



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

Mr PS Russo MP—Chair

Mrs LJ Gerber MP

Ms JM Bush MP

Mr JE Hunt MP

Mr JM Krause MP (virtual)

Staff present:

Mrs K O'Sullivan—Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE SUPPORT PROVIDED FOR VICTIMS OF CRIME

TRANSCRIPT OF PROCEEDINGS

Tuesday, 2 May 2023

Logan

TUESDAY, 2 MAY 2023

The committee met at 9.36 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into assistance provided to victims of crime. My name is Peter Russo. I am the member for Toohey and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share.

With me here today are: Laura Gerber, the member for Currumbin and the deputy chair; Jonty Bush, the member for Cooper; Jason Hunt, the member for Caloundra; and Jon Krause, the member for Scenic Rim, who is on the phone. This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and transcribed. A transcript will be available on the parliament's website in due course. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings. Images may also appear on the parliament's website or social media pages. I ask people to turn their mobiles phones either off or to silent mode.

DINGLI, Dr Kelly, Head, Clinical Practice, DVConnect

MICALLEF, Ms Kristin, Regional Manager, 54 reasons

ROYES, Ms Michelle, Manager, Research, Compliance and Inclusion, DVConnect

CHAIR: Good morning. Thank you for being here. I invite you to make an opening statement of up to five minutes after which committee members will have some questions for you.

Ms Royes: Thank you and good morning. I thank you for giving us the opportunity to speak today. I also begin by acknowledging the traditional custodians of the land on which we are meeting, the Yagara and Yugambah peoples, and pay my respects to elders past, present and emerging. I also acknowledge those with lived experience as victims of crime, which includes domestic and family violence and sexual assault.

We are here today representing DVConnect as the statewide crisis response service for domestic, family and sexual violence as well as the statewide helpline for victims of crime, known as VictimConnect. My name is Michelle Royes and I am joined by Dr Kelly Dingli, the head of our clinical practice at DVConnect, and Kristin Micallef, the regional manager for 54 reasons. They are one of our key partner providers for VictimConnect and work alongside us on some of our other programs as well.

Since the 1980s, DVConnect has been providing support to people who use and experience domestic and family violence as well as those impacted by sexual violence. We provide the statewide helplines for men and women who are impacted by DV. We also offer informal information, referral and grief counselling as well as practical pathways to safety across the state of Queensland for people impacted by domestic and family violence. However, we are relatively new to the space of supporting the wider cohort who are recognised under the Victims of Crime Assistance Act.

DVConnect commenced VictimConnect in July last year, transitioning funding from a previous provider that provided similar type of funding under state government arrangements that we now sit under. The model of VictimConnect is to provide a 24/7 telephone response right across the state of Queensland for people impacted by violence and personal crime. This is immediate information, support and referral. However, it is also the pathway to ongoing multisession counselling or case management in a short-term but multisession model. Today we are pooling our insights from working with people across all of these services but perhaps most deeply VictimConnect. As we outlined in our submission, we recognise that is built on only nine months of experience to date.

Before I hand over to Kelly, I acknowledge that we are only speaking from our service provision space. We do not speak for all victim-survivors. We acknowledge that our ideas are from people who find our services suitable for them. It is also important to consider those who do not access our service and what they may need from the service system, because there would be a reason they are not accessing our service. It might not meet their needs or it might not be inclusive enough because of the model that we are set up under for state government funding.

We ask the committee to ensure the victim's voice not only informs what direction is taken next but also is included in providing ongoing feedback for whatever program or developments come from these submissions, because that is an important component too. The voice needs to be geographically and culturally diverse, giving space to the intersectional experience of victim-survivors. Throughout our discussion today we will be mostly using the term 'victim of crime' or 'victim'. However, we recognise that people impacted by crime may prefer the term 'survivor', and we acknowledge that. I hand over to Kelly.

Dr Dingli: Thank you for the opportunity to be here. I would also like to acknowledge the traditional owners of the land on which we meet today, the Yugambeh people.

This morning I want to elaborate on some of points in the submission, as Michelle has introduced. Typically, people are not well informed across the criminal justice journey. This is not a journey anyone wishes to be involved in or should be expected to prepare for. The justice system, as we know, is complex and overwhelming and it is unjust for an everyday person to have to navigate it after becoming a victim of crime.

Very simply, the current mechanisms for a victim of crime to be informed about what is happening and their rights and keeping well informed are ineffective. There are a number of issues that underpin this situation which we outlined in our submission. However, having a support who can sit across the entire criminal justice system with a victim, who can explain and unpack what is happening, who can make sure victims are advised by relevant authorities of what they have a right to know in a timely fashion and also directing victims of support is needed. A linchpin of this process would be an effective complaints mechanism for when victims' rights are not upheld. We see a vital component of this being the appointment of a victims commissioner.

Second is recognition and support of financial assistance as critical throughout a person's criminal justice journey. Whilst the administrative processes for financial assistance have been revised, which has had some positive impact, it is still a long and slow process. Whilst we would strongly advocate for a much faster approvals process, we do encourage direct and explicit consultation with victims. This is because victims tell us that there are many issues with financial assistance. While improved time frames seem like an obvious answer, perhaps addressing some of the other root issues would also be powerful.

For example, victims tell us that the process is again questioning the validity of their experience, needing again to prove that an incident occurred and the impact that incident had on that one person. This compounds the often negative experience of reporting to police. It requires another government entity asking many questions to verify supports that a victim has a right to access. Secondly, not being updated regularly and being deferred to online systems that lack detail makes victims feel dismissed and frustrated. Thirdly, there are unclear time frames. There is much unknown space in the criminal justice journey. Waiting for court dates and outcomes compounds the experience, giving victims no sense of control or autonomy. Finally, complexity and overlap with other processes add confusion and frustration—for example, court directed reimbursements to clients or personal insurance or WorkCover outcomes.

There are a number of other issues that we address in our submission; however, in the interests of making space for your questions and allowing our submission to speak for itself, I will now hand over to Kristin to make a few key points.

