
TRANSCRIPT OF PROCEEDINGS

INDEPENDENT COMMISSION OF INQUIRY INTO QUEENSLAND POLICE
SERVICE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

COMMISSIONER: HER HONOUR JUDGE DEBORAH RICHARDS

COUNSEL ASSISTING: RUTH O'GORMAN QC
ANNA CAPPELLANO

Land Court of Queensland, Brisbane Magistrates Court,
Level 8/362 George Street, Brisbane.

Friday, 5 August 2022

1 COMMISSIONER: Yes.

2

3 MS O'GORMAN: Good morning, Commissioner. I do have a
4 tender bundle to tender, but I need to add a couple of
5 documents into it. So I might do that at the end of
6 the evidence this morning.

7

8 COMMISSIONER: Sure.

9

10 MS O'GORMAN: There are three witnesses giving evidence
11 this morning from the Institute for Collaborative Race
12 Research, and it's intended that they will all be giving
13 evidence at the one time. Those witnesses are here, and
14 we're ready to proceed. So I call Professor Watego,
15 Dr Singh and Dr Strakosch.

16

17 <DAVID SINGH, affirmed:

18

19 <CHELSEA WATEGO, affirmed:

20

21 <ELIZABETH STRAKOSCH, affirmed:

22

23 <EXAMINATION BY MS O'GORMAN:

24

25 MS O'GORMAN: Professor Watego, Dr Singh and Dr Strakosch,
26 each of you are directors and principal researchers at the
27 Institute for Collaborative Race Research.

28

29 DR STRAKOSCH: That's right.

30

31 MS O'GORMAN: Your submission to the Commission, which was
32 done in collaboration with Sisters Inside, was provided to
33 us on 13 July 2022; that's correct, isn't it?

34

35 DR SINGH: Yes.

36

37 MS O'GORMAN: It sets out the purposes and focuses of the
38 institute and the work that it does and that each of you
39 contribute to?

40

41 DR STRAKOSCH: Yes.

42

43 MS O'GORMAN: All right. In terms of your own individual
44 background, Dr Singh, you're a race scholar with
45 qualifications in bachelor of arts, master of arts and PhD
46 in literature.

47

1 DR SINGH: Yes.

2

3 MS O'GORMAN: Professor Watego, you are a researcher in
4 the areas of race, racism and Indigenist health humanities;
5 you have qualifications which include a bachelor of applied
6 health science, honours in applied health science and a PhD
7 in public health.

8

9 PROF. WATEGO: That is correct.

10

11 MS O'GORMAN: And, Dr Strakosch, you have conducted
12 research over a long period of time which has focused on
13 Indigenous policy, colonialism, political relationships,
14 bureaucracy and new public management?

15

16 DR STRAKOSCH: That's right.

17

18 MS O'GORMAN: Your qualifications include a bachelor of
19 arts, honours in political science and a PhD in political
20 science?

21

22 DR STRAKOSCH: Yes.

23

24 MS O'GORMAN: Further to receiving the submission from
25 your institute, we have asked that you provide us with an
26 expert report further addressing some of the matters that
27 you raise in your submission. We've also sent you ahead of
28 this morning seven questions that we would ask that you are
29 able to address this morning to help inform the Commission
30 about some of the matters within your particular areas of
31 interest. I'm going to move through those questions in
32 turn, and it's totally a matter for the three of you as to
33 which one of you would like to take the lead in answering
34 any of those questions.

35

36 The first question that we have posed to you is: in
37 what ways are the continuing effects of colonisation being
38 experienced by First Nations people?

