



# ***LEGAL AFFAIRS AND SAFETY COMMITTEE***

**Members present:**

Mr PS Russo MP—Chair  
Mrs LJ Gerber MP  
Ms SL Bolton MP (virtually)  
Ms JM Bush MP  
Mr JE Hunt MP  
Mr JM Krause MP

**Staff present:**

Mrs K O'Sullivan—Committee Secretary  
Dr S Pruiam—Assistant Committee Secretary

## **PUBLIC HEARING—INQUIRY INTO THE SUPPORT PROVIDED TO VICTIMS OF CRIME**

### **TRANSCRIPT OF PROCEEDINGS**

**Wednesday, 3 May 2023**

**Ipswich**

## WEDNESDAY, 3 MAY 2023

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### **The committee met at 11.25 am.**

**CHAIR:** Good morning. I declare open this public hearing for the committee's inquiry into the 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 deputy chair; Jonty Bush, the member for Cooper; Jason Hunt, the member for Caloundra; Jon Krause, the member for Scenic Rim, who will join us soon; and Sandy Bolton, the member for Noosa, who is on Zoom. 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 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 and images may also appear on the parliament's website or social media pages. I ask you to kindly turn your mobile phones either off or to silent mode.

### **PENDREY, Ms Patricia, Private capacity**

**CHAIR:** Good morning and thank you for being here, Patricia. We will wait a few moments for Jon to join us. The way the proceedings work is that we ask for an opening statement of up to five minutes, if you wish to make one. If you do not wish to do that, we are happy to start asking you questions. The floor is yours.

**Ms Pendrey:** Thank you. I really do appreciate the opportunity to address you all and also for the care that you have shown this morning as we waited. It was really very kind.

I am a survivor of both sexual crime and the justice system. I really am honoured to be here and to be heard. When someone seeks a remedy for crime through the justice system, often it is described as having one's day in court, but of course it is never the victim's day. The indicator board in the lobby of the courthouse makes that perfectly clear: it is R v Defendant. I was merely one of a number of witnesses called on that day. Since then, it has been rather a long ride.

I walked one day into a police station with an A4 sheet of paper with some bullet points on it because I did not trust myself to actually remember what I was there for and I really wanted to have those bullet points said. It is probably a very weird way to report a crime, to be perfectly honest. But I was very lucky. I had a particularly caring and gifted police investigator who took over my investigation and then later—much, much later—I was very lucky to have a particularly gifted prosecutor take care of the case. I was then lucky again that we got a guilty verdict for two out of four charges.

Out of a 50-year-old case, this makes my good fortune startling against the statistics, as they stand, in which you are far better versed than I am, I am sure. But I wonder if luck is what we should be relying on to get a positive outcome from our justice system. I would say no. I am sure most reasonable people would say that luck is not good enough because, as I speak to other victims of crimes like this and all sorts of other crimes, particularly sexual crimes, the figures are, shamefully for us as a society, pathetic.

That being said, we still have a decent system that can be fixed. We do not need babies thrown out with bathwaters. We can just do better and we ought to do better because every time a victim comes in to a police station and gets turned away, or they do not make it to the DPP, or their case turns up in court and does not work out for them, we fail them. We have all failed them. Anyway, I am not telling you how to suck eggs. That is why we are all here.

It took three years for me to get from walking into the police station to having the prosecutor call me at home and say that we got two out of four guilty. Those three years were the most awful things I have ever been through. As I indicated before, the crime that was committed against me was a sexual crime. I was a child at the time so it was pretty ghastly, but it was nothing to the three years that I had to wait to get that guilty verdict. My husband and I went through the most awful, awful time. It was so bad that the pandemic was just background noise. A global pandemic was just a frustration by comparison to this experience I went through. With all of that, I was lucky I had a supportive police officer supporting me, I had an effective prosecutor and we got a positive outcome. And it was still that [REDACTED] awful.

I am only just now coming out in public. Being able to be here is just—well, I am amazed at myself. I could not get out of the house for a long time, but here I am. So, how do we make it better? That is what you want to know from me. I have pretty much given up on my speech. It was a fabulous speech, by the way.

**Mrs GERBER:** You can table it.

**Ms Pendrey:** You can have it. The point is: why are we here? What can I offer you to make the system, which we want to make better, better? The one thing that I think would have helped me is if I had had legal representation right from the get-go and if I had someone who was on my side, because when I went into the police station I walked into a whole world of jargon. There were consequences to the decisions I was asked to make, sometimes on the spot, that I could not imagine, and I had to live with those consequences as the case progressed. There were times when we really wanted more information but did not know how to get it. We did not know whether we were just being inexperienced and a little bit dopey about the whole thing and maybe we were just worrying for nothing or whether it was time to actually escalate and say, 'This is not good enough' and go and ask a supervisor. Someone with experience in the system would be able to say, 'Hey, calm down and go have a cup of tea because you are fine' or, 'No, it's time to move.'

Going up to the DPP—and, again, I had a very good prosecutor—I had an hour with him one afternoon before I gave evidence. He was really good and we got two out of the four. I guess that means he was [REDACTED] good, and I am a little bit awesome too. But it still comes down to luck and that is not good enough. He had an hour with a witness to prepare for this sort of grilling, which for me was nowhere near as awful as it is for a lot of people. The counsel for the defence who questioned me was hard but reasonable. He was nowhere near as awful as I had imagined he was going to be, that's for sure. Everyone treated me well and I was tremendously lucky, but it is not good enough.

However, if I had someone there, a friend of the court, someone who had a voice so that my voice was represented in the same way that the defendant's voice was represented, the same way as everyone got—no more, no less than just a fair hearing is what I think would have made my experience not quite so [REDACTED] awful. Being a victim of crime sucks. It is just awful. But it does not have to be that awful.

**CHAIR:** Patricia, I know we have your written submission, but you have a document there that appears to be larger than your written submission, although maybe it is not.

**Ms Pendrey:** It is wide spaced and has big text because I am old.

**CHAIR:** Is the written submission that we received what you are reading from?

**Ms Pendrey:** No. This is a speech that I prepared for today and then ended up saying 'never mind'.

**CHAIR:** Do you mind the committee having that?

**Ms Pendrey:** Not at all. It is far more cogent than I actually was anyway.

**CHAIR:** I move that we table that document. All those in favour? Carried. Thank you, Patricia.

**Mrs GERBER:** Patricia, thank you so much for having the courage to come here today and to try to advocate for change and to be a voice for not just your own experience but also perhaps others who do not have the courage or the strength to do what you have done today. Thank you very much.

I was really interested in those three years that you talked about in the process, both the investigation and the criminal justice system itself. Part of the terms of reference of our inquiry is to look at how the experiences of victims of crime might be improved in the investigation stage, through the criminal justice phase and also at the end if there is parole. The life span sometimes can be a very lengthy process for a particular crime. Aside from the support that you got from the police investigator and your prosecutor—is it the Queensland DPP?

**Ms Pendrey:** Yes.

**Mrs GERBER:** Aside from the support that you got from those two agencies, was there any other support that you got during that process of investigation and prosecution?

**Ms Pendrey:** No.

**Mrs GERBER:** I can see from your written statement that you have said that one thing that would have improved your experience is a liaison officer. In your oral testimony just then you talked about legal representation.

**Ms Pendrey:** Yes.

**Mrs GERBER:** One of the proposals that has been put to the committee by a number of victims of crime—not just yourself—is for a one-stop shop, a non-legal liaison officer to hold the hand of a victim of crime throughout the whole process. That person would be informed about the criminal justice system and would be informed about the investigation process. They may have lived experience themselves. They can refer the victim of crime on to other support services or have the knowledge of what is available. Is that what you are talking about here when you say a liaison officer? Can you expand on that for the committee?

**Ms Pendrey:** When I made my first submission, that was my first thought. It really was. But then I got to thinking about the business of dealing with legal folk. You really need someone on your side who is also legally trained. Unless you have a whole cadre of social workers who are legally trained—good luck to you if you can and that would be great—to be perfectly honest the social support is separate from the legal representation. I had my own social support and my own professional support.

**Mrs GERBER:** Did you receive any financial assistance to pay for that support?

**Ms Pendrey:** My introduction to victim support came very late. In fact, it was probably just after the trial.

**Mrs GERBER:** The conviction?

**Ms Pendrey:** Yes, if I remember correctly.

**Mrs GERBER:** Is that because you were not aware that it existed?

**Ms Pendrey:** I had no idea it existed. I certainly did not think I was eligible for anything.

**Mrs GERBER:** In terms of the support that you have now been given through Victim Assist, can you talk us through what has happened there? The other terms of reference that we are looking at is the support that victims of crime might receive under the Victims of Crime Assistance Act, the timeliness of payments or any financial support provided, whether it is adequate and how the system might be improved in terms of paperwork or the bureaucracy or the red tape that victims of crime need to go through in order to get that financial assistance.

**Ms Pendrey:** Once I was aware of it and had the capacity to apply for it, it was quite quick and generous and I could not have asked for anything better from that. I suppose one thing that I still am puzzled about is the transcript from the trial itself. I have a transcript, which one is entitled to. It is so redacted as to be pointless. There is not even a copy of my own evidence given, let alone anything else. It seems to be a tour of the housekeeping, shall we say, of running a trial. That is a frustration but I guess in the scheme of things it is a minor thing. I have lived this long without it.