Ms Micallef: Hello. My name is Kristin. I am from 54 reasons. I will also begin by acknowledging the traditional custodians of the lands we are meeting on today, the Yugambeh and Yagara people. I pay my respects to elders past, present and emerging. I am here today representing Save the Children and 54 reasons. 54 reasons is the organisation through which Save the Children delivers its services in Australia. We are Australia's leading child rights organisation and work directly with children and their families to provide services that span early childhood, parenting, family support, domestic and family violence, school engagement and wellbeing, and disaster responses across the country.

My message today is simple: children have the fundamental right to be protected from all forms of violence. We are calling for children's experiences of a crime, including domestic and sexual violence, to be taken seriously in their own right. As Kelly mentioned, the system is complex and

overwhelming for most people to navigate—the language, the definitions, the time frames, the need to repeat their story—yet none of the processes are designed with children or young people in mind. If an everyday person finds it difficult, how can a child or young person even begin to understand it in their own context? The systems need to be built in a way that allow children, young people and adults to access them meaningfully.

The other point I would like to make today is the importance of bringing the voice of the child and young person into any process that involves them. We understand that there are safety risks, especially for children, so there is significant investment needed to expertly support children to be brought into a conversation. The lived experience of children has not yet been adequately recognised as a resource, and we have seen the value of lived experience in many other primarily adult sectors where there has been a seat at the table. Thank you for your time.

Ms Royes: Once again, we would like to thank you for having us here today and we are eager to respond to your questions.

Mrs GERBER: Thank you for your appearance today and for your oral and written submissions. As you are aware, one of the terms of reference for this inquiry is around operation and effectiveness of the Victims of Crime Assistance Act, and I am interested in delving a bit deeper into that with your organisation. I note that you have VictimConnect as one of the subsidiaries—I will call it that—of your organisation. Can you tell me how much VictimConnect supports a victim of crime in making an application under the Victims of Crime Assistance Act?

Ms Royes: That is one of our key functions. We have a case management service that really assists when people experience a lot of barriers to making their submission. People can have us really hold their hand on that journey of making a submission. That case management approach is bigger than just having someone come in and say, ‘Hey, I need some help filling out this form’ et cetera. We provide verbal advice over the phone, when people call our helpline, directing them to the form, giving them some tips on what to complete et cetera, and we also offer support to services that are already working with those people. If they are in a shelter, say, or are already working with some other help service, we will work with that service so that they can help them complete the assistance form. In saying that, though, that is a significant volume of work and there are still lots of gaps in what help we can provide, which is why we really focus our case management support on people who are experiencing lots of barriers or lots of complexities in their submission, rather than people who probably have support themselves but just need a little bit of guidance or direction, which we provide over the phone.

Mrs GERBER: Page 12 of your submission says that VictimConnect alone has an extensive waitlist when you are talking about the operational effectiveness of the Victims of Crime Assistance Act. What is that waitlist? Can you give me some figures? For example, how many people would you help, using VictimConnect, to make an application for financial assistance? How many people are on the waitlist? How much time is it taking for a payout?

Ms Royes: We have two distinct aspects to our service: we have the therapeutic counselling, which is charged as therapeutic counselling, and if people are engaging with that and they need financial assistance they do not really do that—they do bits and pieces of it; and then we have our case management approach. They have two different types of waitlists. Across both of those it is five to 10 weeks, and then each person in the counselling frame is supporting up to 50 people at each time. In the case management space—

Ms Micallef: Similar. I think we have approximately 116 people on a waitlist to date.

Mrs GERBER: For case management support?

Ms Micallef: Yes. Practitioners are holding a case load of approximately 50 people, and they are spanning over five to 12 weeks of support. Again, there are multiple sessions in there.

Mrs GERBER: Is that for varying crimes?

Ms Micallef: Yes.

Mrs GERBER: Is there a triage system that you apply in terms of who you help?

Ms Royes: It is more around vulnerability and barriers rather than type of crime. Type of crime plays into that, because the experience of crime can impact on the resourcing that you have, or the type of trauma that you are experiencing, but the triage is around that person’s vulnerabilities and barriers to support. Risk is an element, too.

Ms BUSH: Thank you for coming this morning. I will take myself through the background because this is Queensland government funding that you have received to provide a statewide service to victims of crime. This is the form of funding that was given to RA; is that correct? Yes. It is for a 24-hour helpline for victims of personal and property crime, or is it just those covered under the act?

Ms Royes: Yes. We will not say, 'We cannot help you,' especially on our phone line, but people can only access counselling and multisession case management if they are under the VoCAA definitions.

Ms BUSH: If someone calls and they were the victim of a home invasion but were not in the home and it is quite clear they are not going to be within scope, where do you send them? What does that piece look like?

Ms Royes: It depends a lot on where they live and what is available to them. We talk to them about other supports that they have accessed before that may be appropriate. As for a clear and specific pathway, there is not one option.

Ms BUSH: Would you give them the advice at the time that it is likely they are not eligible for financial assistance? One of the things we hear is that people ring different services and they are getting moved around and no-one is giving them definitive answers.

Ms Royes: We like to be really clear, because that is so important. One of the challenges with both the criminal justice system and the financial assistance system is that we are not the adjudicators and there is a lot of nuance. We do not want to tell people not to apply if there is opportunity, but we are really clear that with home invasion, if you are not in the home and there was no violence, you probably will not be successful in that application. We do defer to—

Ms BUSH: They could still ring Victim Assist, but it is likely that they may not be—

Ms Royes: That is one of the struggles we have with our service. Because we are not set up and we are not funded to understand that to be there as adjudicators in the criminal justice system or in the financial assistance system, we are not able to give that clear response. We really struggle also as a service about that double handling. The other thing is that when they call Victim Assist Queensland sometimes they refer people back to our service, and that is extremely frustrating when the answer that they need would only come from Victim Assist Queensland. When they contact us, we are really unable to help. We offer some extra information. We perhaps defer a few people who are not really seeking that, who might be seeking counselling and support and not so much the financial assistance, who might benefit from case management, but on the whole we are almost second-handling that space once people know that they need financial assistance.

Ms BUSH: They give you a call. You identify that they are potentially in scope to assist. You can assist them with the form-filling aspect to get them into the financial assistance scheme. It sounds like you do a lot of that on the phone rather than in person; is that right?