39

40 DR STRAKOSCH: I might respond to this. My area of
41 research has covered comparative colonialisms. So we
42 wanted to, with your indulgence, spend just a few minutes
43 explaining our understanding of colonisation based on the
44 political science and sociological literature because that
45 really informs when we talk about the different
46 relationships between the Queensland Police Service and
47 non-Indigenous people and the Queensland Police Service and

1 Indigenous people. It's really based on our understanding
2 of colonialism, how that connects to race and the ways in
3 which it's ongoing today.
4

5 So what we want to highlight is and what I have looked
6 at in my research is Australia as a settler colony. This
7 is a particular type of colonial environment. There are
8 four English-speaking settler colonies - Australia,
9 New Zealand, Canada and the US - and there's a distinction
10 that's often made between settler colonies and extractive
11 or conventional colonies. So conventional colonies, we
12 might think of India or Africa, where a minority of
13 colonisers from Europe come to exploit the resources and
14 the labour of Indigenous people and their land. Most of
15 those extractive colonies have decolonised structurally
16 after the Second World War.
17

18 But there is another type of colonisation that's known
19 as settler colonisation, in which a majority of colonisers
20 come to stay in a place. They come to stay to replace
21 Indigenous people on their land and to establish a new
22 political society and occupy that land. Now, most settler
23 colonies have not decolonised. There has not been a moment
24 of kind of institutional break or reformation so we can
25 meaningfully say that settler colonialism is an ongoing
26 relationship. The questions of jurisdiction, of land
27 ownership are very much live and unresolved.
28

29 That is the case in all of the four settler colonies
30 that I talked about. However, Australia has a particular
31 history which gives it a particular inflection especially
32 around race. In the other settler colonies, colonists
33 recognised the political sovereignty and/or landownership
34 of Indigenous people. That meant they proceeded through
35 colonisation - they still colonised. They proceeded by
36 treaties or conquest or other forms of kind of taking
37 political - what they saw as taking political control.
38

39 In Australia, based on a racial assessment of
40 Indigenous people as so inferior that they did not possess
41 either landownership or political sovereignty, Australia
42 was colonised on the basis of settlement; that is, just the
43 wholesale occupation of this place. In the absence of
44 political life here, that remains the legal justification
45 for the Australian State today. Even though landownership
46 has been contested by the High Court and some changes have
47 been made, the High Court has been very clear that it is

1 not able to make decisions on the question of Indigenous
2 sovereignty because that would potentially fracture the
3 legal skeleton of the Australian State and would call into
4 question its own authority.

5
6 So when we talk about colonialism and racism in
7 Australia we mean this in a very real sense, that there is
8 a structural conflict that's ongoing and that the
9 Australian State itself still rests on a legal
10 justification that is based on an assessment of the
11 inferiority of Indigenous people as so savage that they do
12 not have political institutions.

13
14 This, we would suggest, is one of the reasons that
15 it's quite difficult to talk about race in Australia,
16 because it's very much bound up with live political
17 questions, but it's also one of the reasons we talk about
18 the Queensland Police Service as having a particular
19 relationship with Indigenous people, because it has been
20 one of the instruments on the frontline of that process of
21 colonisation and dispossession.

22
23 MS O'GORMAN: Can I ask you then --

24
25 COMMISSIONER: Sorry, can I just ask one thing from that.
26 When you talk about Queensland Police I take it you mean
27 really it's all police or is it particularly Queensland?

28
29 DR STRAKOSCH: I do intend to address that in the second
30 question.

31
32 COMMISSIONER: Okay.

33
34 DR STRAKOSCH: It is all police, but it is also Queensland
35 Police specifically.

36
37 MS O'GORMAN: And that leads me to that question. Are you
38 able then to explain the role of policing more specifically
39 in relation to colonisation?

40
41 DR STRAKOSCH: Yes, definitely. So Queensland has a
42 particular colonial history. It's quite intense. It's
43 quite violent. The pearling and the opium industries were
44 particularly violent and caught up with Indigenous people
45 and their exploitation.

46
47 The earliest police in Queensland were the Queensland

1 Native Mounted Police. They were established here in 1864.
2 Henry Reynolds, who is an historian, has called them the
3 most violent organisation in Australian history. Their
4 specific task was to disperse native camps, including mass
5 murder and including sort of the dispossession and moving
6 on of Indigenous people from their land so that it could be
7 occupied by white settlement.

