1204:29 Service [20] - 1155:8, 1160:23, 1169:15, 1174:45, 1176:14, 1177:37, 1177:46, 1178:5, 1178:7, 1179:18, 1179:22, 1179:36, 1179:44, 1181:6, 1181:36, 1183:32, 1188:35, 1194:17, 1195:12, 1197:34 service's [1] - 1181:26 Services [1] - 1184:46 services [20] - 1156:18, 1161:32, 1169:20, 1169:22, 1172:3, 1172:33, 1172:38, 1172:45, 1173:2, 1173:5, 1175:38, 1201:19, 1201:33, 1202:7,</p>	<p>1203:15, 1204:2, 1204:18, 1204:19, 1204:29, 1204:37 set [10] - 1157:13, 1159:29, 1164:36, 1167:46, 1168:44, 1172:33, 1182:31, 1183:20, 1191:33, 1201:2 setting [2] - 1172:37, 1172:41 settle [1] - 1169:44 seven [1] - 1164:8 several [1] - 1169:42 severe [1] - 1184:22 severely [1] - 1205:27 sex [1] - 1175:19 shape [1] - 1192:16 share [1] - 1191:11 shared [2] - 1184:36, 1191:15 sharing [2] - 1178:10, 1190:1 sheets [2] - 1166:33, 1173:14 shift [2] - 1188:22, 1194:47 short [1] - 1164:37 SHORT [1] - 1198:10 shortly [1] - 1191:5 show [2] - 1191:10, 1192:34 shown [1] - 1188:33 sidelined [1] - 1190:41 sides [2] - 1159:14, 1159:16 siding [1] - 1164:39 significant [1] - 1171:21 SILKE [1] - 1182:12 Silke [2] - 1155:19, 1182:10 similar [3] - 1184:36, 1190:19, 1190:20 simple [1] - 1195:14 simply [6] - 1169:27, 1179:8, 1179:39, 1185:16, 1193:42, 1204:23 sisters [1] - 1208:45 sit [3] - 1176:27, 1189:46, 1202:20 site [1] - 1175:10 sites [1] - 1204:11 sits [1] - 1196:27 situation [7] - 1161:9, 1161:30, 1168:4, 1193:42, 1200:38, 1203:21, 1207:37</p>

<p>situations [3] - 1157:40, 1163:5, 1169:34</p> <p>slightly [1] - 1156:30</p> <p>slowly [1] - 1198:32</p> <p>small [3] - 1170:15, 1187:36, 1205:25</p> <p>Social [2] - 1156:26, 1184:46</p> <p>social [11] - 1170:26, 1177:47, 1178:44, 1182:33, 1191:25, 1196:26, 1197:20, 1197:21, 1197:30, 1197:32, 1208:38</p> <p>sociology [1] - 1199:1</p> <p>soft [2] - 1159:32, 1159:37</p> <p>solicitor [1] - 1174:44</p> <p>solution [3] - 1181:30, 1204:41, 1206:7</p> <p>someone [2] - 1164:7, 1165:33</p> <p>sometimes [2] - 1157:19, 1163:29</p> <p>somewhere [4] - 1179:28, 1187:18, 1187:30, 1207:31</p> <p>sorry [13] - 1170:39, 1171:7, 1173:47, 1174:1, 1178:31, 1179:8, 1186:40, 1186:47, 1200:22, 1201:23, 1202:2, 1203:19, 1208:27</p> <p>sort [11] - 1161:13, 1165:6, 1168:35, 1180:25, 1192:13, 1192:20, 1203:12, 1203:28, 1204:1, 1204:7, 1207:23</p> <p>sorts [4] - 1162:11, 1189:2, 1193:12, 1200:45</p> <p>sought [1] - 1193:9</p> <p>sound [1] - 1165:41</p> <p>sounding [1] - 1165:36</p> <p>source [1] - 1197:34</p> <p>sources [1] - 1158:25</p> <p>south [1] - 1206:17</p> <p>South [5] - 1156:14, 1171:31, 1200:24, 1201:20, 1206:15</p> <p>south-eastern [1] - 1206:17</p> <p>space [9] - 1194:41, 1194:43, 1199:40, 1201:33, 1202:35, 1204:14, 1204:27,</p>	<p>1206:28, 1206:29</p> <p>speaking [4] - 1163:2, 1163:8, 1200:34, 1205:42</p> <p>speaks [1] - 1163:24</p> <p>specialisation [3] - 1188:34, 1189:27, 1190:1</p> <p>specialised [1] - 1189:18</p> <p>specialist [14] - 1184:11, 1188:36, 1189:40, 1189:46, 1190:3, 1190:11, 1190:12, 1190:35, 1194:38, 1196:26, 1196:31, 1196:37, 1196:38</p> <p>specific [6] - 1172:32, 1189:21, 1205:6, 1207:34, 1207:35, 1208:18</p> <p>specifically [3] - 1166:13, 1201:20, 1203:37</p> <p>spend [1] - 1188:43</p> <p>spent [2] - 1172:37, 1183:8</p> <p>spoken [5] - 1185:32, 1201:1, 1206:9, 1208:19, 1208:40</p> <p>stakeholders [3] - 1184:47, 1185:5, 1196:35</p> <p>stalking [1] - 1157:30</p> <p>standard [2] - 1177:42, 1192:17</p> <p>stands [1] - 1169:39</p> <p>start [2] - 1204:28, 1208:28</p> <p>started [1] - 1169:44</p> <p>state [5] - 1189:9, 1189:32, 1199:19, 1205:12, 1205:37</p> <p>statement [2] - 1155:19, 1198:21</p> <p>states [2] - 1200:23, 1200:25</p> <p>station [25] - 1171:25, 1171:44, 1173:22, 1173:27, 1173:31, 1176:27, 1185:34, 1188:18, 1196:24, 1196:27, 1196:39, 1201:26, 1201:27, 1201:42, 1202:15, 1202:17, 1204:12, 1204:14, 1204:43, 1205:32, 1206:3, 1207:20, 1207:22,</p>	<p>1207:25, 1207:28</p> <p>stations [11] - 1170:36, 1171:19, 1171:22, 1171:28, 1172:45, 1180:17, 1180:35, 1192:47, 1203:41, 1205:22, 1207:17</p> <p>statistics [4] - 1166:23, 1167:24, 1173:3, 1206:41</p> <p>stay [3] - 1190:44, 1203:21, 1205:40</p> <p>stays [1] - 1168:2</p> <p>step [4] - 1167:42, 1183:38, 1190:32, 1202:36</p> <p>stereotypes [1] - 1163:22</p> <p>stereotypical [1] - 1165:45</p> <p>sterile [1] - 1202:18</p> <p>stick [2] - 1163:10, 1163:11</p> <p>stigma [1] - 1197:17</p> <p>stigmatising [2] - 1193:36, 1193:40</p> <p>still [11] - 1161:13, 1161:14, 1177:29, 1177:32, 1178:7, 1178:21, 1185:4, 1199:34, 1199:36, 1206:21, 1206:22</p> <p>stipulates [1] - 1192:18</p> <p>stir [1] - 1204:16</p> <p>stock [1] - 1202:36</p> <p>stood [1] - 1169:30</p> <p>stop [1] - 1185:33</p> <p>stories [4] - 1156:29, 1170:12, 1170:18, 1208:22</p> <p>story [7] - 1169:3, 1170:15, 1170:16, 1174:12, 1174:13, 1202:21, 1202:25</p> <p>straight [1] - 1175:44</p> <p>strained [1] - 1199:44</p> <p>Strait [23] - 1158:34, 1166:39, 1171:26, 1172:7, 1172:17, 1189:22, 1189:24, 1196:37, 1199:14, 1199:17, 1199:23, 1199:35, 1200:5, 1200:8, 1201:7, 1201:32, 1201:41, 1202:13, 1203:29, 1204:22, 1205:13, 1205:23, 1208:43</p>	<p>Strak [1] - 1164:10</p> <p>strangled [4] - 1163:33, 1163:39, 1163:43</p> <p>strangulation [2] - 1163:40, 1164:4</p> <p>strategic [1] - 1185:7</p> <p>strategies [1] - 1208:5</p> <p>strategy [3] - 1170:28, 1175:46, 1179:46</p> <p>streamlined [1] - 1192:40</p> <p>Street [1] - 1154:35</p> <p>strong [3] - 1165:25, 1171:29, 1196:36</p> <p>structure [1] - 1160:30</p> <p>structures [1] - 1200:30</p> <p>struggling [1] - 1195:23</p> <p>studied [2] - 1162:36, 1164:46</p> <p>studies [4] - 1164:9, 1184:24, 1201:5, 1201:6</p> <p>study [18] - 1156:21, 1156:23, 1157:3, 1157:7, 1160:36, 1161:10, 1161:37, 1161:39, 1162:30, 1162:42, 1164:2, 1167:31, 1168:42, 1182:40, 1183:27, 1184:9, 1192:8, 1199:13</p> <p>stuff [3] - 1202:3, 1206:26, 1207:23</p> <p>subculture [1] - 1178:5</p> <p>subject [2] - 1161:39, 1184:14</p> <p>submission [9] - 1184:26, 1198:22, 1200:43, 1200:44, 1201:3, 1201:16, 1203:26, 1203:42, 1203:45</p> <p>submitted [1] - 1157:25</p> <p>substantially [1] - 1179:32</p> <p>success [1] - 1173:4</p> <p>suffering [1] - 1159:3</p> <p>suggest [11] - 1157:44, 1158:6, 1159:41, 1173:29, 1177:43, 1178:24, 1178:43, 1184:7, 1189:7, 1190:19, 1205:11</p>	<p>suggestion [2] - 1166:3, 1177:21</p> <p>suggestions [1] - 1159:10</p> <p>suggests [5] - 1187:3, 1187:30, 1189:2, 1189:41, 1190:20</p> <p>suits [1] - 1206:12</p> <p>support [30] - 1158:25, 1161:33, 1162:4, 1167:46, 1167:47, 1168:22, 1174:34, 1180:18, 1180:35, 1180:37, 1188:11, 1188:23, 1189:44, 1196:19, 1196:36, 1197:2, 1197:3, 1197:4, 1197:9, 1197:15, 1197:24, 1197:32, 1197:34, 1200:11, 1202:45, 1203:14, 1204:2, 1204:18, 1206:37, 1207:4</p> <p>supported [7] - 1172:35, 1180:21, 1180:43, 1181:38, 1188:24, 1197:18, 1203:20</p> <p>supporting [6] - 1172:11, 1189:8, 1189:10, 1194:13, 1206:32, 1208:29</p> <p>supportive [4] - 1179:8, 1179:9, 1201:28, 1208:21</p> <p>supports [3] - 1161:46, 1162:1, 1169:35</p> <p>suppose [9] - 1175:44, 1179:21, 1181:26, 1207:17, 1207:31, 1207:33, 1208:7, 1208:14, 1208:36</p> <p>surprised [2] - 1166:22, 1166:46</p> <p>surrounding [1] - 1191:3</p> <p>substantially [1] - 1184:27</p> <p>surveyed [1] - 1184:13</p> <p>surveying [1] - 1188:5</p> <p>survivor [5] - 1184:27, 1186:35, 1187:27, 1196:22, 1202:30</p> <p>survivors [21] - 1184:28, 1184:33, 1184:36, 1185:25, 1185:32, 1185:38,</p>
---	--	--	---	--

1186:22, 1186:40, 1187:31, 1189:13, 1189:31, 1189:38, 1190:38, 1191:42, 1192:47, 1193:36, 1194:1, 1194:10, 1202:24, 1202:35, 1204:13 survivors [2] - 1185:11, 1189:17 sustainable [1] - 1203:32 sworn [1] - 1208:10 system [11] - 1156:11, 1173:24, 1185:7, 1186:16, 1189:35, 1200:17, 1200:21, 1204:46, 1207:38, 1207:40, 1208:33 systematic [1] - 1196:11 systems [4] - 1194:27, 1200:20, 1200:30, 1202:6	TENDER [1] - 1155:23 tendered [1] - 1155:36 tensions [1] - 1206:26 term [1] - 1175:41 terminologies [1] - 1200:25 terms [42] - 1157:45, 1163:45, 1167:3, 1168:13, 1168:47, 1169:21, 1169:34, 1170:19, 1172:5, 1172:21, 1172:25, 1172:30, 1172:41, 1174:16, 1176:24, 1176:29, 1177:14, 1177:37, 1178:42, 1182:23, 1182:37, 1184:17, 1185:1, 1185:21, 1186:27, 1190:6, 1190:31, 1190:38, 