**Mrs GERBER:** It is because it is a child sex offence; that is why it is redacted. You are speaking to some very experienced lawyers. Peter is a very experienced lawyer in the criminal field, I am a former prosecutor and Jon is also a lawyer so we do understand the mechanisms.

**CHAIR:** The transcript that you received was redacted because of the nature of the offence. Did the prosecutor talk to you about that or did you just get it through court reporting and they handed it to you?

**Ms Pendrey:** It was emailed. It was pretty darned empty.

**CHAIR:** It did not have your evidence in it?

**Ms Pendrey:** It did not have any of my evidence or anyone else's. It had a lot of conversations about whether they could break for tea or lunch or some such, but that is about the extent of it.

**Mrs GERBER:** So you probably could have done with a bit more support when the outcome was received to understand the whys and hows?

**Ms Pendrey:** Certainly. I can understand that when you have a child as a witness, but this was a case of very much an adult as the witness giving historical evidence, so there is that quibble perhaps, but it kind of means a bit to me.

**Ms BUSH:** Thank you, Patricia, for your written submission and for being here today. I have a couple of questions for you. At the time when you did decide to proceed with making the complaint to police, who was supporting you? Obviously your husband was a big support, but were there any services that were supporting you to make that report at that particular time? What changed for you, because it was a pretty courageous step at that point?

**Ms Pendrey:** Why did I do that?

**Ms BUSH:** Yes.

**Ms Pendrey:** I had the support of my own GP and psychologist. As you can imagine, as someone who did have these childhood experiences, I have been in conversations with psychologists for quite some time. An interaction occurred between me and the defendant—he is not the defendant anymore, is he?—which clarified the issue for me that, no, I was not going to keep quiet any longer. As adults, I guess I could give you the shorthand answer: he started it; I finished it.

**Ms BUSH:** Well done. Good on you for doing that. You mentioned that the police officer who took your report was actually really great. What was so great about them? What made that really safe for you?

**Ms Pendrey:** She was a caring and exceptional officer. She is an uncommon officer. She did have the audacity to get pregnant and go off on maternity leave in the middle—how very dare!—and my case was handed over to another officer who, I am afraid, did not cover himself in glory in doing so. He was younger, enthusiastic, perhaps more inclined to chasing around shouting, ‘Oi!’ quite loudly at people. We all have our strengths, but it was a mistake for him to have the case and he did not have it for very long, because she came back from maternity leave and finished the job. However, there was a period in there where we were less than impressed with QPS at the time but that resolved. Problems happen in all organisations, so we have not gone to the point of hating the police and all that sort of thing.

We have to ask ourselves: what do we expect from police? They are law enforcement officers; they are not social workers. The fact is: I was lucky enough to have an officer who could multitask. She is a gifted investigator, but she was also a very compassionate person. She had that gift of being able to get next to me and encourage me and bring out what she needed from me. All police officers cannot and will not be that way. You can increase their training and I am sure they could do better, but is that what we need from them? Or do we need them to just be good coppers—to be good investigators and let the support go to someone else?

**Ms BUSH:** The second person who took over was a bit different. If that was your first interaction, would you have continued?

**Ms Pendrey:** Would he have taken my complaint in the first place? I do not know. I do know people personally who have presented at police stations and have gone away empty-handed and very disappointed. It comes down to that luck of the draw—who is on duty at the time and what is their attitude to these sorts of crimes.

**Ms BUSH:** I think it shows that whoever is on the front desk needs to be ready for everything and anything, really.

**Ms Pendrey:** I do not envy their task. My criticisms will always be measured against what we expect of them. The DPP are there to prosecute. They are there to pursue the public interest through the law. Are they really there to hold our hands while we are going through an awful thing? No more than the police, I should think.

**Ms BUSH:** You mentioned that the second officer did not have the case for long and there was a moment where you were not particularly satisfied. Did you voice that to QPS? Did you express that?

**Ms Pendrey:** Yes.

**Ms BUSH:** Can you tell us about that?

**Ms Pendrey:** My husband could tell you more about it. He went and spoke to the area supervisor at the time. He had a chat with him but, honestly, having a chat with the gentleman was not going to make him any more gifted than he was in the first place.

**Ms BUSH:** I might have misunderstood. Was their response to that to remove him from your case, or was it just a coincidence that he got moved?

**Ms Pendrey:** It was coincidental. It just happened that, when the first officer returned to work, it was given back to her—or perhaps she asked for it, I do not know. The next thing I knew she was there. The two incidents did not line up. There was a space between going and seeing them and being dissatisfied and her coming back, so I do not know that they are connected. There is a lot I do not know about what happened.

**CHAIR:** When you were dealing with the DPP, did they have a victim support person talk to you at all? I will backtrack one step. Did you do a victim impact statement?

**Ms Pendrey:** Yes.

**CHAIR:** Did someone at the DPP help you do that?

**Ms Pendrey:** No.

**CHAIR:** Did you write that with the assistance of the police, or did you do it of your own volition?

**Ms Pendrey:** I did it in the week of the trial.

**CHAIR:** I am just trying to understand. When did you find out that you could do a victim impact statement?

**Ms Pendrey:** I was aware. To be perfectly honest, I had written several before I submitted the final one.

**CHAIR:** Did the prosecutor say to you, 'Patricia, you're entitled to write a victim impact statement'?

**Ms Pendrey:** I was told I was entitled to, yes.

**CHAIR:** Who told you that? It is okay if you do not know.

**Ms Pendrey:** I believe I saw it in some of the literature I was given at one point. I am pretty sure the prosecutor himself mentioned it.

**CHAIR:** Who gave you that literature, if you can remember? This is not a memory test. If you cannot remember, it is okay to say that.

**Ms Pendrey:** At different points throughout the process different mail-outs came out, so I suspect—

**CHAIR:** When you say that different mail-outs came out, do you know where they were coming from?

**Ms Pendrey:** I seem to recall that I got some from the police station when I first went in, and that outlined a lot of the general process. There were other things from the justice department online. There were a lot of resources there, and I am the sort of person who will poke around until I find things.

**CHAIR:** So you had to poke around; there was not a person who came to you? You collected things at the police station, but after that it was your own initiative and investigative skills that allowed you to source material that was available online?

**Ms Pendrey:** Pretty much. Can I just say that the justice department page is pretty darn good. There is a lot of information there so I did not have to dig very far, but I did have to go looking for it. I had three years; I had plenty of time.

**Mr KRAUSE:** Patricia, thanks for your testimony. It was very good and enlightening. You mentioned that the pandemic was background noise for you. Forgive me if you have already gone into this and I missed it, but was that because there was a lack of closure from the crime itself or because the court process and the justice system was all up in the air at that time?

**Ms Pendrey:** As a survivor of childhood abuse, you can never say that something has not been influenced by it, but I would have to say that the process of seeking justice was just as traumatic, if not more so, as the initial crime. Does that answer your question?

**Mr KRAUSE:** It does indeed. That is what I was wondering. From what you have said, it sounds as though getting help for people through that process is nowhere near embedded enough in the whole system. You said you had to poke around yourself and find things, and in your submission you pointed out that you were possibly in a better position than many people who are victims to be able to find help for yourself. Just hearing what you said about how that really was just as traumatic as the crime itself and how there was not anyone there to guide you is instructive for our terms of reference. I think that is really good, and thank you for your evidence here today. You have presented very well. The other thing I wanted to ask—and I asked Laura about this before—was that you went through a trial because you were cross-examined, but did it go to a jury?

**Ms Pendrey:** Yes, there was a jury.

**Mr KRAUSE:** There was no guilty plea at any stage?

**Ms Pendrey:** Goodness me, no.

**Mr KRAUSE:** It went right to the end?

**Ms Pendrey:** We went right to the death—well, not death.

**CHAIR:** We understand. You went to the very end.

**Ms Pendrey:** We were not going to back down, were we?

**Mr HUNT:** Patricia, I want to echo some sentiments here and add to it. The eloquence of your written and spoken submissions has been really high, so thank you very much for that. It makes it easy to digest and, to be brutally honest, a pleasure to listen to, even though it is quite a prickly subject. I want to ask about the documentation that you had been able to access to guide you through the process. Would you say that it varied in quality or that, once you sourced it, it was useful?

**Ms Pendrey:** It was certainly useful. There is a very good reason the good folk here with legal qualifications spent so many years swatting through books to learn and to practise—as something of a legal muggle who just wandered in and thought, ‘I’ll just go and tell the police this. It’ll be fine.’ Oh, boy! You can have a really good website, which the justice department does, with a whole lot of flow charts and what have you, but, as a complainant, as a witness for the prosecution, there are moments when you are asked to make a decision, ‘Do you want to do this or that?’ and there is no way that a really good website can help you.

**Mr HUNT:** That is sort of what I am driving at. I do not want to put words in your mouth so pull me up or correct me if you need to, as I am sure you will. Would you say that the information you got, although the quality was sound—and speaking as a victim of crime here, not so much as part of the legal proceedings—was sort of gained in dribs and drabs, rather than in a comprehensive one-stop shop, sit-down package? Were you having to gain it through an ad hoc arrangement?