8
9 This is not a history that's been disavowed by the
10 contemporary Queensland Police Service. In 1964 at the
11 centenary of the establishment of the QPS a senior police
12 officer said, "Walker [who was the original lieutenant of
13 the Mounted Police] and his Force soon established
14 themselves. He tamed the natives, saved the whites, and
15 made the country comparatively safe."

16
17 "The Native Mounted Police had certain privileges.
18 Its officers could, and frequently did, transfer to the
19 [main] Queensland Police Force without loss of rank. Its
20 officers were chosen from men whose qualifications were
21 supposed to be education, breeding, knowledge of drill and
22 firearms, and ability to handle natives."

23
24 This period of frontier violence was burning itself
25 out by about 1910, and native police camps were moving
26 northwards. The native police then started operating much
27 more intensely in the Northern Territory after 1910 where
28 dispossession was still live.

29
30 But in Queensland we, if you like, pioneered another
31 regime of racial control here that is very well known
32 historically around the world and that is the protection
33 legislation, the Aboriginal Protection and Sale of Opium
34 Act 1897, which is an extremely draconian set of rules that
35 govern every aspect of Indigenous people's lives, including
36 if they could marry, where they could live, if they could
37 keep their children, where they could work. The money from
38 their work was taken by the government and often not given
39 back. This is the stolen wages case that we talk about.
40 They were overseen by a chief protector in Brisbane but by
41 local protectors in regional areas, and the local protector
42 was usually the police, the leading policeman in the area.

43
44 So that means right up until '50s, '60s in Queensland
45 up until the '80s, because we did not dismantle protection
46 legislation under Joh Bjelke-Petersen fully until the '80s,
47 in fact there is a famous quote from Rowland, who is an

1 historian, who says in the '80s you could be arrested in
2 Queensland either for committing a crime or for being
3 Aboriginal and you could be removed to any mission.
4

5 So what that means is police were often directly
6 involved in catching escapees from missions, they were
7 directly involved in removing children from their families,
8 and enforcing people to go to work in often very violent
9 and sexually violent situations.

10
11 So one other thing we would just like to mention quite
12 quickly is that there's a particularly history of sexual
13 violence in relation to Indigenous women all over
14 Australia. It's quite intense in Queensland and there's a
15 lot of documentation from here about that. Mass sexual
16 abuse of women, rape and murder was very common on the
17 frontier, including capturing Aboriginal women and taking
18 them to stations. The police were often complicit in that.
19 The police didn't act. There's a great deal of evidence
20 for that. In several cases police were accused and/or
21 prosecuted for killing Aboriginal women but they were never
22 convicted. It was seen as an accident or there was
23 assumption of the good intent of these police officers.
24

25 So when we say that there is a particular relationship
26 between the Queensland Police Service and Indigenous people
27 we mean it in a very tangible sense. We mean it's ongoing,
28 it's structural, and racism is foundational to it. The way
29 that the Queensland Police Service polices for settlers is
30 by content, but the way it has policed Indigenous people
31 has always been through control, and that is for political
32 purposes as we've outlined here.
33

34 MS O'GORMAN: Building on that then, can you explain for
35 us the ways in which the continuing effects of colonisation
36 contribute to one of the matters that we're tasked to look
37 at, which is the over-representation of First Nations
38 people in the criminal legal system today?
39

40 PROF. WATEGO: Yes, so I think if we look at the current
41 context, particularly here in the state of Queensland, the
42 violent relationship and the one of control over Indigenous
43 peoples is evidenced in a range of legislative changes --
44

45 COMMISSIONER: Can I just interrupt you for a second. So
46 this is Professor Watego speaking now.
47

1 PROF. WATEGO: Yes.

2

3 COMMISSIONER: If you can just identify yourself just for
4 the record when you speak.

5

6 PROF. WATEGO: Sure. So if we look at, for instance, the
7 introduction of the public nuisance charge here in the
8 state of Queensland, which was directed at Aboriginal and
9 Torres Strait Islander people in Far North Queensland quite
10 explicitly so, it's no surprise that within one year of its
11 introduction an Aboriginal man dies in custody.

