



To: Jane Moynihan  
Executive Director,  
The Commission of Inquiry into Queensland Police Service  
Responses to Domestic and Family Violence,  
Parliament of Queensland,  
PO Box 12264, George Street  
Meanjin/Brisbane, Queens/Stolen Land

Via email: [documents@qpsdfvinquiry.qld.gov.au](mailto:documents@qpsdfvinquiry.qld.gov.au)

24 June 2022

Dear Ms. Moynihan,

Thanks for your invitation to make a submission to the *Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence*.

We have addressed the questions raised by the call for submissions in turn below.

- 1. whether there are any cultural issues within the Queensland Police Service that negatively affect police investigations of DFV**
- 2. if there are any cultural issues, whether they have contributed to the overrepresentation of First Nations people in the criminal justice system**

Australian policing is founded on racist, settler colonial and patriarchal violence. A history of the Australian police's involvement in genocide (e.g., the Mounted Police and Native Police) and role in implementing policies built on institutional racism (e.g., Aboriginal child removal and protection legislation more generally) is widely recognised.<sup>1</sup> Indigenous people were massacred by police well

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<sup>1</sup> Chris Cunneen (2001) *Conflict, Politics and Crime* (Sydney, Allen & Unwin); National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children (1997) *Bringing Them Home* (Sydney, HREOC); Chris Owen (2016) *Every*

into the 20<sup>th</sup> century, including at the Bedford massacre of 1924 and the Coniston massacre of 1928. As concerns the Queensland colonial frontier, historian Jonathon Richardson's *The Secret War: A True History of Queensland's Native Police* documents the violent relationship between the frontier wars, the policing of Indigenous people, and colonial expansion.<sup>2</sup> This relationship was built on a style of colonial policing that treated settler and Indigenous populations in vastly different ways. Settlers were served by the Foot Patrol, while Aboriginal and Torres Strait Islander people were policed by a range of paramilitary units including the Native Police, the Border Police, and the Mounted Police. Importantly, and in contrast to civilian police officers – who were amateur and frequently intoxicated – the personnel of the Border and Mounted police constituted a trained, professional class who were paid with British Military appropriations.<sup>3</sup> “Officers and troopers of the Native Police force were involved in the deaths of a large number of Aboriginal people in colonial Queensland,” writes Richardson.<sup>4</sup> Historian Henry Reynolds describes the Mounted Police as, “the most violent organisation in Australian history”.<sup>5</sup>

The foundations of the Queensland Police Service are reflected today in its policies and attitudes regarding Indigenous people. Queensland's *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* (Qld) was the first in a raft of Australian legislation that gave significant police powers over the everyday lives of Aboriginal and Torres Strait Islander peoples. Reynolds writes of the Act: “[It] was far more restrictive than any [contemporary] legislation operating in New South Wales or Victoria and implemented a system of tight controls and closed reserves.” These include a failure to protect, a failure to exercise duty of care, and a lack of response to the crisis of missing and murdered Indigenous women and girls – as well as a culture of harassment, intimidation, and surveillance. The *Royal Commission into Aboriginal Deaths in Custody* examined 99 individual deaths in custody.<sup>6</sup> Since that time, there has been a further 489 deaths.<sup>7</sup> Nine of the 11 female deaths in custody examined in the *Royal Commission into Aboriginal Deaths in Custody (RCIADIC)* were in police custody at the time of their death and many of the women were themselves victims of family and domestic violence.<sup>8</sup> All eleven women were in custody or remand for minor, victimless offences such as fine default, public drunkenness, or offensive language. The only sentenced female prisoner was incarcerated on motor vehicle related offences. One young Aboriginal girl was in custody for trying to escape the welfare authorities. More than half the women who died in custody had been removed from their families as children.

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*Mother's Son is Guilty: Policing the Kimberley Frontier of Western Australia* (Crawley, UWA Publishing); Tony Roberts (2005) *Frontier Justice: A history of the Gulf Country to 1900* (St Lucia: UQP); Jonathan Richards (2008) *The Secret War: A True History of Queensland's Native Police* (St Lucia, UQP).

<sup>2</sup> Jonathan Richards, *The Secret War: A True History of Queensland's Native Police* (University of Queensland Press, 2008).