**Ms Pendrey:** I would say that the kind of information that each individual complainant needs is going to be so unique to their particular case. That is why I have come down on the side of needing legal representation, because you really need someone who can say, ‘She doesn’t need to hear that. She doesn’t need to hear all of that. She needs to know about that, that and that.’

**Mr HUNT:** That is for the legalities. What about for your experiences as a victim of crime? Do you think that information was sound and readily available or did you have to access it by increments, if you know what I am saying?

**Ms Pendrey:** As a person going through a stressful situation, we generally have our own personal support networks—we have our families, we have our loved ones and we have our friends. In my case I had medical professionals and psychological support. These are the sorts of things that people definitely need, but these are the sorts of things that most folk—a lot of folk—have the capacity to pull together for themselves. If they have their legal questions answered for them in a clear and particular way—particular to their case—then they can say, ‘Thank you very much. The cheque is in the mail,’ and go off and have a chat and a cry to their friends or a session with a psychologist to get the personal support. Separating the legal from the personal is really important.

**Mrs GERBER:** Do you think other victims of crime knew this hearing was on? You have already told me that victims support advised you about it. I am curious as to whether or not this has been—

**Ms Pendrey:** It is a very quiet room. It is very disappointing that this is not getting attention. That is the only way we heard about it. My husband and I were just talking about that—where is everyone? This is important. There are so many people in just this town who should be here.

**Mrs GERBER:** Do you think if the inquiry were a bit longer we would be able to hear from more victims?

**Ms Pendrey:** I do not know. It was short notice for me.

**CHAIR:** Just on that point, Patricia, if anyone reaches out to you, we have another hearing tomorrow in Brisbane where people can phone in or video link in.

**Ms Pendrey:** I guess the other thing is that you have pointed out that I am able to speak to you in a way that you can understand. I am a bit of a weird bird when it comes to that. I have a unique background. This is not my first public speaking moment so it kind of shows. Most folk would not cope well—

**CHAIR:** Would never do this.

**Ms Pendrey:**—especially after—

**CHAIR:** Being a victim.

**Ms Pendrey:**—trauma. As I have mentioned, this is my first real public outing since the trial. For a long time I could not actually leave the house.

**CHAIR:** Thank you for your courage. You would have been a really good witness.

**Ms Pendrey:** I guess I must have been.

**CHAIR:** And you have been a very good witness for us today.

**Ms Pendrey:** Isn't it a pity that you have to be a really good witness to get the outcome?

**CHAIR:** It is our system, but you are right: there are different degrees when it comes to people articulating what has happened to them. Sometimes the system can let them down if they are not as articulate as you are, Patricia.

**Ms Pendrey:** Thank you and thank you for the opportunity.



**CLASS-AULIFF, Mr Tim, Private capacity**

**CHAIR:** Good afternoon. Thank you for being here. I invite you to make an opening statement of up to five minutes and after that the committee will have some questions for you.

**Mr Class-Auliff:** I am going to read from a prepared statement, if you do not mind.

**CHAIR:** I do not mind. Is that similar to the one we have?

**Mr Class-Auliff:** I think I have expanded a little bit.

**CHAIR:** When you finish, we might ask for a copy of it.

**Mr Class-Auliff:** We will email that across.

**CHAIR:** Thank you.

**Mr Class-Auliff:** Thank you for the opportunity for me to share my views regarding support provided to victims of crime. Although I am appearing before you as an individual, some of what I wish to convey is based upon our family's experience and some of my own personal difficult circumstances. Other valuable insights have come to me through conversations with people who have been through violent trauma. I have represented victims of crime in restorative justice conferences multiple times.

My connections to the following organisations—White Ribbon Australia, Beyond DV, Brisbane Domestic Violence Service, the Red Rose Foundation and Queensland Homicide Victims' Support Group—as a peer supporter have all been in a voluntary capacity. This has enabled me to have candid conversations with many other victims of violence, and I have their approval to share some of their concerns.

If you are the victim of violent assault or the relative, friend, partner of somebody who has been taken in a homicide, your experience can vary from awesome assistance and every care given to downright disdain. It will depend upon your station in life, the circumstances surrounding the crime, the officers who receive the initial contact and any underlying bias from those attending. It is important to note that before there is any true process of support your claim of violence has to be acted upon. Clearly, if you are assaulted, the first requirement of support is to be believed and have your statement taken.

My own sister-in-law had asked for assistance twice after being assaulted, but after her local station did not even bother to file a report she stopped calling. Maybe it was to do with who she was, where she lived—a lower socio-economic area—and if it was DV related. On the day she was murdered there were 20-plus officers onsite—some of whom had come from other command areas—and it was a big deal, with a live TV cross. I have since heard that two other women on that same day within that command were unable to raise a response to their own domestic violence assaults.

A couple of years later in that same area a woman was attacked at an ATM by a gang of youths trying to rob her. Again, 20-plus QPS members arrived to do a great job and also spoke passionately to the media about the youth crime epidemic. One worrying fact after the initial response was that this woman did not feel she had enough support from the QPS. I was asked to represent her at a restorative justice conference. When I inquired as to why she did not want to be involved directly in this process she advised us about her fear of future attacks, believing the QPS could not protect her now that the spotlight had come off the case. She has since moved from the state. Although she was happy with the DPP's actions, she received minimal counselling support for what I can only describe as the highest level of traumatic assault.

Some 18 months ago in the same command area where Hannah Clarke lost her life one of my friend's daughters was assaulted by her partner. The incident was captured on a neighbour's phone and the young woman and her neighbour attended the local station where Hannah Clarke had died. The male desk sergeant advised them that there was not enough evidence to proceed and he was not going to file a report. The neighbour argued with the officer and was subsequently informed that charges could be laid upon them for abusing that officer. I have since passed that information up the command chain.

A similar narrative has been told to me by many women across numerous suburbs and towns and only the names, places and dates have changed. Just last week a 65-year-old female friend was working in her Laidley shop when a man claiming to be there with the intention of buying her business briefly assaulted her. Several witnesses were there and triple-O was called. The call was routed to Toowoomba police station, which said that they were too far away to attend. Four hours later, when the local area officer in charge contacted the victim, he had deemed it not worthy of a report as the danger had passed and there was a low chance QPS would be able to locate the perpetrator. Had it not been for several locals on the scene, this could have had a very different outcome.

I do not want to make this a police-bashing session, because I have also seen and worked with some awesome QPS members who have supported victims from day one—being there at every step of the process and never missing court dates and some remaining in contact long after cases are finalised. Homicide detectives and specialist DV units are where I have found the most support. That may be because their units have received specialist training in dealing with victims.

In our own family's case, with Rachel we had great support from the QPS, homicide detectives and, in particular, Mark Corry. Between them and the DPP we were well informed throughout that trial. I still cannot thank Sal Vasta from the DPP enough for his hard work. The subsequent appeal was a different matter, though. It appeared to be a dropped ball by the incoming chief prosecutor and we are still confused by this.

Most of the time we see that the DPP gives sterling service to the families I have supported in court. Prosecutors are mostly on the same page with every case I have become associated with, explaining intricate details, while those men and women work very hard to bring about the best result within the constraints of the law and precedent. Once again, this may be due to education. Victims are regularly asked to present at legal study courses to help guide students to have a clearer understanding of the complexities of victims' trauma.

When it comes to financial and emotional assistance, our family has received a mixed bag. Funeral costs were forthcoming, crime scene clean-up was covered and the children were paid some compensation. But let us take a moment to think of those three children—a four-year-old, a 2½-year-old and a 17-month-old watching as their mother was beaten, strangled and then stabbed to death multiple times. Is there a time limit on support for them? Could you limit funding for the counselling for them? They were so young. It will be years before all of those issues come to the surface. Several sessions when they were young were vastly inadequate, not run by peers. Those generous people could only scratch the surface and now, as they are teenagers, we are seeing a deeper set of problems arising.

Rachel's own parents and her sister—my wife—were advised by their solicitors not to bother trying to claim compensation as it would cost almost as much in legal fees. The compensation tables are complex and difficult to navigate. Time constraints placed upon victims to lodge applications are unreasonable as trauma counselling and associated costs may not happen until sometime after the three-year period has passed.

My wife and I took on the task of securing the safety of Rachel's children, and it took a five-year court battle with her ex-partner. His cause against us, which was to protect those children and have them live with us, was funded through Legal Aid. He was granted that—and I quote—'because he was the surviving parent'. Meanwhile, we were staring down an incredible financial burden. I digress. This is an issue with the Federal Court brought on by the lower sentence imposed upon the killer at a state level, as a plea down to manslaughter only carries 9½ years. This demonstrates that seemingly unimportant facts of law can have profound and unintended consequences that may be far-reaching, bringing into focus how all levels of government and services need to be working hand in hand. I am yet to hear anyone tell me they have been adequately compensated for any violent crime and I do not expect I ever will.

Emotional support came to our family via Queensland Homicide Victims' Support Group, an organisation created by victims at a time when there were no other like-minded services. Run with a mix of professional counsellors and peer supporters, this model seems to work well, and I would recommend it as a template for other victim support systems—peers and professionals together. Most of the emotional and counselling support I have seen comes via these volunteer groups or church-based organisations, and I can tell you that all of them suffer with a lack of funding.