1190:47, 1194:8, 1194:10, 1194:28, 1195:4, 1195:8, 1197:7, 1200:19, 1200:38, 1203:18, 1205:5, 1208:24, 1208:32, 1208:33 terrified [1] - 1163:44 tertiary [5] - 1179:1, 1179:6, 1179:19, 1180:21, 1181:7 testing [1] - 1179:16 text [7] - 1159:29, 1159:30, 1159:31, 1159:43, 1185:8, 1185:15, 1185:16 texting [2] - 1157:23, 1184:20 THE [4] - 1182:8, 1197:47, 1209:15, 1209:22 theme [2] - 1159:46, 1162:29 themes [3] - 1156:22, 1157:8, 1167:31 themselves [2] - 1177:27, 1193:43 theory [1] - 1192:1 therefore [2] - 1161:26, 1177:5 thinking [11] - 1158:33, 1161:12, 1161:47, 1166:13, 1169:13, 1175:24, 1175:25, 1178:8, 1179:14, 1188:22, 1195:15 thinks [1] - 1162:14 third [3] - 1163:42,	1164:14, 1167:30 thorough [1] - 1186:17 thoughts [1] - 1200:41 three [4] - 1156:9, 1157:3, 1183:8, 1184:35 three-year [1] - 1157:3 Thursday [1] - 1154:40 TI [1] - 1205:24 tight [1] - 1196:31 TO [1] - 1154:12 today [10] - 1171:5, 1171:9, 1181:34, 1182:18, 1197:2, 1197:3, 1199:8, 1199:34, 1208:1, 1209:18 together [5] - 1172:33, 1172:36, 1175:26, 1196:30, 1206:31 tomorrow [1] - 1209:20 took [1] - 1192:3 tools [4] - 1174:21, 1174:24, 1174:29, 1174:33 top [2] - 1181:34, 1187:41 topic [3] - 1167:9, 1167:17, 1170:39 Torres [23] - 1158:34, 1166:39, 1171:25, 1172:7, 1172:17, 1189:22, 1189:23, 1196:37, 1199:14, 1199:17, 1199:23, 1199:35, 1200:4, 1200:8, 1201:7, 1201:31, 1201:41, 1202:12, 1203:29, 1204:22, 1205:13, 1205:23, 1208:43 totally [1] - 1202:6 touching [1] - 1191:6 towards [5] - 1158:46, 1162:17, 1174:28, 1179:44, 1187:14 tracking [1] - 1190:47 trained [2] - 1160:3, 1170:10 trainees [1] - 1180:37 training [42] - 1160:6, 1160:11, 1160:13, 1160:14, 1160:18, 1160:26, 1160:28, 1160:29, 1160:34, 1161:42, 1162:8, 1165:45, 1165:47,	1166:6, 1166:12, 1166:20, 1166:23, 1166:26, 1166:28, 1168:32, 1168:34, 1168:37, 1170:3, 1170:13, 1170:19, 1170:20, 1175:36, 1175:42, 1176:1, 1176:13, 1177:26, 1180:16, 1180:35, 1190:2, 1190:3, 1194:38, 1195:8, 1195:10, 1195:15, 1195:16, 1195:18, 1197:3 transcends [1] - 1195:3 TRANSCRIPT [1] - 1154:3 transfer [1] - 1208:34 transform [1] - 1195:5 trauma [2] - 1197:19, 1197:21 tri [1] - 1173:18 tri-card [1] - 1173:18 trial [1] - 1203:47 triated [1] - 1171:41 trailing [2] - 1171:27, 1171:39 tribes [1] - 1206:25 tricky [1] - 1207:36 tried [2] - 1171:42, 1208:24 trivial [1] - 1159:43 trouble [1] - 1180:10 truck [1] - 1179:32 true [4] - 1158:27, 1178:29, 1181:39, 1201:29 truly [1] - 1172:31 try [2] - 1161:33, 1193:31 trying [8] - 1163:45, 1165:24, 1165:25, 1171:36, 1181:15, 1187:20, 1193:42 turn [2] - 1163:46, 1167:30 turned [1] - 1193:22 two [9] - 1155:5, 1156:31, 1160:26, 1171:33, 1192:31, 1193:6, 1193:46, 1202:1, 1202:2 type [3] - 1159:40, 1202:43, 1203:23 types [8] - 1157:31, 