12

13 We saw with the more recent youth justice reforms the
14 Queensland Police Service Union were very clear that they
15 were targeting Indigenous children. We've also seen with
16 this conversation around criminalising coercive control we
17 know that Indigenous women are going to be
18 disproportionately affected, yet the State has continued on
19 with the calls to criminalise coercive control. This is
20 despite the evidence put before the Royal Commission into
21 Aboriginal Deaths in Custody, where a recommendation was
22 made to reduce the ways in which Indigenous peoples become
23 incarcerated to prevent deaths in custody. What we've seen
24 is an expansion of police powers despite the evidence base
25 that Indigenous people are disproportionately affected and
26 that relationship is still a very violent one in a very
27 tangible sense.

28

29 Last year we were invited to give an expert report to
30 the Queensland Sentencing Advisory Committee to explain the
31 overrepresentation of Indigenous people, and particularly
32 Indigenous women, on assaults against first responders.
33 They didn't understand how that came about, and so we
34 looked at the relationship between first responders, from
35 police to ambulance officers, in its historical context,
36 and we found cases of police-assisted leprosy raids, the
37 nature of relationships of policing on Boundary Street here
38 in the City of Brisbane, to contemporary examples that were
39 on the public record where there had been allegations of
40 assaults against public officers by Indigenous peoples, yet
41 in those cases many were found to have been false claims
42 and in fact the police were the instigators of violence.
43 So we were able to conclude that the overrepresentation may
44 be a result of this violent relationship that the police
45 and Indigenous peoples have always experienced.

46

47 I think it's important to recognise that this is just

1 not some abstract theorising. Any Queensland police
2 officer who has had an engagement with an Aboriginal or
3 Torres Strait Islander community for any sustained period
4 of time is aware of the term "triple C". They know what
5 that means, and it's a very succinct articulation of the
6 role of police today in this country, particularly in the
7 state of Queensland.

8
9 DR STRAKOSCH: Yes, so I just wanted to follow up that too
10 by just highlighting the fact that when we talk about
11 colonisation as continuing this is really evidenced in the
12 rising incarceration rates in the last 30 years. So not
13 only since the Royal Commission have they not decreased, as
14 the Commission recommended; they have actually increased.
15 As part of an ARC-funded mapping project which maps
16 Indigenous-settler colonial relationships in Australia what
17 we saw was that at the end of the protection era, around
18 the 60s, when missions and reserves became self-governing
19 communities, that coincided with the establishment of a
20 police station in those communities and we saw people who
21 were effectively previously inmates of other types of
22 carceral systems, of missions and reserves, more and more
23 becoming incarcerated in prisons, so being moved to
24 different types of incarceration, and the police becoming
25 more central rather than less central to the violent
26 relationship of colonisation.

27
28 MS O'GORMAN: Some of the evidence that the Commission has
29 heard to date has included evidence of negative attitudes
30 being held by members of the Queensland Police Service
31 towards the issue of domestic and family violence
32 generally. Are you in a position to offer your views about
33 how those kinds of attitudes would impact upon Indigenous
34 women and girls uniquely?

35
36 PROF. WATEGO: Certainly. I think most definitely
37 Indigenous women experience the violent culture of misogyny
38 that this Commission has heard in terms of survivor
39 statements as well as the testimonies from Queensland
40 police officers themselves about not being believed and
41 being belittled. What we argue, though, because of the
42 racialised nature of policing with Indigenous peoples and
43 the intersection of being negatively racialised and
44 gendered that there is a unique form of violence that
45 Indigenous women experience, of which we provided some of
46 those accounts in the joint submission to Sisters Inside.

1 So how this plays out for Indigenous women is not only
2 are they not believed or they're belittled; what we're
3 seeing is that Indigenous women are cast as perpetrators,
4 as victims of violence, and there was - I think it was a
5 2017 study looking at deaths - family violence related
6 deaths in the state of Queensland and found that up to
7 50 per cent of those who had died as a result of family
8 violence had been named as a respondent on a domestic and
9 family violence order.