A few years ago, though, while providing sound services, I was packing up equipment after a night's entertainment. Suddenly I was attacked without warning. The coward's punch struck me in the face and I found myself fighting for breath and with four large men, all because one of their girlfriends had been removed from the premises by the doorman for misbehaving. I sustained a broken nose and a permanent scar on my face and was bleeding profusely. Eventually the police turned up. A local sergeant was very nice, but in the end it was very difficult to get information on the case, only receiving the bare minimum of information. I was not in attendance at the court for the proceedings and was not invited to attend. This may have been due to the assault happening on the Sunshine Coast while I resided in Brisbane, but I do not know. I was not aware, nor was I informed, that I had rights under the Charter of Victims' Rights. I have since looked it up and, thanks to Caxton Legal Centre for their Queensland Law Handbook, I now understand fully what it is. There was a tiny amount of financial compensation. The court ordered that first attacker to pay it and he made some small instalments, but

I was given no guidance for counselling of the trauma. This should have been offered. For some time after that, the sight of a certain type of ethnicity male made me feel, let's say, very nervous. It was my doctor and ex-military colonel who helped me with what he described as PTSD.

Moving onto restorative justice, it needs to be ramped up if we are ever going to have a chance to change the behaviour of those committing crimes. It is not always on the table, but it was clear: if anyone is involved in this process, it can be beneficial both to the victim and to the perpetrator. In my coward's punch attack I believe it could have been a good option, and I have seen it work well with youth justice firsthand.

Victims need to be better informed about release dates, though, of offenders and the whereabouts afterwards. I make this point because during the trial of my sister-in-law's case we were kept in the loop, but once it was over and he was inside—nothing. It took about two weeks to be informed of his release. Many people have spoken with me and talked about living in fear over the location of their past assailants. In my own case, we had been granted permanent custody of the killer's three children, but we still have no idea where he lives nine years after his release. Before his trial, he stated he would kill my wife and me for interfering in his business so, yes, there is always that lingering in the back of our minds, too.

One woman I know asked if I knew how to see where her ex was living. He had attempted to murder her and her mother several years before. Luckily, the gun had jammed after the first shot and they both survived. He received a less-than-adequate sentence, but she now has no idea where he resides after his release. She is now married with two young daughters and spends her days looking over her shoulder wondering if this man may come and try to finish the job or do worse to her family. We understand that the rights of the person released from custody are to live their lives after they have served their time, but do those rights override the rights of the victim to live a life free from fear of that perpetrator coming back to finish the job?

Our family also agrees that eligibility should include home invasion, with better trauma informed and timely assistance to be enhanced. Having had the unpleasant experience of three drunken men bursting into my house and punching me while in bed, demanding money and property, I know this. I was 18 at the time and living in a small Central Queensland town. The local police never wrote a report but left it in the hands of the townsfolk to mete out some rough justice—it was the 1970s. Therefore, I can attest to the trauma that would be suffered by anyone who has had a similar home invasion experience. You never sleep the same way, and that place you live in never feels safe again.

You wanted to have a clear picture of the responses and support efforts for victims and how they are going. Clearly, it is all over the show: complex framework for compensation is poorly funded; lack of clear advice for victims should be formalised; underfunding of resources for counselling; and no-one gets treated equally. If you are from a low socio-economic area, your needs may not be addressed correctly. There are problems with police and their bias, and they need to be addressed at cadet level. The police are under-resourced. Their numbers, were they to be lifted, could help reduce the rushed or incomplete investigations leading to those missed milestones. Clearly, any violent assault should be recorded. In my sister-in-law's case, other women had been previously assaulted by my sister-in-law's killer, and had these incidents been pursued our world could be a different one today. One size does not fit all. Everyone's experiences are different. We deal with our trauma and issues in our own time and our own ways. No time frames or costs can be set.

Historically, my brother was killed when a hit-and-run driver struck him over 50 years ago. I had a series of unprovoked assaults in the workplace, in the home and in the streets. Yes, there were others that I have not mentioned here today. I have seen a young man murdered, shot through the heart at point-blank range in front of me. My dear friend and sister-in-law was murdered by her partner. My friends, peers and I know that trauma from all forms of violence stays with you until we take our last breath. It has no set time limits as it can rear its ugly head at any moment; it is always there.

The current Queensland government is doing some good work, but I would advise continuing to seek advice from victims on improving programs and education and developing a holistic approach to assistance. Groups like Queensland Homicide Victims' Support Group, a specialised homicide network, and Beyond DV, who concentrate on supporting domestic violence survivors, are using peers as well as professional counsellors to deliver better outcomes. It would appear that funding peer-driven organisations could have a place in this response and may at times be better than any bureaucratic behemoth, and any government organisation would be best served by having a panel of victims and peers supporting them. Thank you.

**Mrs GERBER:** Thank you, Tim, for coming here today and telling us your story. Before I ask my questions, I seek some clarity on one of the statements you made around the legal battle that you had to have to gain custody of your sister-in-law's children. You said Legal Aid funded the ex-partner's case. By 'ex-partner', you are not talking about your sister's murderer, are you?

**Mr Class-Auliff:** Yes, I am. He was in jail. Legal Aid funded his fight while we were at Federal Family Court, a five-year battle, and you can imagine how that must feel. We wanted to protect three young children. We did not want them to ever see that man again because that would retraumatise them immediately.

**Mrs GERBER:** Did you receive any support at all during that process?

**Mr Class-Auliff:** We eventually did, but we spent thousands and thousands of dollars of our own money. It was not until the local member stepped in that we managed to get some assistance through Legal Aid eventually, but you can pretty much throw away \$126,000.

**Mrs GERBER:** This is a question I probably should have asked Patricia as well, but I did not get the chance: in terms of the support that perpetrators get, they get a lot of support throughout the criminal justice process, through Legal Aid funding. Do you think Legal Aid should be better funded to be able to support victims of crime in terms of legal advocacy? I know that Patricia spoke more about the legal side of it.

**Mr Class-Auliff:** Do you know what the requirements are to receive legal aid?

**Mrs GERBER:** Yes, I do.

**Mr Class-Auliff:** What are they?

**Mrs GERBER:** I know that victims are not entitled.

**Mr Class-Auliff:** That is right. Especially with somebody like me—I was a self-employed man, my wife was working as a palliative care nurse—I can tell you we had no chance of receiving legal aid. The fact that we were not earning very much money was regardless. If I were, for instance, a ditch digger and I was on \$20,000 a year, yes, I could have got that.

**Mrs GERBER:** Yet the man who murdered your sister in front of his children was able to receive legal aid?

**Mr Class-Auliff:** Because he is in jail; he has no visible means of financially supporting himself through that.

**Mrs GERBER:** It seems like that system is broken.

**Mr Class-Auliff:** I think that is a flaw, yes.

**Mrs GERBER:** I want to get your view a bit more about the support that you did or did not receive after the conviction. You have said that once he was put in jail communications stopped.

**Mr Class-Auliff:** Pretty much.

**Mrs GERBER:** We have heard that a lot. The victims of crime who have had the opportunity to present to the committee have said that they would like better communication, not only during the process of a trial but also during the process of perhaps even parole.

**Mr Class-Auliff:** I am aware we can write a submission to the Parole Board asking that they take into account how we feel about his or her release, but that does not always get to that stage, does it? We do not always get told when the Parole Board hearing is coming up, and we might put in one submission which is the only one we ever get a chance to put in.

**Ms BUSH:** Thanks, Tim, for coming along. I have heard your story before, of course, but it is always really difficult to hear, and I know it is difficult to tell, even though you put on a very brave face, so thank you. I think Jason has questions as well. Because of your depth of experience—you have been doing this work, sadly, for a really long time and you have been involved in the sector for a while—I want to pick up on the issue that was raised earlier around time frames. I absolutely appreciate it is always wonderful to have more time, by my focus on this committee is to make sure we capture the themes and issues and we can write a report that makes recommendations to government that will be helpful for victims of crime. I wanted to run through what I have picked up as the themes and issues and just get you to check with me what I have captured with that.

I have here: communication—issues around the timeliness, quality, completeness and consistency of information provided; the need for a trauma informed approach and systems response; referrals to appropriate services, both immediately and ongoing; the efficacy of the Charter of Victims' Rights, both in its operation and application, and the need for it to be strengthened; cross-agency

support; the role that they have in reducing the retelling of stories; media reporting—the benefits and impacts that has on people experiencing trauma; decision-making around the justice process and the role of victims and the level of agency they have in that; the need to be believed; the need to have a voice throughout the process if they wish; the disparate nature of justice responses and the need for consistency throughout the state for all victims, regardless of background and socio-economic standing; the prevalence and impact of victim blaming; recognition that the impact of crime is enduring, including up to and beyond parole, and that systems responses including the provision of financial assistance should be responsive to that; funding for the victim sector and the need to have a variety of service responses that recognise the varied needs of victims; gaps in service delivery for victims of property crime where there has been the threat of injury, including psychological injury; difficulties in accessing support and navigating the system, particularly where matters are handed over from QPS or ODPP, and particularly for our intersectional victims of crime; the sense of loss, trauma and shock and the need for trauma informed practice from formal justice authorities and those funded to provide support; the erosion of family dynamics that occur following an act of violence; custody, trustee and estate matters; the complicated nature of the criminal justice system—that it is foreign, the language used is inaccessible—and the role that independent advocates could make in that, particularly given the investigation prosecutors are acting for the state and not the victim; that the justice system offers a primary pathway towards justice; and alternative options such as restorative justice—processes are undeveloped and thin on the ground. Have I captured that in a way that you can relate to? Is there any major gap you think I have missed in all the work you have been doing?