1157:32, 1168:13, 1184:20, 1184:37, 1185:6, 1185:22,	1190:4 U ultimate [1] - 1164:6 ultimately [4] - 1161:26, 1171:22, 1171:26, 1171:32 unclear [1] - 1172:21 under [4] - 1167:39, 1184:46, 1199:33, 1199:36 underestimation [1] - 1185:22 underfunded [1] - 1205:27 undermines [1] - 1186:24 underpin [1] - 1157:43 underpins [1] - 1158:11 underreact [1] - 1165:19 underscore [1] - 1161:41 understood [3] - 1164:23, 1176:21, 1177:28 undertake [2] - 1165:44, 1201:8 undertaken [1] - 1198:46 undertaking [1] - 1200:3 undertook [5] - 1156:8, 1159:10, 1160:36, 1184:24, 1200:1 underway [1] - 1155:5 uneducated [1] - 1178:42 unemployment [1] - 1180:11 unfamiliar [1] - 1189:34 unfortunately [1] - 1188:7 unified [1] - 1206:38 uniform [1] - 1179:45 uniformed [2] - 1196:28, 1196:40 union [1] - 1178:26 unit [1] - 1189:40 Unit [1] - 1184:12 units [7] - 1188:39, 1189:2, 1189:9, 1189:42, 1189:45, 1190:12, 1194:40 University [3] - 1155:45, 1183:9,
T				
table [1] - 1174:37 talks [2] - 1166:33, 1172:19 tasked [1] - 1170:27 taskforce [1] - 1200:43 Taskforce [1] - 1203:46 taught [4] - 1160:7, 1200:7, 1200:19, 1200:27 team [4] - 1171:8, 1172:38, 1172:39, 1189:46 teams [7] - 1170:37, 1171:47, 1172:21, 1172:26, 1172:30, 1172:35, 1172:42 technical [10] - 1159:32, 1159:36, 1159:42, 1184:4, 1184:18, 1184:20, 1184:22, 1184:38, 1185:29, 1192:29 technically [1] - 1192:32 technology [1] - 1176:39 tee [1] - 1198:4 tend [2] - 1161:41, 1189:17 tendency [1] - 1163:1 tender [2] - 1155:13				

<p>1198:38 university [2] - 1178:34, 1178:45 unless [4] - 1160:26, 1192:17, 1197:17, 1200:21 unlikely [3] - 1173:44, 1173:47, 1194:7 unpacked [1] - 1156:27 unreliable [1] - 1191:28 unsafe [1] - 1168:21 untested [1] - 1172:22 UNTIL [1] - 1209:22 up [37] - 1156:9, 1160:28, 1160:29, 1163:46, 1164:2, 1167:46, 1169:21, 1172:33, 1172:37, 1172:41, 1173:32, 1173:33, 1183:26, 1185:19, 1186:36, 1186:37, 1186:38, 1186:39, 1186:46, 1187:9, 1187:43, 1188:8, 1188:19, 1188:44, 1190:14, 1190:29, 1192:34, 1193:19, 1195:44, 1196:31, 1198:4, 1200:13, 1203:33, 1205:37, 1206:13, 1207:15 up-to-date [2] - 1160:28, 1160:29 updated [2] - 1160:34, 1190:3 upskilling [1] - 1195:19 upstream [1] - 1207:5 urban [1] - 1205:14 urge [1] - 1203:47 US [3] - 1161:37, 1164:9, 1164:10 useful [3] - 1168:15, 1168:27, 1197:33 users [1] - 1184:13</p>	<p>vicarious [1] - 1197:20 victim [30] - 1163:29, 1165:27, 1166:41, 1174:11, 1184:28, 1184:33, 1184:36, 1185:11, 1185:25, 1185:32, 1185:38, 1186:22, 1186:35, 1186:39, 1187:27, 1187:31, 1189:12, 1189:16, 1189:38, 1190:38, 1191:42, 1192:46, 1193:36, 1193:47, 1194:10, 1196:22, 1202:23, 1202:30, 1202:35, 1204:13 victims [9] - 1163:23, 1165:38, 1165:46, 1166:13, 1167:3, 1170:4, 1170:5, 1192:24, 1196:22 Victoria [3] - 