<sup>3</sup> See Mark Finnane, *Police and Government: Histories of Policing in Australia* (Oxford University Press, 1994).

<sup>4</sup> Richards, *The Secret War*, 12.

<sup>5</sup> Henry Reynolds (1987) *Frontier: Aborigines, Settlers and Land* (Sydney, Allen & Unwin, 1987).

<sup>6</sup> Les Johnston (1991) *National Report* (Canberra, Royal Commission into Aboriginal Deaths in Custody).

<sup>7</sup> Laura Doherty (2021) *Deaths in Custody in Australia 2020-2021* (Canberra, Australian Institute of Criminology).

<sup>8</sup> L.F. Wyvill (1990) *Report of the Inquiry into the Death of Barbara Denise Yarrrie* (Canberra, Royal Commission into Aboriginal Deaths in Custody); Wyvill LF (1991) *Report of the Inquiry into the Death of Fay Lena Yarrrie* (Adelaide: Royal Commission into Aboriginal Deaths in Custody); Les Johnston (1990) *Report of Inquiry into the Death of Joyce Thelma Egan* (Canberra: Royal Commission into Aboriginal Deaths in Custody); L.F. Wyvill (1990) *Report of Inquiry into the Death of Deirdre Abigail Short* (Canberra, Royal Commission into Aboriginal Deaths in Custody); Wyvill (1991) *Report into the Death of Muriel Binks* (Canberra: Royal Commission into Aboriginal Deaths in Custody) Wyvill, LF (1991) *Report of the Inquiry into the Death of Barbara Ruth Tiers* (Adelaide, Royal Commission into Aboriginal Deaths in Custody).

While physical police violence against Aboriginal and Torres Strait Islander people has received some level of public attention, Indigenous advocates have repeatedly drawn attention to silences surrounding the enduring violence of the police's failure to protect. For example, in the case of **Ms Dhu**, an Aboriginal woman who was arrested following a call for service regarding a domestic violence incident and later died in police custody. The coroner described her treatment as 'appalling' and 'unprofessional and inhumane'.<sup>9</sup> **Tiffany Paterson**, an Aboriginal woman who was violently assaulted after the police failed to protect her from an attack, sued the Northern Territory Police on the grounds of negligence and settled on confidential terms.<sup>10</sup> Other examples include:

- In the case of **Queenie Hart**, Amy McQuire reported a failure on the part of the QPS to effectively record witness statements and a culture of victim blaming within the service that led to the dropping of charges against the sole suspect of her murder, Steven Henry Kiem, on the first day of his trial. Following the investigation's lead, "the courts and newspaper labelled Queenie a "prostitute", despite there being no evidence to suggest she was a sex worker".<sup>11</sup> An inquest into her death was closed due to the death of Kiem in 2019. At the time, QPS Assistant Commissioner Mike Condon acknowledged shortcomings in the initial investigation: "Clearly, there were a lot of loose ends the prosecution couldn't tie up to ensure that a strong case [could] go to court".<sup>12</sup>
- In 2017, almost a year after she was reported missing, **Constance Watcho** was found dead inside a duffel bag at a popular Brisbane picnic area. On the day of her disappearance, she and another man had been "street checked" by QPS officers at South Brisbane, though the man later told police he suspected she had gone to visit family in Cherbourg.<sup>13</sup> At a preliminary coronial hearing in June 2022, Counsel assisting the Coroner Sarah Lio-Willie told the court that there had been no leads or arrests in the investigation despite a public appeal and reward for information, and that little was known of Watcho's last movements.<sup>14</sup>
- In 2011, 33-year-old Aboriginal woman **Lynette Daley** was brutally murdered by non-Indigenous men Adrian Atwater and Paul Maris on Yaegl Country in far north coast New South Wales. The investigation and decision to prosecute was initially marred by political inaction and indifference. Although the NSW Director of Public Prosecutions twice declined to prosecute in relation to Daley's death, an investigation into the circumstances of her death in May 2016 on ABC television promoted public awareness which eventually led to a review of the decision, a trial, and an eventual conviction.<sup>15</sup> This is a less typical outcome.