**Mr Class-Auliff:** I think you have pretty much hit every mark that I was trying to develop and deliver in that. As you can see, there are so many smaller problems that we have to deal with. One thing I do want to point out is that I am still having issues with the Public Trustee and how it is run and funded. I would like somebody to look at that in particular, because if it came out of the private hands—where I think it is at the moment—and back within the government's, I think we would have a better result for those kids. For instance, there was \$10,000 put in for the children in our case. How come now, after it has gone through this process where it should be earning interest, they are going to get less than that? That money was supposed to be there so they would be able to go and see somebody for counselling. If anything, since that money was put in there, the cost of counselling has escalated out of control, especially having had the pandemic.

**CHAIR:** Does anyone receive statements from the Public Trustee?

**Mr Class-Auliff:** We have been receiving statements. The first of those children already received his payout, and it was probably \$9,500 of a \$10,000 initial instalment.

**Mr KRAUSE:** Thank you, Tim, for being here today. You touched a little bit on police responses to reports of crime not being up to scratch—they are my words, not yours—and also about how bias in the police needs to be addressed at the cadet level. I wanted to ask your opinion about why you think this might be. Is it fatigue or despondency on the part of police about sentencing issues and conviction issues, or is it just an inherent bad attitude on the part of some police?

**Mr Class-Auliff:** I think there has been an inherent bad attitude from some police.

**Mr KRAUSE:** Some police.

**Mr Class-Auliff:** Yes, from some police. I could probably bring 20 or 30 people here who I would go and have a beer and a cup of coffee with any day of the week, but there are some who still believe that if, for instance, the murderer was involved with drugs, they are not worth as much as the other person so they will not chase that case as hard and support the family as well, and I have seen this sitting in courtrooms holding people's hands. You see that when it comes to domestic violence. Some officers are not even interested in responding to domestic violence, but it is still the same kind of assault. However, if it is an assault out on the street, they want to be there and show themselves off as having, I do not know, some sort of macho attitude. I think that comes with the territory, because you do need a fairly strong personality to join the police force, but we also need to have that kind of training at the beginning so they understand that if they have that in-built bias about the colour of somebody's skin or the neighbourhood they come from they should put that aside and see things just for the situation it is.

**Mr KRAUSE:** Do you think fatigue or lack of sentencing or conviction outcomes plays a big part in some of these things?

**Mr Class-Auliff:** There is some job fatigue, definitely. I can tell you that most of those who turn up to a murder case, for instance, get very upset with sentencing. To them, it is like, 'Why are we bothering?' sometimes because they see a bunch of solicitors go in there and use precedent to bring that sentence down or they use section 16 of the Mental Health Act to claim that there was some sort of mental problem. It is difficult for those police officers and the DPP prosecutors too.

**CHAIR:** That brings to a conclusion this part of the hearing. Tim, thank you. You said you were going to email something to the secretariat. Do you have the email address?

**Mr Class-Auliff:** Absolutely.

**CHAIR:** If you could do that by 10 May, that will be helpful.

**Mr Class-Auliff:** It will be my pleasure.

**CHAIR:** Thank you for your written submissions, thank you for your oral testimony and thank you for coming along.

**Mrs GERBER:** Tim, are you staying around? I want to unpack a bit more about the Public Trustee but I did not have time in that session. Is that okay?

**Mr Class-Auliff:** Yes, I will be here.

**CARRINGTON, Ms Amie, Chief Executive Officer, Domestic Violence Action Centre**

**PROBERT, Ms Shayne, Private capacity**

**RUSSO, Ms Toni, Integrated Service Specialist, Domestic Violence Action Centre**

**CHAIR:** Welcome. I invite you to make an opening statement of up to five minutes. Be conscious that sometimes these statements go over. I am not sure whether each of you will speak or just one of you.

**Ms Carrington:** All three of us will make a five-minute statement each.

**CHAIR:** If you each make a five-minute statement, we are going to run out of time. Let's see how we go.

**Ms Probert:** In February 2021 my mother, Doreen Langham, was murdered by her ex-partner at the time. She had been enduring domestic violence. I am here to speak about the responses we received as secondary victims, not necessarily in the way Mum received responses. We were dealing with a traumatic event and we did not know what to expect. We had very little contact with QPS in the days after the death of Mum and on the night. On the night QPS came to notify us that they had found the bodies, they did ask if we wanted them to stay and I said no. However, it was not until later that I realised that they had left nothing for us. There was no information on where to go for help, who was going to call us in the coming days or what to expect in this next chapter.

The next day I heard from numerous people including journalists, Ethical Standards and the Queensland Homicide Victims' Support Group which was very overwhelming. We were very new to this, very green, and it was very overwhelming. When the Queensland Homicide Victims' Support Group contacted us, the first point of contact was fine. On the second point of contact, they asked to speak to Doreen Langham, which is my mum, so that had an impact on how my sister and others did not respond to them after for help. As I said, with QPS, there was very little contact unless I contacted them asking for updates on what was happening. I have recently found out that you are meant to have a liaison officer within QPS. I can probably count on one hand how many times I spoke with them, including having a DNA swab done.

I did not have any contact with VAQ, apart from the time I got an email saying that my application was approved. Queensland Homicide Victims' Support Group were very helpful in sending those forms in and me filling them out. They did get better once I had a new case manager. However, I have since found out in the last couple of months that Queensland Homicide Victims' Support Group are meant to send you out an information pack, which I never received. I informed them that I would like the pack and they did send it out. I really hope that what was in the pack is not what you get when they send it when they are meant to, because all it had is who they are and what they do, numbers of support and how to become a support person, which is very deflating.

**CHAIR:** Shayne, if there is more you want to add as we are speaking, we are happy to come back to you. You just interrupt us and tell us. If you remember something that you did not say, you are most welcome to say it.

**Ms Probert:** Thank you.

**CHAIR:** Who would like to speak next?

**Ms Carrington:** Thank you for the opportunity to speak to the committee today. I would like to acknowledge the traditional custodians of the lands and rivers on which we are meeting and pay my respect to elders past, present and emerging. The Domestic Violence Action Centre has been operating for over 25 years as a specialist provider of domestic, family and sexual violence and, more recently, perpetrator intervention services across our communities, including here in Ipswich and also in Toowoomba. Last year DVAC supported over 9,000 people and we provided 120,000 calls and appointments in one year. Needless to say, we are an incredibly stretched team. DVAC will be making a written copy of our response available today, given the time frames available, if that would be accepted by the committee.

**CHAIR:** Very much so.

**Ms Carrington:** We would like to refer the Legal Affairs and Safety Committee to the recommendations that have been outlined in the *Hear her voice: report two—Women and girls' experiences across the criminal justice system*. We would also like to draw your attention to the death review and advisory board reports, the commission of inquiry into Queensland Police Service Ipswich

responses to domestic and family violence, and the government endorsed *Wiyi Yani U Thangani (Women's voices): securing our rights, securing our future* report. Whilst I will not have time to talk about all of these, we would really like to recommend that they are included.

**CHAIR:** Amie, we have made a unilateral decision that, because you are the last witnesses, we will extend our time with you.

**Ms Carrington:** I would like to start by acknowledging and stating that the complex needs of victim-survivors can only be met within the context of a well-defined collaborative and integrated service system approach that puts the needs of victims in the centre. The current system requires comprehensive review to ensure this is able to be achieved. Victims of crime are not a homogenous group, and this is key in identifying complexity that is often overlooked and can result in further disparity and also a lack of access to safety, recovery and healing pathways.

I would like to discuss the role of the victims commissioner. DVAC supports the establishment of a victims commissioner as an independent statutory officer and the role of the commissioner outlined within recommendation 18 of the *Hear her voice* report. We believe that this is an incredible and important opportunity to protect and promote the rights of victims in Queensland. Independence is essential to the role's success and to honour victim-survivors. Australian governments at all levels have recognised the need for cross-sector work to be cost-effective in reducing the risk and also improving outcomes for victim-survivors. The commissioner's ability to manage across all relevant jurisdictions is essential. The role must be accountable to parliament, not to a single minister, and this will ensure the role is leading a cross-jurisdictional commitment and outcomes for victims. We would also recommend that the victims commissioner have the power to take on individual cases in addition to systemic work. At DVAC we believe that the work of the commissioner will need to be also supported by the establishment of a First Nations identified role.

In response to the second term of reference, DVAC believes that the review of the Victims of Crime Assistance Act 1999 should be completed under the leadership of the victims commissioner once appointed. Furthermore, DVAC recommends that the victims commissioner be able to play an essential role in victims' complaints processes. We understand that for individuals who complain to Victim Assist under the current charter, their complaints are often returned to the core agency and there is no mechanism to then enforce compliance with the charter through this. The role of the victims commissioner could result in much better outcomes because it would create capacity for victims to better navigate these complex and convoluted complaints systems and it would also reduce the limitations of the silencing effect that we see in the current complaints system.