Ms Royes: Yes. I would say that, even in our complex case management, there is lots of over-the-phone and virtual support more so than face-to-face.

Ms BUSH: You mentioned that you try to prioritise based on vulnerabilities as well. Is that both for case management and counselling, or not so much the counselling?

Ms Royes: Counselling would be less so, I think. Fewer people are seeking therapeutic counselling than case management support, and I think that speaks to the complexity of their journey. They are trying to understand the criminal justice system, they are trying to understand financial assistance and they are trying to map what is next for them. Counselling is a really important element and people do benefit from that, but it is less actively sought, particularly at points of crisis; they just want to get done what they need to get done. Counselling is often near the commencement of the crime—resettling and readjusting to what has happened to them, working with them on their resources and normalisation of the experience—and then there is longer term counselling. That is often the fullness of what we offer. I would not know a percentage—I would have to take that on notice and I do not know how I would figure it out—but they feel like that is all they need. However, if people need longer term then we work with our case management arm to seek that longer term counselling for them.

Ms BUSH: One of the issues that has been raised repeatedly is that it is such a long journey. Initially they might need help with understanding the trial and getting access to financial assistance, but then down the track they need help with court support and different things. You mentioned that the case management you do runs five to 12 weeks. What is delivered in that period and do they have a chance to come back down the track if they need more help? Can you talk us through that a little bit more?

Ms Royes: One of the reasons for us being a short, sharp intervention space—that five to 12 weeks—is to work on that point in time, but you can circle back when you need it again based on that acknowledgement that it is a long journey and you do not know what you are going to need at court time versus what you need at the time of experience versus what you might need at parole, so you have that opportunity. It is the same with the therapeutic support model. It is multisession, but it is focused to get you through that bump in time, and then if you need other longer term supports we will help you find them. They are able to come back and seek it again. The intent of that is to keep waitlists low. Even though we are really struggling with that, the main aim is to be able to provide support at the time people need the support.

Ms BUSH: That is where my mind is going, too, because for a lot of victims it is not—I do not want to be dismissive of housing and other needs, but they present with an issue, you get them into housing and that is the solution and that is delivered. With victims, it can go on for years and years, and it is difficult to exit people off your list. I am curious as to what projections you have done. At what point are you going to hit a critical mass with your waitlists? Have you done any projections around your current capacity and future capacity?

Ms Royes: We are at that point where we are reviewing our model. We have been maintaining a waitlist of about that amount for the full period that we have been operating, for nine months, and we did hand over a rather significant number of clients at the time of handover—a transition from the other service. There were slightly under 200 people we were working with at handover. That is a complex time for those people, too, so that required a fair amount of work in the front end. We know that there is a lot to learn. We will reflect on that, but, again, we really do believe that the short, sharp approach will keep that waitlist low, and then that in and out is at a victim's need. It is not like, 'Sorry, you have had six months of service. You cannot access again.' You get service, you go on life's journey and you come back when you need it again.

Ms BUSH: What is the cohesion across the state? We have just come from the regions, where there are some great services offering great supports. Do you work quite closely with them to work out: 'There are victims in Townsville. We know that the Townsville Women's Centre has capacity. Rather than us taking it on, we will work with that Women's Centre'? Does that kind of communication occur?

Ms Micallef: Absolutely. We have staff located in Townsville and we, in fact, work from the Women's Centre a day a week to create that cohesion and culture of shared responsibility and support.

Ms BUSH: I have questions around the counselling, too, because obviously under Victim Assist people can fund their own private counsellors. Do you prioritise your counselling services to those who cannot access a counsellor, or how does that work?

Ms Royes: No.

Ms BUSH: It is a free counselling service for all victims who are eligible?

Ms Royes: Yes, and part of that complexity is the financial assistance process to get funding for your counselling, which can impact on people being able to do that.

Mrs GERBER: I want to touch on the other aspect of the terms of reference for the inquiry which is around the effectiveness of the system for victims. Before I move to that, I notice that on page 14 of your submission you said—

... DVConnect strongly recommends that the experience of the financial assistance process is fully mapped.

What do you mean by 'fully mapped'? Can you expand on that and tell us exactly what you mean by that?

Ms Royes: Yes. It is as Kelly said in some of her points at the beginning. We know that expediting the experience is a huge benefit, but it is also understanding what the experience is like to fill out those forms again and what the experience is like to collect receipts, collate information and seek your form to be filled out by a relevant GP or therapist and feel like you are again being assessed—having to take that as an example of fully mapping it.

Also, we are a young service and our referral point is often when people are contacting police at the point of offence, so we do not have a lot of people who are further on their journey. There is financial assistance that you will make claims for then, but life does move and change so it is knowing how that impacts on your final financial assistance journey as well. It is not just about the one-off application; it is about that one-off application, how long it takes, what happens in your life in between, what other road blocks you hit in the financial capacity on the way, whether you can reapply for more assistance and what happens with the court mandated payments to you, the court costs. There are other things that become involved. Then there are also other services that people can access in the court support

kind of space that may provide some practical assistance. Being able to understand that from a very far-off view might on the whole make the system more effective and therefore allow victims to access financial assistance as they need it. It would also be very efficient for us as a service system.

Mrs GERBER: So you are saying that is not in place right now—that victims cannot look at it and see that and that you as an organisation do not understand that bigger picture yet?

Ms Royes: No, not as comprehensively as we would like. It is one of the things we are trying to get a better understanding of but it is very complex.

Mrs GERBER: I will turn to the other terms of reference that we are looking at, including—

1. Better coordination of state-wide services to ensure there is trauma informed, victim centric and timely support for victims—

That includes how the criminal justice system interacts with victims of crime. We have heard from some victims of crime who say that they have had a very negative experience with the criminal justice system in terms of the communication and being kept informed about the process and also that they felt they were treated like a witness rather than a victim. From your organisation's perspective, do you hold the victim's hand through the criminal justice process? Do you help them, for instance, when they are meant to be a witness? Do you give them updates as to when the court case might be coming up? Do you support them in any capacity there? I will give you some space to talk about it. There are a lot of questions there, sorry.