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<sup>9</sup> Ros Fogliani (2016) *Inquest into the Death of Ms Dhu* (Perth, Coroner's Court of Western Australia), at [880, 883]

<sup>10</sup> D Carrick (2014) 'Civil actions against police by crime victims' *The Law Report* (18 March 2014). Available online at: <https://www.abc.net.au/radionational/programs/lawreport/civil-actions-against-police-by-crime-victims/5325170>

<sup>11</sup> Amy McQuire (2021), 'Forty years in an unmarked grave: family of murdered woman Queenie Hart fight to bring her home,' *The Guardian* (3 July 2021). Available online at: <https://www.theguardian.com/australia-news/2021/jul/03/forty-years-in-an-unmarked-grave-family-of-murdered-woman-queenie-hart-fight-to-bring-her-home>

<sup>12</sup> Paula Doneman (2021), 'Queensland police close case investigation into Queenie Hart's murder as new details emerge,' *ABC News* (15 October 2021). Available online at: <https://www.abc.net.au/news/2021-10-15/qld-queenie-hart-murder-investigation-police-close-cold-case/100535272>

<sup>13</sup> Cheryl Goodenough (2022), 'Coroner to probe Qld bones-in-bag death,' *The Canberra Times* (21 June 2022). Available online at: <https://www.canberratimes.com.au/story/7789313/coroner-to-probe-qld-bones-in-bag-death/>

<sup>14</sup> Talissa Siganto (2022), 'Three years after Constance Watcho's bones were found in a bag in Kangaroo Point, there are 'still no answers' to her suspected murder,' *ABC NEWS* (21 June 2022). Available online at: <https://www.abc.net.au/news/2022-06-21/qld-constance-watcho-inquest-bones-in-a-bag-kangaroo-point/101170310>

<sup>15</sup> *ABC News* (2017), 'Lynette Daley death: Adrian Attwater and Paul Maris jailed for brutal attack' (8 December 2017). Available online at: <https://www.abc.net.au/news/2017-12-08/lynette-daley-justice-with-attwater-and-maris-sentenced-to-jail/9239312>

- In 1991, three Aboriginal children—**Colleen Walker-Craig, Clinton Speedy-Duroux and Evelyn Greenup**—went missing in the community of Bowraville, on the New South Wales far north coast. The initial police investigation in the Bowraville case included failure to follow up on crucial leads including witness statements, delays in the collection of evidence due to racial assumptions made by the investigating police officers due to the victim’s Aboriginality, and a delay in the decision to call in the homicide team due to the family’s Aboriginality, among other issues. In August 2016, then-NSW police commissioner Andrew Scipione delivered a formal apology to the Bowraville families for inadequacies in the initial police investigation. Speaking to families in Bowraville, he stated: ‘I want to publicly acknowledge that the NSW Police Force could have done more for your families when these crimes first occurred and how this added to your pain, as a grieving community. And for that I am sorry.’<sup>16</sup> The Bowraville families appeal for special leave was rejected by the High Court of Australia in May 2019.
- In 1988, Gomeri teenager **Mark Haines** was found dead on a train track in Tamworth in rural New South Wales. It is understood that the coroner determined that Mark died on the railway tracks, however the formal findings of the coroner and the records of the final day of the inquest have apparently been lost. No one was ever arrested or charged in connection with Mark’s death. The ABC podcast *Unravel: Blood on the Tracks* examines the circumstances surrounding Marks death and details numerous shortcomings in the initial police investigation.<sup>17</sup>
- In the early 1990s in the township of Bourke (Ngemba Country in the western plains region of NSW), two teenage Aboriginal girls—**Mona Smith** and **Jacinta Smith**—died in horrific circumstances while in the company of a middle-aged, non-Indigenous man who was later acquitted of allegations he had killed the two girls while drink-driving. A charge of sexual misconduct with a corpse was also withdrawn.<sup>18</sup>
- In 2018, coroner Greg Cavanagh delivered an inquest with scathing comments about the substandard investigation carried out by the Northern Territory Police in relation to the murder of **Sasha Kwementyaye Green**, who was brutally stabbed to death in Tennant Creek. The case was not declared a major crime, and it took police more than two years to meet the coroner’s request for an investigation file. Cavanagh said that they developed an “irrational preoccupation” that Green had killed herself, despite there being no evidence of self-harm.<sup>19</sup>