I would like to move to the Queensland Police Service and Queensland police responses. The Domestic Violence Action Centre works very closely with Queensland police and we see that our relationship with the Queensland police is essential to the work that we do and to safety for victim-survivors. QPS's intent is to respond to the needs of our communities by creating a victim-centric policing focus in order to prevent harm, trauma and crime. However, in reality, we see that this is inconsistently applied to victims of domestic violence who access our services. Police referrals are frequently incomplete, not timely and lack sufficient information to initiate safe contact. The take-up of referrals that are received through police to DVAC and also other specialist domestic violence services is extremely poor and this is often due to victims being unaware of the DVAC services when they are referred or they are not ready to engage. Put in short, the referral system for Redbourne referrals is not working well.

Misidentification of the person in primary need is a significant issue that we see daily impacting on victims of crime who are accessing our services. DVAC are frequently supporting women whom we assess as the victims who are in need of most protection who were mistakenly identified as the person using violence or where cross-orders were put in place. Importantly, we more regularly see this occurring for First Nations women and women from non-English-speaking backgrounds. When a victim is misidentified, this can be far-reaching and significant in its impacts.

DVAC frequently supports women who are victims when misidentification has been an outcome of systems abuse from the person using violence. We know that people using violence orchestrate image control and they use very complex and talented behaviours and image control mechanisms, and this influences police responses and their perceptions of who the person in most primary need is. DVAC, therefore, recommends a systemic review and capacity-building strategy, including training for all legal professionals beyond the training for QPS officers, including magistrates and prosecutors, on the intersection between the systems abuse and coercive control and also within the context of gender-based violence. We believe this is going to be increasingly important as Queensland moves to legislate against coercive control. My written response provides further context to this as well.



In relation to victims' rights, victims are frequently not aware of their rights or how to enact them, in our experience. This is largely because they are not informed about the charter of rights within their own context in accessible ways. We believe it is the responsibility of the service system as a whole to provide this information proactively and at many points, in simple and accessible terms that are related to the individual person's context throughout their journey. In particular, we would like to see that victims know of their rights to complain and how to make complaints, and that all systems are providing information and proactively upholding the rights of children as victims, including training, resourcing and accountability to provide this.

I would like to talk about our experience around the hysterization of victims. In our experience, the criminal justice system frequently and unintentionally hysterizes victims of domestic, family and sexual violence and presents them as unreliable witnesses, places blame on the individual for the crime that they were the victim of and places the onus of responsibility on the victim in the context of domestic, family and sexual violence. This carries through into the systems access and also the justice for that victim. When someone is frustrated, angry and distressed they can be presented as difficult people or challenging people. They can appear to be noncompliant, unwilling or unable.

However, if we look through a trauma lens at the presenting behaviour, it can provide a much more nuanced understanding of this behaviour—for example, a police referral referring to a victim as hysterical when, within the contextual analysis, it could actually be a completely reasonable response to the threat and the fear for her life that she was experiencing at the time. We believe that the system provides the best outcomes for individuals who have a means of access, capability, capacity and ability to perform within the social constraints and expectations of normal behaviour in our society. We see that limitations such as language and cognitive barriers, childcare responsibilities, crisis, health issues, trauma and also fiscal limitations to purchase high-quality services can result in significant inequity for victims. We see matters discontinued on grounds of impairment or incapacity for victims who are living with disability or who are unable to achieve justice through the justice system because the system itself is discriminating in its core design.

DVAC has frequently encountered problematic application with access to translators for victims, who are not informed about their right to a translator at times and may not be provided information in their language. Often we see that women are provided information that is written in English only and it is very difficult for them to understand this information without translation support. We also see conflicts of interest management with translation arrangements being poorly managed within the judicial system, where translators have access to highly sensitive information and may have a conflict of interest with the victim. Male translators have been utilised in sensitive matters of gender-based violence in order for the victim to make statements about her experience of sexual and physical abuse by a male. It is not checked with her if this is culturally appropriate and/or safe at times and this can result in what we believe, on several occasions, is disrupting that victim's access to both safety and confidentiality.

I would like to make a final point around demand for and prevalence of services. As we approach the legislation against coercive control and the increased public awareness of domestic, family and sexual violence, we anticipate an increased demand for our services. Queensland needs to invest in a service system response that is appropriately able to respond to increased prevalence and demand and to ensure that funding is indexed in order to pass on minimum wage growth for employees who are working in these essential services. We would also like to see resourcing for specialist domestic violence courts, with appropriate resourcing and safe rooms, across our region to better assist the safety and accessibility for victim-survivors.

**CHAIR:** Amie, are you happy to provide the document that you read from to the secretariat?

**Ms Carrington:** Yes.

**CHAIR:** Thank you. Toni?

**Ms Russo:** I will give mine without all the annotations on it. I would like to acknowledge that across Australia today is remembrance day for those wives who have been lost to domestic and family violence. I acknowledge that we have some very powerful survivors in the room with us today.

In addition to Amie's submission, I thank you for this opportunity. I would like to provide information to the inquiry regarding term of reference 1, notably in relation to the continuity of and access to support as a core guiding principle in terms of validation, acknowledgement, recognition and assistance that is available for longer. Victims of crime are not a homogenous group. This is a key identifying complexity often overlooked and that results in further disparity and complexity in their respective recovery and healing pathways. The aftermath of violence is a time often described as a

blur that people cannot remember. There is confusion about what services have made contact and if a referral was made. They may be unable to recall or were never advised that a referral had been made. This often results in a cold-call scenario by services, which can be confronting for a victim-survivor. This has been noted in death review reports as an adverse experience.

In our experience, victims of crime often feel a sense of confusion and increased disempowerment, which occurs throughout a criminal justice process. Distress can connect a lack of information about updates, often for lengthy periods of time. Loss of personal power and control can be akin to the nature of the violence experienced. A further lack of understanding, due to a lack of appropriate information provision about court processes at all stages, compounds trauma. Victims of crime routinely believe that a prosecutor is representing them, or they worry that they cannot afford a lawyer or do not know whether or not they need one. Confusion surrounds the shift from victim in the reporting/investigation stage to complainant and witness for the state during prosecution. Victim-survivors often report a feeling of being retraumatised after giving evidence and are excused from court trials without any offer of post-trial support, as occurs with jurors. A duty of care by the state exists to its witnesses. This provides a trauma informed acknowledgement and recognition of the complainant and ensures they have access to supports.

Trauma informed, victim-centric and timely support is also critical for victim-survivors whose matters never progress through the criminal justice system or are discontinued at any stage, from reporting through to prosecution. Offenders, for example, may abscond or die or may be permanently or temporarily unfit for trial, insufficient evidence halts further inquiries, and victim-survivors opt not to proceed with formal statements or maybe are unable to proceed.

Complexity presents for victims with disability, for example, where integrated service supports are minimal. Agencies such as WWILD in Brisbane become a central contact point in demand for appropriate information and peer worker supports and where identification as a vulnerable witness in court impacts people with intellectual learning and/or psychosocial disability in difficult and confusing scenarios if they do not identify as requiring support at the time of police reporting or as a witness in court.

Victim Assist Queensland operates a victim coordination program that can support a victim-survivor from the time of an act of violence occurring or at any time throughout the court process. Further services provide a volunteer model of court related support. These models effectively deliver a one-stop shop for victims of crime. Outcomes for victims of crime who have accessed this level and duration of support have been noted in studies mapping victim experiences as positive.

A one-stop-shop model should report to the victims commissioner, providing information about gaps, barriers and issues adversely impacting the rights of victims of crime. The Office of the Director of Public Prosecutions does provide information about any significant movement in a matter and has a dedicated victim liaison officer. There are often lapses of months before this may occur and often no update at all when a matter is at a Magistrates Court level. Victims are not routinely advised how they can access updates about a court mention or that a court date can, in some instances, be publicly available information. Often when victims have a support worker that person may also not have justice process expertise and be unclear about how to obtain updates or monitor the progress of a matter. This is an issue of significant concern.

In response to term of reference 2, noting further information is in our written submission—mapping victims' experiences through the financial assistance application process to identify the ways to reduce the burden on applicants—this is supported. However, it should incorporate an intersectional understanding about what are the oppressive structures and their impacts on the person needing help to ensure the voices of victim-survivors statewide are heard and their expertise directly contributes to system change. Ensuring a very broad consultation process beyond immediate victim-survivor support services would inform understanding about what is understood to be a burden. A burden may be: not being able to speak directly with someone about an application; applying with the support of a worker who does not understand the scheme; having to complete, sign and submit multiple applications for a family rather than the ability to provide all names on one application; time limits to query a decision; delays for workers seeking information; delays for matters such as WorkCover to finalise to activate VAQ processes; and providing a recognition of lost earnings in line with the balance of probabilities to reduce additional evidence gathering and unnecessary additional disclosure and retraumatisation.

In terms of reviewing the Charter of Victims' Rights, Amie has responded about the charter. This is rarely invoked, and as a standalone complaint mechanism it does remain toothless. This is a significant barrier to understanding the actual number of adverse experiences for victims of crime. It contributes to skewed data and impacts system responses.