Ms Royes: On the whole, no, and that is because it is such a protracted journey and also because we do not know when they are supposed to be updated about things. That is such a nuanced and specific thing to the type of crime, the type of station, the type of court they are going to, if forensic mental health is going to be involved. We are absolutely unable in our current capacity to do that. When they hit us at that point, we can offer case management support for a period of time, but that is not exactly court support either. That is not helping them be a witness; that is not offering them support in the room. It is about helping them prepare for it. In saying that, the counselling can help people to emotionally and psychologically prepare for what is going to happen, but it is not the fullness of the criminal justice system. Being updated is very complex, and that is one of our biggest complaints that we hear from people on the phone.

The other thing is that the policing role is prosecution, and we do understand that. We also recognise that police are trying to change their culture. We know that some significant recent reports, especially in the domestic and family violence space, have highlighted issues there, so we will step around that for this point and say that police are improving their culture. They are about prosecution, so sometimes when people are making statements to police it does not sound like the fullness of what their experience is. Police are talking about what crime, what evidence and what will get this to the next step of going through a court process. That is not a victim's experience, so there is this real gap there that is hard to traverse. We can see roles for perhaps policing like they do with a sexual violence liaison officer or the family liaison officers in homicide cases in some areas—where a person is a little bit more compassionate and able to explain that gap and the reason the statement does not sound like their experience.

There is also those people who make sure they are updated appropriately. Sending a letter sometimes is completely inappropriate because people move, maybe they do not read letters or their mail gets lost. Also, keeping people updated as they move on their life journey can be challenging. There really needs to be focused attention and resourcing. That is not our service model, but it could be a model like that. It needs to be more connected to the criminal justice system to make sure the information is provided and they understand the nuances of the Criminal Code, the prosecution process et cetera.

Mrs GERBER: Did you say that is in your service model to provide and you are just not resourced?

Ms Royes: No. Ours is more generalist information and advice. We do not know the Criminal Code.

Mrs GERBER: We have heard, in fairness, that police and the Office of the Director of Public Prosecutions represent the state and not the victim, and that is the reason we have these two worlds that do not—

Dr Dingli: That is the disconnect.

Mrs GERBER: Absolutely. Part of this inquiry is trying to work out how we can improve that. One of the suggestions that has been raised is that there needs to be a one-stop shop but there also needs to be a service like the Victorian model, as an example, where volunteers act as victim liaison

officers. Sometimes those volunteers have lived experience themselves and they hold the victim's hand through the court process. It does not matter what the victim has been through—it could be petty crime or it could be a really significant awful thing that has happened to the victim. That seems to be missing from the Queensland system. Do you have any comment on that?

Ms Royes: I completely agree. There is a gap between someone helping a victim understand what is happening, helping that victim to advocate for themselves if not helping them with the advocacy or at least knowing where they can advocate and making sure they are across their charter of rights et cetera and where they can advocate to, and then being across the span of the criminal justice system because we are talking years. It is a really long period of time so there needs to be, say, a one-stop shop that can provide that support. If it cannot be the fullness of court support, which we would want, then it needs to be really clear and specific information and advice around the court process and the criminal justice process.

Dr Dingli: Currently the onus is on the victim to come to us with what they know rather than us being privy to some of the things that may support them better along their journey. The communication and information-sharing channel again is where the disconnect is.

Mrs GERBER: So that could be improved as well—the information sharing and communication?

Dr Dingli: Absolutely, because the contact with VictimConnect, for example, is driven by the person accessing our service

Mrs GERBER: By the victim, and they often do not know what they do not know.

Dr Dingli: That is right.

Ms Royes: It is an important element but it does highlight the gap.

CHAIR: Thank you for your contribution today and for your written submission. That brings to a conclusion this part of the session.

O'BRIEN, Mr Darren, Private capacity

CHAIR: Welcome, and thank you for being here. I invite you to make an opening statement of up to five minutes, after which committee members will ask you some questions.

Mr O'Brien: My sister was Teresa Bradford. She was murdered by her estranged husband in 2017. He murdered her, indecently assaulted her and did a lot of other things while their four children were asleep in the house at the same time. I have had to live with things that happened before her murder and things that have happened since her murder. I do not know what else to say. That is basically who I am and why I am here today.

Mrs GERBER: Thanks, Darren, for being here today. It is really important for the committee to hear. I know it cannot be easy to rehash it. We are here talking about the experience of victims and how they have to relive it, and here you are reliving it for us so thank you for doing that for us. It might help if I outline the terms of reference of the inquiry for you for when we are asking you questions.

Mr O'Brien: That is fine; I understand.

Mrs GERBER: Part of it is that we are looking at the financial assistance act and how victims of crime can be better supported under that act and the gaps that are there for victims of crime. The other part is the court process for victims of crime and their experience throughout the court process. That is not just the trial or the investigation; it can also include parole and having to go to parole hearings or deal with the Parole Board. If there is anything you would like the committee to hear about your experience in either of those two areas as a victim of crime yourself and how the system could be improved in either of those two remits, we would be interested to hear from you.

Mr O'Brien: Basically, when it comes to the court case, parole and that kind of area, we did not get to that stage because after he murdered my sister he later murdered himself. In that sense, we did not really get answers. We got information from what the police had found, what they had seen and what their conclusions were, but we did not get anything else. We do not have any kind of closure in what has happened to us. When it comes to the court case, we did not have it. I have spoken to a lot of people who have had it—a lot of people who have been let down by different services when it comes to that kind of thing. I know that services are under a lot of immense pressure, like DVConnect just said. They have a certain model. In listening to what they were just saying, they do not provide support when it comes to the court case. The Homicide Victims Support Group of Queensland do that. They literally have attended a lot of court cases in relation to homicide. I know that only applies to homicide, but there is a service out there that is doing that. And they are not doing it because they are getting paid.

Mrs GERBER: No. Some of them are volunteers.

Mr O'Brien: They are volunteers. They are literally going out there with these people. They are running support groups for victims.

Mrs GERBER: In your view, could that model be expanded to include other crimes? From your experience with the Homicide Victims' Support Group, is that model working and could that model be used for other crimes?