10
11 When they looked specifically at Indigenous women,
12 100 per cent had been named as a respondent prior to their
13 death. So, if you think about it, in the state of
14 Queensland not one Aboriginal and Torres Strait Islander
15 women who died as a result of family violence was ever seen
16 as an innocent victim. So we see the denial of victimhood
17 of Indigenous women, not just in their encounters with
18 police but even sometimes through the processes, certainly
19 through the Women's Safety Taskforce process, in terms of
20 not believing their accounts and dismissing them. That's
21 I guess - we really draw attention in our submission to the
22 testimonies of Indigenous women as well as the statistical
23 accounts that confirm what they're saying. The evidence is
24 very clear that Indigenous women experience a unique form
25 of violence.

26
27 I think the other thing we need think about also is if
28 we look at some of those testimonies we have the perceived
29 criminality of Indigenous women weaponised against them as
30 a way to deny them victimhood, and certainly I think Hannah
31 and Samantha's stories in our submission speak to that.
32 What's troubling here is that, if you look at women in
33 prison, over 90 per cent have experienced some form of
34 abuse. If we look at Indigenous - look at children in
35 detention, close to 100 per cent have experienced some sort
36 of sexual assault. So at no point in their lifecycle are
37 Indigenous women ever considered victims of violence, are
38 always criminalised, and that's our concern about police
39 responses particularly to Indigenous women as victims of
40 violence, is they're never seen as a victim in need of care
41 or protection, which is one thing, but they're framed as
42 perpetrators and all complicit in the violence that they
43 experience.

44
45 We see it not just in life but also in death. So work
46 that we've undertaken in informing coronial inquiries about
47 missing and murdered Indigenous women, and this is not just

1 unique to Queensland, though we have looked at Queensland
2 Police Service cases, is that even in death Indigenous
3 women are not deemed worthy enough for proper
4 investigation, hence the Senate's announcement of an
5 inquiry into missing and murdered Indigenous women in this
6 country, because the failure of police to properly
7 interrogate what has happened. So even in death Indigenous
8 women are denied victimhood in this country.

9
10 DR STRAKOSCH: Just to add on to that quickly, in doing a
11 lot of that research we engage quite extensively with
12 the Canadian inquiry into missing and murdered Indigenous
13 women, girls and gender diverse people, which is generally
14 regarded as a very good inquiry. It spoke to 2,500
15 witnesses and Indigenous communities, and produced a very
16 voluminous report. So some of the terminology that we use
17 in our submission comes from the findings of that report,
18 which found that the violence that Indigenous women
19 experience firstly can't be reduced to their socioeconomic
20 circumstances. Being Indigenous was enough if you
21 controlled for all other factors. We submit to experience
22 more violence not just in domestic and family situations
23 but also stranger violence.

24
25 The reasoning that they gave for why this was the case
26 was that there was a culture of impunity that existed in
27 which violence against Aboriginal and Torres Strait
28 Islander women or Indigenous women in Canada was not seen
29 as sufficiently problematic that it warranted proper
30 investigation by the police. There were many stories of
31 families of Indigenous women going to police asking for
32 help, to be told, "No, she's probably drunk. She's
33 probably a sex worker. Come back in three weeks." So
34 these families were left alone. That's not just a harm
35 that's done to those particular families. What they found
36 was this creates a culture within which people can
37 perpetrate violence, including domestic and family
38 violence, against Indigenous women and know that they're
39 safe, and that is the fundamental reason that Indigenous
40 people experience domestic and family violence in the way
41 that they do.

42
43 MS O'GORMAN: From your point of view then is there scope
44 for meaningful improvement in relation to police responses
45 to domestic and family violence, particularly in
46 First Nations communities, either by better training for
47 police or some other measures?