DVAC supports clients to apply for financial assistance with Victim Assist Queensland and have access to fast-tracked applications for high-risk domestic and family violence clients supported by the Ipswich high-risk team. Applications received and processed through the high-risk team receive very fast responses—very timely—and access assistance that can support more immediate safety and recovery needs. These can be life-saving. Unacceptable delays continue to impact victims of crime not subject to high-risk team referrals. This sustains risk, trauma and access to healing and recovery when it is needed most. Training and establishing assessors, for example within specialist domestic and family violence and sexual violence services, who are skilled in understanding DFSV would support eligibility and assistance sooner in line with the HRT assessor model. Brokerage with domestic, family and sexual violence services to meet immediate urgent needs of victim-survivors would be significant.

Some key assistance considerations are: lengthening time frames to apply for victims including time frames for disputing a decision and providing information—this would reflect DVAC experience where opportunity to a recognition payment beyond a current three-year time frame applies a trauma informed understanding of DFSV where impacts are dynamic and can change across time; expanding eligibility to recognise and acknowledge adverse impacts for secondary victims—parents, grandparents, primary carers, kinship carers and immediate household members such as siblings; and supporting a trauma informed understanding about the impacts of personal acts of violence on all family members. An example is providing opportunity for counselling expenses under a parent application for all siblings in the same home related to a child who has experienced abuse. Our experience in supporting parents is that the impacts of violence against a child are distressing and result in significant life stressors that increase risk of crisis—housing, economic instability, mental health and family wellbeing.

**Mrs GERBER:** Amie, in relation to recommendation 18 of *Hear her voice*—the victims commissioner—I heard you say that you would like the victims commissioner to also be a central point for complaints. On my reading of it, I do not think that is fully articulated in the recommendation itself. I just want clarity from you that DVAC recommends that the victims commissioner also be the central point for all complaints from victims of crime in relation to their experience as a whole.

**Ms Carrington:** We would like to see that the victims commissioner still has a systemic approach as well as being able to take up individual cases. We would recommend that the victims commissioner is able to have an independent complaints mechanism as well.

**Mrs GERBER:** My understanding is that currently it is only an advisory capacity. You would like to see it go a bit further than that?

**Ms Carrington:** Absolutely. We would like to see that the victims commissioner has much more statutory authority in its role.

**Mrs GERBER:** Toni, I want you to expand on the role that your organisation plays in supporting victims of crime in their application for financial assistance under the Victims of Crime Assistance Act. You are focused on domestic and family violence and that is the only cohort that you support?

**Ms Russo:** Yes, our work is domestic, family and sexual violence. My background is in victims of all forms of violence.

**Mrs GERBER:** In terms of supporting a victim of domestic or family violence through the application process, do you help them complete the application?

**Ms Russo:** Yes.

**Mrs GERBER:** Then you support them in understanding the system as well? Is it your organisation that determines the risk level? When you say that your experience is that people at high risk get their financial assistance in a timely way, who determines what is high risk and what is not high risk?

**Ms Russo:** That is an excellent question. We have a comprehensive risk assessment that we conduct with every client who accesses our service. That risk assessment is in line with the common risk and safety framework in Queensland. We use a level 2 tool that will help us identify whether lethality factors are present. If there are a number of those factors present—we are looking at perpetrator dangerousness factors—there might be a constellation and a dynamic change in risk that may warrant a referral to our high-risk team. We have a high-risk team based here in Ipswich. That is reviewed by the team and that referral may be accepted. There may be an integrated response happening around a person that may mean that a referral up to the high-risk team does not occur because there is a lot of risk mitigation and integrated support that can wrap around that family or that person and that might be able to mitigate risk and therefore reduce the risk of lethality. The high-risk team is a separate group of agencies.

**Mrs GERBER:** Within your organisation or separate?

**Ms Russo:** We are a lead agency at the high-risk team table. There are a number of other core members that sit at that table as well.

**Mrs GERBER:** VAQ never knocks them back? Do they ever come back to you and go, 'We actually do not think this is high risk. We are going to put them in a different bucket'?

**Ms Russo:** Victim Assist do not make a decision about the level of risk; Victim Assist are making decisions about eligibility on an application for financial assistance. They are looking on the balance of probabilities at whether an act of violence has occurred and whether it meets the legislation. If it meets the legislation on the balance then, yes, a person would be eligible for assistance. In our high-risk team, if there is clear evidence that there are very significant and highly dangerous levels of violence occurring, that would meet the eligibility criteria for Victim Assist.

**Mrs GERBER:** Removing those high-risk victims and talking about the other cohort, when you say that the financial assistance is not happening in a timely way, can you give us an indication of the kinds of wait periods that are happening and the kinds of circumstances those victims are in so that we have a bit more context to that?

**Ms Russo:** At present, we have acknowledgement letters received on behalf of clients. We might be a point of contact for those clients. Those letters are identifying a wait for assistance of up to two years, which is quite a lengthy period of time. We understand that time frames can vary depending on eligibility and further information and whether an application has lapsed at the point of intake. There are a whole lot of other factors that sit around that. A number of our clients may be experiencing high levels of risk but the level of risk is being managed effectively through our service—through case management and lots of other wraparound supports. The presenting factors may still be very similar in terms of what is happening for that person. They may still be experiencing—and in a lot of our cases they are experiencing—strangulation; they are experiencing sexual violence. There is non-consensual sexual violence that might be occurring throughout the duration of the relationship—really high levels of coercive control. We are still seeing lots of physical violence through our clients who are not at the HRT threshold.

**Mrs GERBER:** They are still waiting two years?

**Ms Russo:** Yes.

**Mrs GERBER:** At our last hearing we heard from Di Macleod, who spoke about when the category for financial assistance was opened up to domestic and family violence we started seeing these blowouts in time. This committee is looking at expanding the categories further in relation to property crime. Di said to us that the wait times need to be fixed first. Is there a concern from your organisation that if the state government expands the categories further without fixing the time delays we are seeing right now you will see more women and children facing longer delays for payouts in circumstances of horrific violence like you just described?

**Ms Russo:** Absolutely. I think that is a concern across other cohorts of victims of crime also. There might be families with protracted levels of child sexual abuse that has been occurring and they are also facing the same delays. There are immediate needs for recovery supports and healing for families and children but delays to access psychiatric assessments, clinical supports, ongoing therapy, relocation, replacement of beds or issues in terms of where violence has happened. Decisions around what is an urgent and immediate expense are a critical issue. We are obviously very concerned.

**CHAIR:** In relation to the letter that victims get, is it possible to get a copy of that—redacted so that the individual cannot be identified? I am just interested in the wording that is coming out of the department. It appears to me that there may be a little bit of bureaucracy. If it is not possible or there is an issue—

**Ms Russo:** We can take that on notice.

**CHAIR:** If it cannot be deidentified, obviously I do not want to see it. If it can be deidentified, I would not mind seeing what is being said to your organisation or whoever receives that, telling them it is going to take two years.

**Mr HUNT:** Shayne, throughout all of these hearings I have been interested in the passage of information. You talked about the information pack that you received—not in glowing terms. What was in it and what was missing? Part of our scope is to discover what is missing from all of these processes. What was missing such that you think, 'Christ, that really should have been in there. I really would have needed that'?

**Ms Probert:** What I missed would have been a bit of a road map of what is to come and where to go for that support. Within the pack that I received, like I said, were three pamphlets. One was about who they were and what they did. The second one just had names and numbers of support people or support agencies. An agency I work with said that some of them were out of date. The third one was about how you become a peer support person. That pack is what you are meant to receive after they have that initial contact with you, when you have been notified. I do not understand why you would have: 'Here's a pack. Now would you like to be a peer support person?'

**Mr HUNT:** Yes, you are only just at the start of the process—not the end of the process.

**Ms Probert:** Yes.

**Mr HUNT:** Only one of those documents seems useful. You needed a map to talk you through the entire process?

**Ms Probert:** Yes.

**Mr HUNT:** Anything else?

**Ms Probert:** In terms of what they do for you, I cannot say that I remember every word in their pamphlet. It was about counselling, about contact with you and that you could have someone come and speak to you face to face—which I was never offered. I feel like when I spoke to them about what is in the pack and what I am looking at trying to do for my particular area, they very much came back to me saying, 'We highly recommend that outside agencies refer you back to us to have a streamlined process for support.' If that happened, I did not get support then because I went to an outside agency. I thought I could do it myself. When my daughter started failing school, I realised I could not. I googled 'DV support' and ended up at YFS. They are telling me that YFS should have referred me back to them for that support, to then find out that they did not even give me a pack or tell me that they could send someone to support me.

**Mr KRAUSE:** Shayne, thank you for appearing before us today and for telling us a little bit about the journey you have had after the tragic death of your mum. You said in the first instance that there was very little contact with QPS.

**Ms Probert:** Yes.

**Mr KRAUSE:** Some of our other witnesses here today have spoken about the need to enhance the support for the 'secondary victim'—that was the term used.

**Ms Probert:** Yes.

**Mr KRAUSE:** That is a strange term in itself, I would have thought. Your mum was murdered.

**Ms Probert:** She was the victim.

**Mr KRAUSE:** Yes, but 'secondary victim' seems to gloss over the impact that it has on people like you. Do you think that was the reason there was limited contact from QPS to start with, or was it just a breakdown of their system or not having a system in place? How did you perceive it? I know it is a hard question, sorry.