Mr O'Brien: I can honestly say that they have helped me immensely. A lot of people I know who have gone there have been helped immensely by them. I know the CEO, Brett. I talk to him quite often. They have run men's weekends away for people who have been affected. There run a women's one as well. They run kids' Christmas parties and all of those sorts of things which they do fundraising for. None of this is coming from the government. Obviously the government gives them so much a year and they do what they can with that. Outside of that, they have organised for me to have counselling every fortnight. Like I said, my kids go to their Christmas party every year. This is just in South-East Queensland. They are in Townsville. They are in Cairns. They are everywhere they can be with what they have available to them.

Mrs GERBER: They would have helped you with the Victims of Crime Assistance Act? For any application that you might need to make for financial assistance, they have supported you in that process?

Mr O'Brien: Yes. When we went for the \$10,000—

Mrs GERBER: For the funeral?

Mr O'Brien: No—the \$10,000 for victims of crime. You can apply for that. There are guidelines around it which I love. In my sister's situation, it could only be the mother, the father, immediate siblings and the victim's children. I love that. What I hated about that was that my mother was estranged, my

father was estranged, my sister was estranged, my brother was estranged, my other brother was estranged, but they were all paid \$10,000 each because they applied for it. They were not even a part of her life. My youngest brother did not even want to carry my sister's coffin at her funeral.

My mother had not been a part of my sister's life until a month before, when she saw my sister for the first time in 17 years at my house for Christmas Day. My other brother had never seen her. My stepfather wanted nothing to do with her. My other sister had not spoken to her in a while. My sister had not spoken to our biological father in a while.

All of them received \$10,000 each. In my eyes, that money should have gone to her kids—her four kids should not have got the same amount of money as them. They should have got a lot more because they are the ones who on the day lost their mother and their father because of their father's choices in life. In one sense it is great, but it needs to be looked at in terms of having more criteria around if you are not a part of their life and you are not affected by their loss when it comes to financial gain.

Ms BUSH: Thanks, Darren, for coming along and for your written submission and for being here today. It is good to hear that the QHVSG has been a really good support to you and continues to support you. It is lovely to hear that feedback. Can you talk the committee through the start? After a homicide happens, there is such a big flurry of things occurring including that you cannot return home. Can you talk us through that initial 24 hours and what the police response was to you?

Mr O'Brien: I talked a bit in my submission about my first 24 hours. I was a bus driver on the Gold Coast and I was doing night shift. I started at six at night and I did not finish until six in the morning. I came home. I got my kids ready for school. Then my wife got up. She said, 'Your phone just rang and you missed it.' I went over to my phone and I looked at it. A message came through which said, 'Please contact such and such constable from Coomera police station.' Another message came through which said, 'You need to come over to my house straightaway.' I said to my wife, 'I'm being pranked.' She said, 'I'll ring your sister and see what's going on.' When she rang the phone number, she thought she was ringing my sister's phone but she was actually ringing my eldest nephew's phone. He said, 'Dad showed up. Cops are here. Uncle Darren needs to come straightaway.' I was always the first point of call. I have been in their lives for years and I was 20 minutes drive away.

I said to my wife, 'Okay. I'll just drive over there,' not thinking anything. My wife said, 'I'll get all the kids off to school and then I'll come over.' When I got over there, I pulled up and I had to park 150 metres down the street. The media was already starting to set up. I could see police cars. I could see ambulances out the front of my sister's house. I could see tape around the front of her house. It was still not clicking. I was just thinking he has come over and hit her or something like that.

I start walking up and then a police officer starts walking towards me and she had her hand on her gun. I was like, 'What's going on here?' She put her arm out and said, 'Who are you?' I said, 'I'm Darren, Teresa's brother.' She took her hand away from the gun. She started walking towards me and as she got closer—I do not fully remember word for word what she said. Then another police officer from across the street came over and he is holding his gun now. He is saying to the other police officer, 'Who's this? Who's this?' She said, 'It's Darren. It's Teresa's brother.' Then he takes his hand away from his gun.

At this time I am still oblivious. I am not thinking the worst. I am thinking maybe she is in the back of the ambulance that is right there—blah, blah, blah. He turns around and says, 'Listen, I need to talk to you. Do you want to have a seat?' I said, 'No. I'm fine.' He says, 'I have to inform you that your sister Teresa is deceased in the house.' I froze. It felt like hours. It was probably five or 10 minutes later they came back over and said, 'We have to inform you that he's also deceased in the house.' What I found out later on was that when they came at me—well, not 'at me' but when they were coming towards me and holding their guns they still did not know that he was in the house. In one sense that is sort of a relief but in another sense it is something I did not really need.

When I came out of it, I immediately said, 'Where's the kids? Where's the kids?' I started to worry about the kids. They said, 'The kids are safe. They are across the road.' I said, 'Okay. Fair enough.' I said, 'Oh, my wife's coming.' The police officer turned around and said, 'No. Ring her and tell her to stay home. Can we take the kids to your house? Can we get them away from here before too much media gets here and all the rest of it?' I said, 'Yes, you can do that.' I rang my wife and said, 'Listen, don't worry about coming over. I'll be home soon.' I sat there and had to lie to my wife. I was not allowed to tell her anything at this stage. I said, 'I'll be home soon.' She said, 'Why? What's going on?' I said, 'Don't worry about it. I'll be home soon.' Then I had to walk all the way back down the street to my car through the media, having them going, 'What's going on?' I said, 'Look, mate, I just went for a walk.

I've been turned around and sent back.' I got in my car. I drove up and around and came down the other side. That is when the media started saying, 'He was someone. He was someone.' They started clicking and trying to yell out questions.

Ms BUSH: You went back to your property. I am particularly curious about police appointing a family liaison officer or someone in that initial period to help make those referrals and give you a heads-up about media, sort out the home and identify your sister. There is a lot to do. How did that work for you from a policing perspective?

Mr O'Brien: We did have two police officers come back to my house with us. We had a bit of a chat before we went back. The liaison was not decided until later on in the day when we were at the police station. We were at my house for a couple of hours. I told my wife obviously and advised my niece and three nephews about what had happened. Then I informed his older son, who was not my sister's, who was in New South Wales. I had to inform him as well. Then we went down to the police station at Coomera. I was chosen because there are two sides to my sister's family. There is my mum and her side and then there is my dad and his side. I was the only one who could basically be the liaison in that sense.