1
2 DR SINGH: I'm Dr David Singh. I'll take that question,
3 if I may. Inquiries such as this and many others often
4 introduce at their conclusion a raft of recommendations.
5 Most - they often are unevenly applied, implemented, and
6 those that are implemented rarely exist beyond two, three
7 years because there's not been sustainable funding for
8 their continuance. Initiatives such as training that
9 encompass race and gender are normally the first to go in
10 any cost-cutting exercise. They're rarely ring-fenced in
11 any kind of austerity push on the part of local councils
12 and NGO sectors.

13
14 Training itself, I'm originally from London,
15 I've worked with the Metropolitan Police in developing
16 joint training with local divisions, and this has had mixed
17 results. On the one hand, senior police officers embrace
18 the training. On the other hand, rank and file push back,
19 to the extent that the training didn't last beyond one or
20 two years before it was called into question.

21
22 In the aftermath of the Macpherson inquiry into the
23 murder of Stephen Lawrence we saw that the police
24 throughout the country accepted the definition of
25 institutional racism, accepted that they were
26 institutionally racist, and set in place plans to address
27 that institutional racism. Within about three years they
28 declared themselves no longer to be institutionally racist
29 and therefore in no need of remedial action.

30
31 From the point of view of community, certainly those
32 that I worked with in West and East London, they didn't
33 really want the promise of better professionalisation, they
34 wanted more police accountability, and that's certainly not
35 what they got through the various recommendations of the
36 various inquiries that they all sat patiently through.

37
38 So I would argue that there is a kind of negligible
39 impact that attempts to better professionalise the police.
40 On the one hand, training is put in place, but on the other
41 there has invariably been an increase in police powers,
42 oversaturation of policing in marginal areas. We've had
43 certainly here in Queensland Facebook groups where racist,
44 homophobic and sexist comments are traded freely without
45 censure. There is a particular canteen culture where this
46 training simply doesn't permeate or kind of advance police
47 understanding in any sustained way. So I would question

1 the value of training overall, having been personally
2 involved in co-designing training for the largest police
3 force in the world.
4

5 PROF. WATEGO: If I may add, I think if we look to the
6 Royal Commission into Aboriginal Deaths in Custody, where
7 things like cultural awareness training, the engagement of
8 Indigenous police liaison officers and even recruitment of
9 Indigenous police officers, they haven't been effective in
10 reducing deaths in custody, and I think there is a concern
11 that training accessorises the expanding authority of an
12 institution that we know to be violent to Indigenous
13 peoples. If we think about violent relationships, as this
14 inquiry is concerned with, we wouldn't tell a woman to stay
15 with her perpetrator who is abusing her and just give him
16 some better training. So I think if we think about these
17 violent relationships as taking place not just in homes but
18 at the hands of the State, the logic doesn't stack up here.
19

20 MS O'GORMAN: You suggest in the draft summary report that
21 you've provided to the Commission that the QPS ought to be
22 defunded and de-authorised in relation to domestic and
23 family violence. The Commission has heard from some
24 individuals and communities about the need for a better
25 policing response, including a greater police presence, in
26 some communities and an increase in police responses in
27 some communities. Would you explain for us how it is that
28 your suggestion to defund and de-authorise the police in
29 relation to domestic and family violence offers the safety
30 that from your point of view Indigenous peoples and
31 communities are seeking?
32

33 PROF. WATEGO: I think given we've explained the violent
34 relationship that Indigenous people have with police our -
35 we share a concern about a non-violent approach, a
36 non-violent society. What de-authorising and defunding of
37 police is is an appeal for a non-violent approach to
38 addressing violence, and unfortunately the Queensland
39 police have proven themselves incapable of doing that, as
40 the Women's Safety and Justice Taskforce has heard, as this
41 inquiry has heard.
42

43 It's also recognising that the police have long failed
44 Indigenous peoples and communities, and Indigenous peoples
45 and communities and Indigenous community-controlled
46 organisations have had to find ways to respond to family
47 violence in the absence of police who do not attend or

1 don't care without the necessary resourcing to do so. So
2 I guess we would argue that this is not really a radical
3 position but rather a responding to the reality of the
4 violent relationship that Indigenous peoples have with
5 police at this point.
6