1172:45, 1173:1, 1173:2 Victorian [2] - 1170:12, 1189:15 videolink [2] - 1155:5, 1198:2 view [19] - 1161:39, 1170:9, 1170:29, 1171:26, 1171:29, 1174:3, 1174:24, 1175:29, 1178:32, 1179:12, 1181:26, 1185:43, 1193:39, 1194:15, 1195:1, 1203:1, 1207:31, 1208:15 viewed [1] - 1185:16 views [1] - 1160:31 VIOLENCE [1] - 1154:12 Violence [3] - 1166:4, 1167:19, 1183:13 violence [100] - 1156:3, 1156:4, 1156:10, 1156:22, 1156:37, 1156:46, 1157:15, 1157:20, 1157:42, 1158:8, 1159:3, 1159:36, 1160:1, 1160:5, 1160:28, 1161:34, 1161:41, 1162:8, 1162:11, 1162:13, 1166:7, 1166:10, 1166:15, 1166:21, 1166:23, 1166:25, 1167:2, 1167:4,</p>	<p>1167:12, 1167:14, 1167:24, 1167:26, 1167:36, 1172:4, 1173:19, 1175:31, 1176:15, 1178:11, 1178:41, 1180:1, 1182:24, 1182:34, 1182:39, 1182:43, 1182:47, 1183:22, 1183:46, 1184:11, 1184:15, 1184:45, 1186:29, 1187:10, 1187:32, 1187:43, 1188:2, 1188:14, 1188:27, 1188:37, 1188:38, 1188:44, 1189:4, 1189:21, 1189:29, 1190:21, 1190:34, 1190:45, 1191:4, 1191:11, 1191:28, 1192:12, 1193:7, 1193:22, 1194:14, 1194:29, 1194:35, 1194:39, 1195:1, 1195:6, 1195:11, 1195:28, 1195:33, 1195:37, 1196:38, 1197:6, 1199:15, 1199:24, 1199:36, 1199:41, 1200:6, 1200:12, 1200:15, 1201:23, 1201:24, 1201:27, 1201:41, 1202:2, 1202:25, 1206:44, 1208:4, 1208:25 violent [2] - 1163:45, 1206:42 visible [1] - 1163:47 visiblising [2] - 1185:42, 1185:43 voiced [1] - 1194:22 VPU [1] - 1184:11 VPUs [2] - 1188:43, 1190:35 vulnerabilities [1] - 1189:31 Vulnerable [1] - 1184:12 vulnerable [3] - 1167:21, 1188:39, 1189:9</p>	<p>1199:20 WAS [1] - 1209:22 waste [2] - 1185:36, 1185:37 watched [1] - 1159:7 watchhouses [1] - 1207:23 ways [10] - 1156:28, 1164:19, 1164:36, 1181:15, 1181:20, 1181:35, 1185:21, 1195:13, 1201:4, 1201:40 website [1] - 1179:43 week [1] - 1172:25 weeks [4] - 1162:15, 1169:43, 1170:13, 1192:32 Weipa [1] - 1179:28 welcome [1] - 1182:2 welcoming [2] - 1201:28, 1202:17 welfare [2] - 1190:24, 1190:25 well-founded [1] - 1186:30 well-known [1] - 1181:39 well-resourced [1] - 1203:34 wellbeing [4] - 1185:11, 1186:24, 1186:25, 1197:25 Wellbeing [1] - 1198:37 whereas [1] - 1165:14 whilst [2] - 1176:42, 1193:29 white [3] - 1202:6, 1204:18, 1204:21 whiteness [1] - 1199:43 whole [10] - 1156:16, 1166:41, 1175:17, 1175:46, 1185:18, 1200:5, 1203:19, 1204:24, 1205:12, 1206:29 wide [2] - 1168:11, 1168:13 wider [1] - 1191:24 wisdom [1] - 1167:16 wise [2] - 1186:19 wish [2] - 1159:16, 1192:9 withdrawn [1] - 1163:16 WITHDREW [3] - 1182:8, 1197:47, 1209:15</p>	<p>withhold [1] - 1191:13 witness [2] - 1155:3, 1198:2 WITNESS [3] - 1182:8, 1197:47, 1209:15 witnesses [1] - 1209:17 Wollongong [1] - 1198:39 woman [37] - 1156:9, 1158:10, 1158:24, 1159:1, 1159:12, 1161:12, 1161:29, 1161:40, 1162:3, 