Ms BUSH: Police had that conversation with you around, 'We cannot talk to 15 different members of the family. Can we work through you?'

Mr O'Brien: Yes. The Coomera CIB was really good. The head of the CIB spoke to me on a few occasions. He actually made sure that before the house was handed over to me the insurance company took ownership of the master bedroom where my sister was murdered. He was perfect in that sense, so that was great. From that point on, it was basically, 'Here's the key, Darren. You go and clean up the house your sister was just murdered in days earlier. It's all your responsibility now, except for that bedroom.'

Ms BUSH: I was getting to that point. Tell me if you do not want to talk about this, but you had to organise the clean-up?

Mr O'Brien: Basically, the clean-up—

Ms BUSH: It sounds like the insurers picked up a room.

Mr O'Brien: Yes, the bedroom only. They picked up the master bedroom. It was a four-bedroom house with one lounge. It was not a massive house, but the house was putrid. My sister had four kids and four cats. The house was putrid. It took three and a bit weeks for me and my wife and people here and there to help us.

Ms BUSH: Then you had a coronial inquest. You did not have a trial because he committed suicide.

Mr O'Brien: Yes.

Ms BUSH: Something that I know is really important to victims is having the opportunity to talk to somebody about the impact of the crime and to have that trauma acknowledged, but you did not get that chance, I am assuming.

Mr O'Brien: The only people I really got to talk to were organised by the Homicide Victims' Support Group, Brett and Deb. Deb was my major person at the time; she has now moved on. They got me to see a grief counsellor, which they paid for, just up the road at I think 70 or 80 Wembley Road, so not too far from here. They arranged for my wife to see her as well. That is the only person I got to talk to.

CHAIR: Darren, we have a little bit of leeway to keep going, but I do not want to keep going if you have had enough.

Mr O'Brien: No, I am fine.

CHAIR: We can probably go on until about 11.30, but if at any point in time you want to pull it up you are welcome to say, 'Thanks, guys.'

Mr O'Brien: No, this is very important to me, so I will go on.

CHAIR: Until we cannot go any further?

Mr O'Brien: Yes.

Mrs GERBER: I want to go back to—and it is in your statement as well—what the member for Cooper raised in relation to you and your wife having to essentially clean the house for three weeks for yourself and take care of all that with no support. When you say 'no support', what if you were not there for the kids? Who would have done that? Was there any support at all given to you for that process?

Mr O'Brien: This is the contentious part of this whole situation. On the day of my sister's murder and my brother-in-law committing suicide, our biological mother took the children from the police station back to Tweed Heads, where she was living at the time. On the car ride back to her house she promised them mobile phones, bicycles, holidays, pocket money—all the stuff I could not provide them with. I have seven children of my own, so I had to deal with my seven children and I was trying to deal with all of this at the same time. She took them with her without the knowledge of myself or Child Safety, who were at the police station at the time. Later in the day I got a phone call from Child Safety asking me if they could come by and see the children. I informed them that they had not been brought back and they were still in Tweed Heads. They informed me they were going to go down to Tweed Heads to get the kids. They were going to bring them back up. Later on that day I got another phone call from Child Safety saying the kids wished to stay at their grandmother's house, so they decided to leave them there. I went, 'Okay, I can live with that for now.' I am the one who is in charge of all this. I am the one who is going to have to organise the funeral, how the funeral is going to be paid for. The house is all in my care now, so I literally had everything. I had no-one to share the burden with except my wife at the time. Like I said, I had seven kids of my own who I had to deal with. I had to figure out how I was going to tell them about their aunty.

I suffer PTSD now because I was taken into the crime scene by the police officer, so I saw the whole room. They explained what had happened, what they had known at the time. I had also in my head worked out a lot of other stuff. Then I had to watch my eldest nephew a couple of days later literally scratching at his mother's door, trying to kick the door to get in. All my biological family, my mother, sat in the car. All she cared about was the money she was going to get from GoFundMe that was raised for the kids. All she cared about was all the property in the house, what stuff she could get out of there to sell. Whatever she wanted, I do not know. My youngest brother, like I said, did not want anything to do with my sister, so he did not help. My other brother worked—

Mrs GERBER: Did anyone step in? Was there any support from the Public Trustee? Were any services provided to you in relation to trying to make sure the best interests of the kids and yourself were taken care of?

Mr O'Brien: No, no-one. Not even Child Services would listen to anything we said because the kids wanted to be there. If you give children who have never had anything something, they are going to go for it. Do you know what I mean? If you promise an eight-year-old child, a 12-year-old child, a 15-year-old child and a 17-year-old child stuff they have never had, they are going to go for it. I do not blame them. But did they get it? No, they did not get it.

Mrs GERBER: Do you think it damaged them to be in that vulnerable position?

Mr O'Brien: I will put it to you this way: I have not seen my youngest two nephews and my niece in three years, since COVID. My oldest nephew woke up to her within the first week and a half to two weeks and moved in with us, so I went from seven kids to eight kids. Then I had my own personal issues. Then I had to deal with his personal stuff: wanting to be with his mother, wanting to kill himself, sleepless nights, early mornings. I just had to keep going. My wife and I just had to keep going. No matter what it was, we just had to keep going for our kids and for him.

Look, do not get me wrong: I was being great with my mother before this happened, but then she started to turn. 'I'm not getting any money for the kids from Child Services or anything from Centrelink. I should be getting money for them.' Then she was saying to the eldest nephew, 'When I get the GoFundMe money, if you ever need anything let me know and I'll get it for you,' and all the rest of it, 'But don't tell your uncle Darren and your aunty Narelle.'