These are not isolated cases. They reflect innumerable deaths in which the alleged perpetrator, often a non-Indigenous person, remains at large and for which justice has never been secured. In Canada, a report into the Thunder Bay police service found that the police consistently ‘devalued Indigenous lives, reflected differential treatment and were based on racist attitudes and

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<sup>16</sup> SBS News (2016), ‘Andrew Scipione pledges to find justice for families of murdered Bowraville children’ (11 August 2016.) Available online at: <https://www.sbs.com.au/news/article/andrew-scipione-pledges-to-find-justice-for-families-of-murdered-bowraville-children/yi62fjzr2>

<sup>17</sup> Allan Clarke (2018) *Unravel: Blood On The Tracks*. Available online (Season 1-7) at: <https://www.abc.net.au/radio/programs/truecrime/blood-on-the-tracks/>

<sup>18</sup> Amanda Porter, Alison Whittaker (2019), ‘Missing and murdered Aboriginal children: apologies offer little in the face of systemic police failures,’ *The Guardian* (20 August 2019). Available at: <https://www.theguardian.com/commentisfree/2019/aug/20/missing-and-murdered-aboriginal-children-apologies-offer-little-in-the-face-of-systemic-police-failures>

<sup>19</sup> *Australian Associated Press*, ‘Incompetent: inquest critical of Northern Territory police murder investigation’ (22 June 2018). Available at: <https://www.theguardian.com/australia-news/2018/jun/22/incompetent-inquest-critical-of-northern-territory-police-investigation>

stereotypical preconceptions about Indigenous people'.<sup>20</sup> More recently, a national inquiry based on the testimonials of 2,380 family members found persistent and deliberate pattern of human rights abuses and characterised the issue of missing and murdered Aboriginal women and children in terms of genocide.<sup>21</sup>

On 25 November 2021, Yamatji Noongar woman and Greens Senator Dorinda Cox successfully moved a motion to establish a government inquiry into missing and murdered Aboriginal and Torres Strait Islander women and children. The Australian Senate inquiry is due on 30 June 2022. It is the first official inquiry at any government level – regional, state, or federal – to formally investigate the issue of police failure to protect Indigenous women and children. Senator Cox, a former police cadet and Aboriginal Police Liaison Officer, said at the time, “[The inquiry] will have a look at all of the investigative practices, policies, resources that are committed to create evidence and to gather evidence for these cases.”<sup>22</sup> This long-overdue inquiry is testament to the tireless labour of Indigenous leaders and advocates who have brought to public attention the names and stories of victims of domestic violence, rape and murder – including, Senators Cox and Lidia Thorpe, Distinguished Professor Larissa Behrendt,<sup>23</sup> Allan Clarke,<sup>24</sup> Amy McQuire,<sup>25</sup> Martin Hodgson<sup>26</sup> and Hannah McGlade.<sup>27</sup>

**3. the capability, capacity and structure of the Queensland Police Service to respond to DFV, and**

**4. the adequacy of the current conduct and complaints handling processes against police officers.**

The first issue concerns **racism and sexism in Australian policing workplace culture** (Chan, 1997). Police in Australia have never been appropriate frontline responders to domestic and family violence involving Aboriginal and Torres Strait Islander women and children. In June 2022, the Western Australian government apologised to the family of **Tamica Mullaley**, who was mistakenly arrested for “talking back” to police responding to a serious domestic violence situation in which Mullaley had suffered broken ribs, a broken collarbone, a ruptured kidney, and spleen. The responding officers left her 10-month-old son **Charlie Mullaley** under the supervision of the

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<sup>20</sup> Gerry McNeilly (2018) *Broken Trust: Indigenous People and the Thunder Bay Police Service* (Office of the Independent Police Review Director).

<sup>21</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) *Reclaiming Power and Place: The Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls*.

<sup>22</sup> Nour Haydar (2021), ‘Senate to investigate deaths and disappearances of First Nations women and children’ (25 November 2021). Available at: <https://www.abc.net.au/news/2021-11-25/first-nation-missing-murdered-women-senate-inquiry/100650852>

<sup>23</sup> Larissa Behrendt (2014) *Innocence Betrayed* (Sydney, Lavarch Productions).