7 DR STRAKOSCH: Just to build on that, while it might seem
8 like there's a contradiction between people talking about
9 the lack of police response to domestic violence and then
10 talking about the over-policing and the criminalisation of
11 Indigenous women, there's actually not a contradiction in
12 our understanding. These under-policing and over-policing
13 of particular types of experiences by Indigenous women all
14 relate to the fact that their status as genuine victims is
15 devalued. So they are over-policed as perpetrators but
16 they're under-policed as victims, and that is part of the
17 violent structure.
18

19 So it's not a question then of, well, where there's
20 under-policing, more police will solve that. In fact,
21 people are looking for a response, people are looking for
22 meaningful responses, and in the absence of those are
23 finding their own. When we talk about defunding and
24 de-authorising police, it might sound kind of confronting,
25 but what we're actually talking about is moving substantive
26 resources and authority and power to community-controlled
27 Aboriginal organisations in a systematic way over the whole
28 state. So not in terms of pockets of best practice that
29 kind of seem really appealing but don't actually change the
30 distribution of authority or funding in relation to this,
31 and the basic reality of making that change would require
32 enormous and sustained refunding of the Aboriginal
33 community-controlled sector, which has been systematically
34 defunded over the last 20 years, since the end of ATSIC,
35 and genuine resourcing for those organisations to be able
36 to take control of these situations. So defunding and
37 de-authorising police does align with some of the
38 suggestions that others have put forward. However, it
39 requires it to be done in a systematic, widespread way that
40 involves large amounts of funding and a real shift in
41 power.
42

43 PROF. WATEGO: If I can add, I think a lot of Indigenous
44 communities recognise that a police response to what is
45 effectively a social problem does not prevent or treat,
46 solve the issue of family violence in our communities.
47 When you speak to survivors of family violence there are

1 very tangible things they are seeking in terms of securing
 2 their safety, from having the resources to have better
 3 security on a rental property, to getting paid leave when
 4 they have experienced strangulation and have no leave at
 5 their job and are not entitled to crisis payments through
 6 Centrelink. Like, there are very practical tangible things
 7 that Indigenous women are seeking as victims of violence
 8 that extend beyond incarcerating somebody for a short
 9 period of time, because we know these men return to our
 10 neighbourhoods and our communities often more violent than
 11 what they were when they went in because of the violence of
 12 incarceration. It doesn't solve the problem. So we share
 13 the concern about solving the problem of violence in our
 14 community. The challenging part is getting the State to
 15 imagine what a non-violent response to violence might look
 16 like, and unfortunately it can't see beyond that in terms
 17 of its relationship with Indigenous people.

18
 19 MS O'GORMAN: In explaining that answer then, you,
 20 Dr Strakosch, already have referred to Aboriginal
 21 community-controlled organisations and your view that there
 22 needs to be a far greater funding of them in a systemic
 23 way. My final question is whether there is merit in giving
 24 consideration to the development of a co-responder model
 25 which includes Aboriginal and Torres Strait Islander
 26 community-controlled organisations as part of the model.

27
 28 DR STRAKOSCH: Yes, and I suppose I did address some of
 29 those core questions. Basically our experience, especially
 30 Professor Watego's experience, in organising in the
 31 community-controlled sector is that there are really
 32 important, accountable things happening but that is being
 33 done without a great deal of support or funding. So the
 34 practices are there, but the community-controlled sector
 35 has been - especially since 2014, when Tony Abbott brought
 36 in the Indigenous Advancement Strategy, we saw over
 37 30 per cent decrease in funding to the community-controlled
 38 sector within a year, and most of that funding went to
 39 churches, Anglicare, their big kind of social service arms.

40
 41 So, unbeknownst to many people, there has been a
 42 massive transformation and a kind of real attack on the
 43 community-controlled sector. It's holding on, but when
 44 talking about something like a co-responder model when
 45 you're talking about community-controlled organisations it
 46 has to take account of the situation they have been put in
 47 and the fact that many are operating on - they're running

1 60 different government grants, they're always short-term,
2 there's no sustained funding. Those are the issues that
3 actually need to be addressed to make a meaningful change
4 in something like a co-responder model.