People who had been part of the children's lives, like my sister's best friends, were all shut out of their lives within the first two months. They were not allowed to talk to them anymore. They were to hate them now. When I would not agree with that, she went on to make them hate me and not want to be anywhere near me. I had to chase her through the courts to get dual custody. By the time it got through the courts the oldest one was 18. The second eldest got to 17 years of age and said, 'I don't want to be part of her court proceedings anymore.' I said to my barrister, 'I'll let him out. He's 17; let him out.' He went to her and her lawyers and said, 'Darren is going to let him out, but you have to take full parental responsibility for him until he's 18.' She put him back into the orders. He did not want to be in the orders. She did not want to take full custody of him, so she put him back in and then told him that I would not do it. As more manipulation, she convinced the three younger kids that their mother hated my wife, yet my wife and my sister would always go out to dinner. If my sister came over, it would be more to talk to my wife than it was to talk to me.

Mrs GERBER: You probably do not know if you were shut out of their lives, but did the kids receive ongoing support, or are you not sure?

Mr O'Brien: She claims that they did. I would get them for one weekend a fortnight when she would send them. I would have to drive from Ashmore on the Gold Coast after work at four o'clock in the afternoon all the way down to Tweed Heads to pick them up from their house to drive all the way back up to Ormeau every second Friday afternoon after I had been at work all day. I did not care, because I got to see them. Then on a Sunday I would have to drive them down to Nerang McDonald's. After a period of time I said, 'No, meet me halfway. This isn't fair.' Then there would be fights and arguments at the McDonald's. The kids would come, they would enjoy the weekend, and then the demeanour in the car ride back there would be as if they hated it, because they were not allowed to let her know that they enjoyed the time they had. They got to see their older brother; they got to see their cousins. They were not allowed to do that anymore.

Mrs GERBER: It sounds really traumatic.

Mr O'Brien: They went from a domestic violence home to a home where there was domestic violence and narcissism, just like their father, so they went from one home to the other.

Mrs GERBER: Can I give you an opportunity to talk about an aspect in your written statement so you can explain to the committee a bit further? Towards the end of your statement on the second page you outline for the committee the bad aspects of your experience. I will just read it to you. You said—

The current Government not even meeting with me to discuss changes to stop this happening again but putting me off to other members instead to make false promises for their own benefit. making statements about new laws in her name that were never implemented and where never going to be implemented to the media.

Mr O'Brien: Yes.

Mrs GERBER: I am just wondering if you can explain what you mean and give the committee a bit more context about that.

Mr O'Brien: After my sister was murdered, obviously being so high-profile—it was through the media; it was everywhere—I went up to try and speak to Anastacia. I was pushed off to other members of parliament. Everything we spoke about—'Teresa's Law is going to happen'; they were going to change domestic violence laws: 'The police are going to be doing this.' Everything they promised us on the day—we went up there twice. The first time was just me and my wife.

Mrs GERBER: Who is 'they'? Who are we talking about here?

Mr O'Brien: The first time it was Shannon Fentiman, I believe, and the second time we spoke with Di Farmer. I think Di Farmer took over after Shannon Fentiman. They were there at the meetings. They had another lady with them. I cannot remember what their names were. We would put across solutions and ideas. You have to remember that my sister was not the first and obviously has not been the last. There was Shelsea Schilling, there was Tara Brown and there were a few other ones before that. The common denominator in them all was that they were released on parole by a judge and then killed within two weeks.

Mrs GERBER: Do you mean bail or parole? Not just parole but bail; is that what you are talking about?

Mr O'Brien: Bail. They got bailed. David was bailed on 12 January. On 31 January my sister was murdered, so within a small time frame. He was on the Gold Coast all day.

Mrs GERBER: When you talk about Teresa's Law, what are you talking about?

Mr O'Brien: They made comments—and it was all through the media—that they were going to make Teresa's Law, which off the top of my head I cannot fully remember—

Mrs GERBER: I can look it up.

Mr O'Brien: That is why I love my wife: if my wife were here, she would be able to tell you everything and anything. They were changing the bail laws to stop—I have gone blank now.

Mrs GERBER: That is okay. I will see if I can find it for you.

Mr O'Brien: On the second occasion we took an organisation with us. That organisation put forward a proposal that they would pay for ankle bracelets for DV offenders. That was shut down and it was said that the government was not prepared to look at that because it took away the rights of perpetrators.

CHAIR: Darren, could you just go back a step? What was the program they were offering?

Mr O'Brien: To pay for ankle bracelets. The organisation that came with us to that meeting had looked at ankle bracelets that had been used in other countries. The scenario she was—

CHAIR: I understand. Sorry, I missed the first bit.

Mr O'Brien: The scenario she put forward in that proposal was that in South Africa they have in place where ankle bracelets are given to perpetrators, and for the 100 that had been given out 99 women had been saved. The one that was not saved involved a gentleman who just went through her whole support system with a machine gun just to get to her.

Mrs GERBER: I have just looked that up. Was the other aspect of it examining whether to make it mandatory for domestic violence victims to be notified if their alleged perpetrator is released on bail?

Mr O'Brien: Yes.

Mrs GERBER: That is something we have heard from other domestic violence organisations. For some victims, sometimes the first time they contact them is when the perpetrator is on their doorstep. They did not know that they were on bail. They did not know that they were released.

Mr O'Brien: Yes. My sister showed up at my house. She was bawling her eyes out. She rushed the kids inside, pulled my wife outside, spoke to my wife and said, 'Can you look after the kids? I have just found out through another place that he has been released on bail and the police have not told me. I need to get down to Southport Police Station to find out what is going on.' After she got to Southport Police Station, that was when she was first advised by the Police Service that he had been released on bail the day before.

Mrs GERBER: That is part of what you discussed?

Mr O'Brien: That is part of what we discussed—

Mrs GERBER: Is that part of what you are talking about when you say—

Mr O'Brien: That it is still happening, yes.

Mrs GERBER: And you feel like that should have been a change that happened?

Mr O'Brien: Yes. David had tried to kill Teresa in November 2016 and that is why he went to jail. While he was in jail he was not given any of his medications—the jail up Ipswich way; I cannot remember the name of it.

CHAIR: It is okay, Darren.

Mr O'Brien: When he got out, he was put in a little hotel room above a pub that did not have a TV or a phone. That was all he was given when he got out on parole. He was left to stew, stew, stew. He rented a car and drove down to the Gold Coast. He went and saw his and my sister's doctor on that day. The doctor knew everything that was going on. Why did the doctor not advise the police that he was on Gold Coast at the time? He went off to Bunnings to buy a wrench. He stalked my sister for the rest of the day.