<sup>24</sup> Allan Clarke (2021) *The Bowraville Murders* (Jumping Dog Productions).

<sup>25</sup> Amy McQuire (2018) ‘The cases of missing and murdered Aboriginal people need to be heard’ *Medium* (28 May 2018). Available online at: <https://medium.com/@amymcquire/the-cases-of-missing-and-murdered-aboriginal-people-need-to-be-heard-88de81041a1b>

<sup>26</sup> Martin Hodgson (2021) ‘Disappeared and Murdered Aboriginal Women and Girls’ *Curtain the Podcast* (see 75 episodes generally). Available online at: <https://podcasts.apple.com/au/podcast/disappeared-and-murdered-aboriginal-women/id1164804753?i=1000551470353>

<sup>27</sup> Hannah McGlade, Brownwyn Carlson and Marlene Longbottom (2021) ‘An open letter in response to the lack of concern or response to the killings of Aboriginal and Torres Strait Islander women’. *Croakey Health Media* (9 March 2021). Available online at: <https://www.croakey.org/an-open-letter-in-response-to-the-lack-of-public-concern-or-response-to-the-killings-of-aboriginal-and-torres-strait-islander-women/>

perpetrator, Marvyn Bell, who then sexually abused and murdered the infant. Following this, Mullaley was given a suspended sentence and fined \$900 for two counts of assaulting a public officer and one count of obstructing officers.<sup>28</sup> Some recent examples of racist workplace culture regarding Indigenous women and children include:

- In a widely reported news story in 2021, approximately 1,700 current and former QPS officers were members of a private Facebook group, Defend the Blue, which regularly posted racist and sexist material.<sup>29</sup>
- QPS police data recently released by Queensland Police Minister Mark Ryan shows that of the 3689 young people held in prison custody who spent one hour or more in a watch house, 71 per cent (n=2635) were Indigenous.<sup>30</sup>
- In her judgment for *Wotton v Queensland Police Service* [2016] FCA 1457, Mortimer identified nine areas in which police had engaged in acts of racial discrimination. Mortimer commented on Wotton's arrest: "I am satisfied that armed, masked SERT officers would not have forced their way into houses occupied by unarmed families, including young children, and pointed assault rifles at them, yelling at them to lie down and not move, making those families think they were in danger of being shot".<sup>31</sup>

**A workplace culture of racism and sexism contribute to QPS's failure to address domestic violence against Indigenous women.** Research by ANROWS found that of the 27 women murdered by an intimate partner in Queensland, 12 had been previously identified by police as the perpetrator in a domestic dispute and issued with a restraining order or formal charge). In focus groups for the ANROWS study, "numerous" Queensland police officers told researchers that body language at domestic disputes informed their judgement about which party required protection – a response the researchers said was "concerning when considered alongside the gendered and racialised attitudes that may inform some police decision-making".<sup>32</sup>

This means that Aboriginal and Torres Strait Islander women's experience of police and domestic violence services is vastly different to those of others. As Dr Marlene Longbottom writes, 'Indigenous women will not attend a local police station for support in times of violence due to the racialized and gendered experiences at the time of reporting. This is when or if they do report violence'.<sup>33</sup> Cathy Pereira of Aboriginal and Torres Strait Islander Women's Legal Services North Queensland explains,

In multiple cases, the primary perpetrator is a non-Indigenous male. On police arriving, he is calm and gives an account to police which is coherent. The Aboriginal and Torres Strait Islander woman is highly distressed – in some cases she has been the victim of life-

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<sup>28</sup> Cameron Myles, Tim Dordin (2022), 'Apology, pardon, for WA Aboriginal mother who endured the unthinkable,' *The Guardian* (22 June 2022). Available online at: <https://www.theage.com.au/national/western-australia/apology-pardon-for-wa-mother-who-endured-the-unthinkable-20220622-p5avv9.html>

<sup>29</sup> Kate McKenna (2021) 'Facebook group to be closed as racist, homophobic comments by Queensland police officers investigated,' *ABC News* (13 July 2021). Available online at: <https://www.abc.net.au/news/2021-07-13/qld-police-investigate-racist-homophobic-facebook-comments/100289770>

<sup>30</sup> Elise Williams (2021) 'Shock Stats: Most kids in police custody are Indigenous' *Courier Mail* (31 October 2021). Available online at: <https://www.couriermail.com.au/news/queensland/shock-stats-most-kids-in-police-custody-are-first-nation/news-story/8a60d15ab5392428717baf32dd23bde9>

<sup>31</sup> *Wotton v Queensland Police Service* [2016] FCA 1457 at 5 (per Mortimer J).