**Ms Probert:** I do not want to say anything I cannot.

**CHAIR:** Shayne, if you are not going to use bad language and you are not going to defame anyone—

**Ms Probert:** No.

**Mr KRAUSE:** Even if you are going to defame someone, you can.

**CHAIR:** For example, you may want to be critical of someone and that is permissible. You do not have to name the person, if you are not comfortable with that.

**Ms Probert:** No. It is QPS. In our case, I feel like the little contact was due to their inadequacy through Mum's case. Then I feel that behind the scenes they have been told, 'You can't—

**Mr KRAUSE:** The walls went up.

**Ms Probert:** Yes, the walls went up: 'Whatever we say is going to be used in the long term.' I feel like in our case that is what happened there.

**Mr KRAUSE:** I recall the circumstances of the case. It is up the road from the area I represent. Jason asked my other question, Chair. Shayne, thank you so much for your testimony.

**Ms BUSH:** Jason also asked my question, so I will leave it there with you, Shayne. Toni, you mentioned something that others have not around the financial assistance scheme and that is around urgent and interim expenses. Can you talk us through how that is working in practice at the moment? I think some other submissions mentioned they were not clear what was getting approved as urgent. Is that the terminology—‘urgent’ and ‘interim’?

**Ms Russo:** I would agree that there is confusion. It does not seem to be consistent in terms of what is considered urgent, particularly in our field of work. If a professional assessment says, ‘There is an immediate need here. We have a really high-risk concern. It may not be high-risk team concern, but it is still a high risk we are holding,’ we may say, ‘The immediate needs are here. We need to support relocation.’ We are an agency that does not have funding to provide that support. We look to other financial assistance schemes, whether that is the Escaping Violence Payment, for example, and Victim Assist Queensland is a core assistance scheme that we access.

With urgent and immediate needs, I am not too sure how that applies across all applications and different contexts of violence that people might be experiencing. In our case, citing deidentified cases, if a woman is presenting with disability and there has been a rape offence in her home that she has reported to police, an urgent expense for her might be her medical bed being replaced as a priority. Being told that that is not considered an urgent expense is quite concerning. I am not too sure whether there is a trauma informed lens on the internal process side of Victim Assist that would connect to the urgency of that. Again, that is having that intersectional lens on applying a trauma informed approach to the victim—the impacts of a crime on victims rather than ‘this is not completing a certain section on a form correctly or not providing enough evidence, quotes and supporting information’.

When our agency does apply for financial assistance and it is urgent there is a special primary victim report that we complete. We complete that for every client, irrespective of whether there is police reporting as well. We generally hold supplementary information about what has happened around the context of reporting to police, so police may have this much information; we hold a lot more comprehensive information from clients speaking with us safely about what has happened and also from the longer journey that we have with them.

I think it is a very complex and confusing component of assistance. For us, through our lens, there is urgent and immediate expenses for every victim of crime irrespective of the nature of the violent act. There are immediate healing and recovery needs. There might be immediate needs to re-establish safety, escaping violence, relocating and security upgrades. That might even be for the home invasion component as well, speaking outside the context we are in. We see home invasion as a form of domestic, family and sexual violence as well, but that is not named as such in terms of formal charges. We have perpetrators breaching orders. They are breaking into homes and then there is significant violence that occurs. We identify that through our work. That would be considered urgent as well.

I think it is probably the definition and lens of what is urgent and what are the time frames for applying for something as urgent. There could be a retraumatising or a further act of violence down the track that would initiate an emergent response here. That would be an urgent need that might be outside the six-month time frame that someone has to potentially apply for urgent assistance but it is still urgent. I think that is viewing impacts of violence as a dynamic situation and circumstance for a victim of crime, rather than, ‘It happened here. It’s an incident,’ and then we just move forward from there. That is not how trauma works.

**Ms BUSH:** When I hear you speak—I heard it in some of the other services—correct me if I am wrong, but what I am hearing is that services are spending quite a bit of time advocating for outcomes against the systems. Do you have a comment on that?

**Ms Russo:** I think systems advocacy is a core component of work. That is every day. I think that also flows into maybe why the charter of rights is not invoked as frequently. There is a lot of systems advocacy. We just had this conversation happening on the ground. Particularly in our team, we provide case management support for clients, so there is a lot of work that may happen in terms of connecting with other agencies’ clients. We will be constantly reporting what would constitute breaches of the charter in terms of fair and dignified treatment, information and updates about investigation and prosecution, the right to express harm, information about services that are available for their support. We spend a lot of time talking about rights and access to information and providing all of those pathways, often repeatedly because of the traumatic experience that might be happening and other crisis factors.

Systems advocacy, I think, can resolve or mitigate a lot of other complaints at ground level, before it does get a lot higher. We have very close relationships with a lot of agencies, particularly in the geographic areas that we work with and then beyond. We have clients who relocate elsewhere, so there are a lot of handovers and communications. I think that might mitigate some of the complaints that might come at that level.

**Ms Carrington:** One of the things that I see quite frequently in my role as the CEO is when staff have not been able to achieve an outcome or they are tired or they have had enough. Constantly the theme is systems failures. The theme is not how difficult and complex the woman's life is or how hard it is to support her. That has never come to me in my three years in the role. Every time what comes to me is: 'I've had enough of feeling like I am hitting brick walls.'

We acknowledge that there are good people in every single system and every single agency. There is not one person, I believe, who would have joined a domestic violence service centre or a child safety team to say, 'I want to be ineffective.' That is not why you do the work, but it is so hard to navigate the system. It is hard for professionals to navigate the system and to advocate within the system. Certainly it is an issue every day. Imagine how incredibly impossible that is for victims.

**Ms BUSH:** Then you lose your key contact in an agency.

**Ms Russo:** I think there is the relational approach to that as well.

**Ms BUSH:** Another area that has come up in submissions with the rub in the financial assistance scheme is the legislative link to recovery and the discretionary nature of that. How that plays out is requests for victims to get additional medical certificates to demonstrate that they need counselling or something not being linked to recovery around housing for a domestic violence victim, for example. Do you have any comments on that?

**Ms Russo:** It is significant and complex. It is an onerous scheme. There is a lack of awareness, despite all the information that might be available on the Victim Assist website. I think through an internal lens it would look like it is very clear information. It is still quite heavy going, even for practitioners. There is a lot of available information but there is a lot of other work that is happening at the same time. It is a really time-consuming process to brief a client about: 'This is what the scheme is in a nutshell. This is what eligibility looks like. This is what we need. We need you to go to MyGov and download Medicare so we can get your claims for previous expenses for counselling. You will need to go in and get this.'

When trying to collate information that may be requested, particularly in circumstances, say, for loss of earnings, people may not have told their employer that something has happened. They may take leave from work, but they have a right to privacy as well. We have conversations about how you can effectively ask for something from your employer to get that statement. It might be for a government agency. It could be for Centrelink. We are constantly problem solving and working around things. For a lot of clients—we have been talking around the acknowledgement that housing crisis is not a relevant injury—the impacts on economic stability and housing affordability and then housing stability in itself are impacts of violence. That can be for various cohorts of victims outside the domestic and family violence sector.

The time frames to apply for information can be another form of control for clients as well: 'You have X number of days to submit or dispute a notice of decision.' In many cases there is absolutely no capacity to navigate that. There is so much else happening for that person in their lives to then turn around and say, 'I'm going to appeal this decision. I'm going to exercise that right this way and I'm going to have all the support around me to do that.' Many clients just do not. They do not pursue the complaints. They do not pursue challenges on decisions. They will talk to us about it and we will say, 'You do have the right to do this. It is in this time frame.' It is generally not feasible. The time frame for them to apply for assistance is very onerous. New South Wales has a different approach to that.

**CHAIR:** What does New South Wales do?

**Ms Russo:** In New South Wales, victims of domestic, family and sexual violence have 10 years to apply. That would really support opportunity to access at a time when a person is able and ready. The impacts of violence and risks are sustained for years.

**CHAIR:** What is the time limit here?

**Ms Russo:** Three years from the act of violence in Queensland.

**Mrs GERBER:** I want to give your organisation the same opportunity to answer a question that I have put to other victims of crime around this inquiry itself. We know that the state government has set a time frame for this inquiry and it is quite short—six weeks. My personal view is that not a lot of

victims know about this inquiry and we have not had the opportunity to hear from many victims. I wanted to hear from your organisation on this. We know that the Mental Health Select Committee, for example, was given six months for its inquiry. Do you think we would be able to hear from more victims of crime if the inquiry were extended and should it have been given a longer time?

**Ms Carrington:** Absolutely. Obviously in our circumstance with the notice period it was very difficult for us to mobilise, even as an agency employing staff.

**Mrs GERBER:** And you are in the loop.

**Ms Carrington:** And we are in the loop. We do work with victim-survivor advocates. We were really fortunate to be able to support Shayne to be here. In DVAC's experience, we have been unable within the time frames to engage with any further group of victim-survivors because of the limited time frames.

**Mrs GERBER:** Thanks, Shayne, for coming today. We really appreciate it.

**CHAIR:** Are you going to email your statements?

**Ms Russo:** Correct.

**CHAIR:** Are you able to email them by 10 May?

**Ms Russo:** Yes.

**CHAIR:** Thank you coming today. Thank you for your participation. That concludes this hearing. Thank you to everyone who has participated today. Thank you to all the people who have helped organise this hearing. Thank you to the secretariat. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

**The committee adjourned at 1.29 pm.**