This is the part that I cannot understand in any way, shape or form. He was able to go through an open window, but the open window was the lowest window in the house. My sister never left her windows unlocked. There was no forced entry—no nothing. The window he came through was the lowest of the windows. He went into the room, bashed her head in, put her onto the ground, stripped her down, raped her, got her mobile phone and literally lodged it right up her anus. He raped her again. He was still alive the morning of the incident because my eldest nephew had actually got his phone through the door and took a quick couple of videos with his phone. It shows his father behind the bed. All you can see is the top half, which was fully naked. You cannot see the bottom half.

Between that time and the time the police arrived and kicked the door in he had slashed his wrist, stabbed himself in the heart—which had not worked—and slit his throat from ear to ear. That was in the period of time from the kids getting out of the house and the police kicking the bedroom door in. Some of that was in the coroner's report, but it took about 4½ years before we got it and it was pushed between the Gold Coast and Brisbane and the Gold Coast.

Ms BUSH: Thanks for sharing that with us, Darren. It is a bit out of scope of this inquiry but we have talked about it. I do not know whether you were able to feed into the Women's Safety and Justice Taskforce consultation that occurred over the last couple of years, but it was a fairly comprehensive review into domestic and family violence. There were over 700 submissions received from mostly people with lived experience and 200 recommendations were made. A number of those deal with what you have raised around ensuring that women are able to voice their concerns around bail conditions and around bail applications and are also notified when bail decisions are made. Some of those things have been picked up. If you have not had a chance to review those reports, they are comprehensive, but I think they might give you a sense of hope with where we are going.

I think it is important that victims, where they want to, can inform the court, or someone in a position of authority on behalf of the government, of the pain that has been caused to them. I am conscious that in the coronial setting that does not always happen. Were you able to be called as a witness or give a statement on behalf of the family to the coroner about the impact on your family?

Mr O'Brien: No.

Ms BUSH: What I really heard in your responses to the member for Currumbin was that with the custody and estate issues there is so much going on for families at that time. A lot of submitters have said that that is why it is important to have specialised, dedicated support services that can help people navigate all of those systems and not just do one piece. I know that you have mentioned in your submission and here today that the Queensland Homicide Victims' Support Group was a support to you in doing that. I wanted to hear your views on their role in navigating some of that and whether there were benefits or whether you thought they could have done more in that space? You come into it and it is so foreign.

Mr O'Brien: Basically, they contacted me the day after. Obviously they do not want to bombard you on the day. They contacted me the day after. As I said, her name was Deb. She was always there. At the beginning she was checking in weekly. Then she went to two-weekly and then monthly, but I could call her at any time. She helped with all the paperwork for the kids and me to apply for the \$10,000 each. She helped by contacting the Daniel Morcombe Foundation and getting some laptops for the kids so they had laptops for school. She did a lot of things and told me about a lot of services that I did not know about. She helped me navigate those systems.

Brett and Deb got me in for grief counselling. Monica and Gail, the Gold Coast people, run a support group where you can go to and talk to other people who have been victims of homicide. They have guest speakers. We were there one week and the guest speaker was a forensic police officer. Afterwards I said, 'I am hopeful that you were the lady who did my sister's crime scene.' I mentioned the name and she said, 'I was.' That made me feel so much better that, after listening to this lady and her telling us of their processes and what they do, I know she was the one who looked after my sister. Obviously my sister has gone, but she did everything in that regard.

Those are the connections that the Homicide Victims' Support Group have given me and my family. There is a Christmas party for the kids every year. They have men's weekends and women's weekends. I can chat to Brett whenever I feel like it and he is the CEO of the place. He will talk to me whenever I ring him. I met one of the original founders through the men's weekend. My counsellor was also at the men's weekend. He knows what I have gone through. I am able to talk to a counsellor who knows what I have been through because he has been through it himself. For me, they have been the greatest.

I do not want to put anyone down, but I was listening to the three ladies who were here and I hope things have changed from my sister's days. As you saw in my submission, they do not take boys over the age of 16. They do not help kids with disabilities. Why is that not part of the legislation?

CHAIR: Darren, I understand Laura has a question and then I think we are going to wind up.

Mrs GERBER: How did you hear about the committee inquiry today? Was it through Brett and the Homicide Victims' Support Group?

Mr O'Brien: Yes.

Mrs GERBER: Without Brett or the Homicide Victims' Support Group, would you know it was on?

Mr O'Brien: No.

Mrs GERBER: I am concerned that the time frame for this inquiry is short. Do you think there are other victims of crime who might have liked to give the committee their views and perspectives but just have not had the opportunity because they did not know it was on?

Mr O'Brien: A lot. My wife was talking to another lady on the phone last night who is a victim and still a victim. I informed her that I was going to be here today. She said, 'I would love to have spoken.' My wife would love to have spoken.

CHAIR: Darren, on that point, if there are people you know then the secretariat will give you the contact details because we have another hearing on Thursday, 4 May.

Mr O'Brien: In Brisbane? Is that Thursday or Friday?

CHAIR: Thursday in Brisbane, but they do not need to travel to Brisbane. They can do it over the phone.

Mrs GERBER: The reason I ask is that I would like to see the inquiry given the same amount of time that the state government gave, for instance, to the mental health inquiry, which was six months, to allow people to give their story meaningfully.

CHAIR: Darren, you can reach out to the secretariat and they will give you the details if there is anyone else you think would like to phone in or even attend in person.

Mr O'Brien: I 100 per cent believe my wife will.

CHAIR: If your wife wants to phone in then we can organise that. Thank you for your time. Before we close, the member for Cooper has raised with me whether or not you wanted this evidence to be confidential, in relation to the story that you told about your family. Are you comfortable with that being on the public record?

Mr O'Brien: Yes, because the coroner's report was in the media before I even received it.

CHAIR: Thank you for your time. That concludes this hearing. Thank you for participating. Thank you to our Hansard reporters. A transcript of the proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

The committee adjourned at 11.01 am.