1162:17, 1162:36, 1163:7, 1163:32, 1164:35, 1164:38, 1164:42, 1165:20, 1165:29, 1167:25, 1167:46, 1168:22, 1169:40, 1172:17, 1174:12, 1175:20, 1177:8, 1193:25, 1200:38, 1201:45, 1202:2, 1202:13, 1203:2, 1203:15, 1204:12, 1205:31, 1208:28 woman's [5] - 1158:26, 1161:25, 1200:34, 1202:42, 1205:34 women [110] - 1156:8, 1156:14, 1156:21, 1156:40, 1157:1, 1157:18, 1157:32, 1157:41, 1157:46, 1158:3, 1158:7, 1158:15, 1158:18, 1158:27, 1158:28, 1158:30, 1158:32, 1158:34, 1158:42, 1158:44, 1159:2, 1159:10, 1159:19, 1159:21, 1159:24, 1159:31, 1160:36, 1160:38, 1161:2, 1161:6, 1161:10, 1161:43, 1161:46, 1162:10, 1162:12, 1162:15, 1162:24, 1162:35, 1162:42, 1162:43, 1163:6, 1163:42, 1163:43, 1164:13, 1164:15, 1164:22, 1164:25, 1165:16, 1165:18, 1165:23, 1165:37, 1167:2, 1167:23, 1167:28, 1168:43,</p>
V				
<p>valid [1] - 1179:35 value [3] - 1195:9, 1195:38, 1196:30 variety [2] - 1181:17, 1186:11 various [4] - 1162:7, 1169:19, 1174:33, 1201:4 Vic [1] - 1190:18</p>				
		W		
		<p>Wales [3] - 1200:24, 1201:20, 1206:15 walk [1] - 1163:11 walking [1] - 1163:11 walubara [1] -</p>		

<p>1168:47, 1169:26, 1169:31, 1169:42, 1171:37, 1171:40, 1171:43, 1172:11, 1174:14, 1184:33, 1184:45, 1187:9, 1191:26, 1191:29, 1193:4, 1193:12, 1193:20, 1195:28, 1199:14, 1199:17, 1199:24, 1199:25, 1199:35, 1200:5, 1200:9, 1200:14, 1200:17, 1200:20, 1200:35, 1201:7, 1201:24, 1201:32, 1201:41, 1202:2, 1203:29, 1203:40, 1204:3, 1204:13, 1204:16, 1204:22, 1204:23, 1205:38, 1206:3, 1206:40, 1206:46, 1208:17, 1208:20, 1208:21, 1208:23, 1208:24, 1208:29, 1208:44</p> <p>Women's [3] - 1155:8, 1174:44, 1203:46</p> <p>women's [13] - 1156:23, 1156:30, 1156:36, 1157:8, 1157:20, 1162:31, 1164:33, 1171:19, 1171:21, 1171:24, 1171:27, 1171:43, 1200:43</p> <p>wonder [2] - 1195:22, 1195:39</p> <p>wondering [1] - 1204:43</p> <p>words [2] - 1194:16, 1207:18</p> <p>worker [4] - 1196:26, 1196:27, 1199:4, 1208:39</p> <p>workers [2] - 1172:9, 1197:21</p> <p>workload [3] - 1187:44, 1188:16, 1188:25</p> <p>works [3] - 1171:22, 1172:20, 1204:21</p> <p>workshops [2] - 1184:47, 1185:2</p> <p>world [1] - 1204:40</p> <p>worries [1] - 1180:25</p> <p>worse [2] - 1164:19, 1175:24</p> <p>worth [3] - 1171:36, 1173:1, 1198:3</p>	<p>worthwhile [1] - 1171:38</p> <p>wrap [1] - 1203:22</p> <p>wraparound [1] - 1203:15</p> <p>write [1] - 1173:32</p>
Y	
	<p>year [5] - 1157:3, 1175:42, 1179:29, 1180:15</p> <p>years [18] - 1156:2, 1158:29, 1160:17, 1160:18, 1161:8, 1162:45, 1168:43, 1179:44, 1180:12, 1182:25, 1183:1, 1183:8, 1183:27, 1184:35, 1187:28, 1188:9, 1189:15, 1190:17</p> <p>yidinji [1] - 1199:20</p> <p>young [2] - 1177:30, 1177:46</p> <p>younger [2] - 1180:13, 1180:37</p> <p>youngest [1] - 1195:3</p> <p>Yuin [1] - 1206:14</p>