<sup>32</sup> Australia's National Research Organisation for Women's Safety (2020), 'Accurately identifying the 'person most in need of protection' in domestic and family violence law: key findings and future directions,' *Research to Policy and Practice*, 23 (November 20), 72. Available at: <https://www.parliament.nsw.gov.au/lcdocs/other/13997/>

<sup>33</sup> Marlene Longbottom (2021) *Indigenous Perspectives on Family and Domestic Violence: Address to Queensland Police Service Annual Conference* (Brisbane, QPS).

threatening assaults or repeated emotional abuse. Police accept the male's version. He is more coherent, and it is easier to record.<sup>34</sup>

Debbie Kilroy, who has represented women charged with 'reactive violence,' notes other reasons that Aboriginal and Torres Strait Islander women are hesitant to contact police services, including fear of child removal, mistrust of authorities and culturally unsafe practices implemented by mainstream services.<sup>35</sup> There can also be a lack of urgency in police responses to Indigenous women victims. The report on the death of Indigenous woman Elsie Robertson in 2013 outlined what police themselves concluded was 'an unreasonable delay' of more than an hour between a call for assistance and officers attending the address in Cairns.<sup>36</sup>

A second issue relates to the **workplace culture of child protection authorities**. Police criminalise Black victims of violence due to compounded racism and misogyny – and this extends to child protection authorities. When Indigenous mothers report domestic violence, this immediately triggers the involvement of the child protection authorities, who almost always conclude that the children are not safe and need to be removed. Indigenous advocates have repeatedly brought attention to the relationship between the policing of domestic violence and the ongoing removal of Indigenous children from their families<sup>37</sup>. Research conducted by Distinguished Professor Marcia Langton has emphasised the need for greater legal and support services for Indigenous women.<sup>38</sup> It has shown, among other things, that the police at present have a limited impact in reducing violence due to high levels of distrust of the police and the legal system, resentment and anger resulting from a history of injustices, and the disproportionate criminalisation of Aboriginal and Torres Strait Islander peoples.<sup>39</sup>

A final issue concerns **the police's inability to deal with domestic and family violence among currently serving police officers**. In Victoria, data obtained by ABC journalist Matilda Marozzi under FOI reveals that in 2019, 82 Victoria Police officers were charged with family violence offences. Marozzi reports that although some of the 82 officers might have faced disciplinary action including transferral to other duties, demotion, and suspension without pay, none were sacked or dismissed.<sup>40</sup> In the past five years, only one officer was found guilty, and none had convictions recorded. In Queensland, data obtained by *The Guardian* under FOI reveals that in 2020 there were 84 serving QPS officers named as alleged respondents to a domestic violence protection order.<sup>41</sup> Queensland Police Commissioner Brian Codd, when asked whether women could have confidence

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<sup>34</sup> Ben Smee (2021) 'Coercive control laws could harm vulnerable women, advocates in Queensland warn' *The Guardian* (7 May 2021). Available at: <https://www.theguardian.com/australia-news/2021/may/07/coercive-control-laws-could-harm-vulnerable-women-advocates-in-queensland-warn>

<sup>35</sup> Smee (2021) 'Coercive control laws could harm vulnerable women'.

<sup>36</sup> Harry Clark (2015) 'Police delays and domestic violence order failures in Cairns coronial inquest,' *Cairns Post* (24 October 2015). Available at: <https://www.cairnspost.com.au/news/crime-court/police-delays-and-domestic-violence-order-failures-in-cairns-coronial-inquest/news-story/d84b5ed39e3b43a8ca7dd52f78b3bb3f>

<sup>37</sup> NISATSTIC (1997) above n 1; Megan Davis (2018) *Family is Culture* (Sydney, Independent Review of Aboriginal Children and Young People in Out of Home Care).

<sup>38</sup> Marcia Langton et al (2020) *Family violence policies, legislation and services: Improving access and suitability for Aboriginal and Torres Strait Islander men* (Sydney, ANROWS).

<sup>39</sup> Marcia Langton et al (2020b) *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women* (Sydney, ANROWS).

<sup>40</sup> Matilda Marozzi (2020), 'Victoria Police documents highlight internal struggles with officers accused of domestic violence' (23 October 2020). Available at: <https://www.abc.net.au/news/2020-10-23/documents-highlight-victoria-police-domestic-violence-problem/12802586>

<sup>41</sup> Ben Smee (2021) 'Queensland police leaders grappling with rise in officers accused of domestic violence' *The Guardian* (4 May 2021). Available at: <https://www.theguardian.com/australia-news/2021/may/04/queensland-police-leaders-grappling-with-rise-in-officers-accused-of-domestic-violence>

coming forward – when the police they interact with might hold problematic attitudes or be accused of abuse themselves – reportedly stated, “Can I say there’s a 100% guarantee that won’t happen? Well, I can’t”.<sup>42</sup>

The key issue is that it is notoriously difficult to sack an officer, even when criminal charges are prosecuted in court. This is due to internal police discipline systems (which are relatively weak), the police unions and associations (which are very powerful), as well as the lack of independent police oversight and accountability mechanisms generally. In the case of senior sergeant Neil Punched, who pleaded guilty to leaking the address of a domestic violence victim to her former partner, the QPS were unable or unwilling to dismiss the officer, leaving him stood down on full pay from December 2018 until his resignation in October 2021.<sup>43</sup> In another Victorian case, an officer was convicted of six charges – including persistently breaching an intervention order and recklessly engaging in conduct endangering life – and sentenced to a community correction order. He was suspended with pay by Victoria Police but has since returned to work in the same role at the same station.<sup>44</sup>

By way of summary, in this submission we have examined the ways in which **the development of the Queensland Police Service was founded on racial, patriarchal and settler colonial violence**. We have equally examined the ways in which this violence persists in the everyday policing of Indigenous communities today, including the ways in which this legacy of racism, sexism and misogyny are imbued in everyday police workplace culture and institutional and practices today.

QPS lack the capabilities and capacities to respond to family violence for Aboriginal and Torres Strait Islander victims of crime. As Indigenous victim-survivors have long advocated: **the police are not the frontline responders to domestic and family violence for Aboriginal and Torres Strait Island peoples**. The frontline responders are Indigenous communities including housing and social work organisations.

Despite this, the **Queensland Police Service are continually awarded record budgets** – including a record budget of **\$3 billion** for the **2022-23** financial year alone and included a promised 2,025 new recruits.<sup>45</sup> This pales in comparison with the budgets for the Indigenous community controlled organisations – who are under resourced and under staffed and have been persistently defunded by successive Queensland state budgets – especially those providing housing, legal and health services.

There is an **urgent need to redress this inequity** and adequately fund and resource Aboriginal controlled organisations. It is imperative that the Queensland Police Service improve oversight and accountability mechanisms so that it may begin to address the issue of active perpetrators of domestic and family violence within its own ranks.

Thank you for the opportunity to contribute to this inquiry.

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<sup>42</sup> Smee (2021) ‘Queensland police leaders grappling with rise in officers accused of domestic violence’.

<sup>43</sup> Smee (2021), ‘Queensland police officer who leaked domestic abuse victim’s address resigns,’ *The Guardian* (4 October 2021). Available at <https://www.theguardian.com/australia-news/2021/oct/04/queensland-police-officer-neil-punched-who-leaked-domestic-abuse-victims-address-resigns>

<sup>44</sup> Smee (2021), ‘Queensland police officer who leaked domestic abuse victim’s address resigns’.

<sup>45</sup> Queensland Government (2022) ‘Record \$3 billion budget supports better policing services’ (Brisbane: The Queensland Cabinet and Ministerial Directory). Available at: <https://statements.qld.gov.au/statements/95444>

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Porter'.

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A handwritten signature in black ink, appearing to read 'Conor Hannan'.

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