5
6 PROF. WATEGO: Our institute is working on a research
7 project funded by the Australian Institute of Aboriginal
8 and Torres Strait Islander Studies looking at the
9 community-controlled sector here in the state of Queensland
10 and have a strong sense of how structurally underresourced
11 the sector is. I'm sure if you did an audit of community
12 and social services funding here in the state of
13 Queensland, a very small proportion of funding for
14 community and social services goes to Aboriginal and Torres
15 Strait Islander community-controlled organisations, and
16 that has been by design, not because of poor Indigenous
17 governance.

18
19 There has been a mainstreaming of services. So we no
20 longer support Indigenous models of service delivery,
21 despite the fact that we know in health the Indigenous
22 model of primary health care is an exemplar of best
23 practice in health globally. So it's not that Indigenous
24 communities can't innovate, aren't providing services to
25 our communities, but are structurally underresourced. So
26 while the State seeks to get more police officers you've
27 got Indigenous families and communities carrying the burden
28 of not just their failings but also the subsequent violence
29 that they experience in this process.

30
31 So, for instance, Strong Women Talking is one
32 Indigenous community-controlled organisation that is
33 survivor led, victim centred, and they talk about when
34 Indigenous women seek to leave a relationship that they
35 have to counter the violence that they experience through
36 seeking help, from the police through to the social
37 services sector, and the risks of child safety of losing
38 their children having reported an experience of violence.
39 So we've got these very small pockets of Indigenous
40 organisations, not fully resourced, that are trying to
41 navigate the various layers of violence that Indigenous
42 women are experiencing in the course of seeking safety for
43 their families. So when we say de-authorise and defund the
44 police, there are clear ways in which that resourcing could
45 be better spent that actually attends to reducing and
46 addressing violence and safety.

47

1 MS O'GORMAN: Thank you for addressing our questions.
2 There may be some further questions now.

3
4 COMMISSIONER: Can I just ask you about that reduction in
5 funding to community organisations. That 30 per cent
6 reduction, when's that from?

7
8 DR STRAKOSCH: So Tony Abbott introduced when he became
9 Prime Minister the Indigenous Advancement Strategy, which
10 moved all federal funding for all grants and programs
11 related to Indigenous people into the Department of the
12 Prime Minister and Cabinet and required all organisations
13 to re-tender simultaneously for those. There have been
14 Senate inquiries into that process. It wasn't handled very
15 well. But what we saw at the other end of it without a
16 great deal of transparency was this massive defunding.
17 There have been efforts to kind of make some changes, but a
18 lot of organisations have folded since then.

19
20 COMMISSIONER: That's my next question. Have
21 organisations had to close as a result?

22
23 DR STRAKOSCH: A lot keep going because they have to.
24 Like, they're accountable to their communities, and that's
25 why they're doing what they're doing, and are piecing
26 together funding from all kinds of different places
27 creatively. But some simply have not been able to survive,
28 because it's been attrition as well. That was the last
29 body blow. But since mainstreaming, which became formal
30 policy in 2004 with the end of the self-determination
31 policy era and the end of ATSIC, there has been a steady
32 decrease in the funding of the community-controlled sector.

33
34 PROF. WATEGO: And this has occurred at both federal and
35 state level. So in terms of, you know, community and
36 social services that are state funded, as a board member of
37 an Indigenous community-controlled organisation in Inala,
38 we were largely volunteer based and have 80 buckets of
39 funding for discrete projects, of which creatively we have
40 to support families but are not directly funded to support
41 Indigenous women who are victims of violence, and this
42 plays out in lots of communities.

43
44 COMMISSIONER: When you've got to apply for a lot of
45 different grants, it takes a lot of time too.

46
47 PROF. WATEGO: Absolutely.

1
2 COMMISSIONER: Time you could spend doing other things, I'm
3 sure.

4
5 DR STRAKOSCH: It's probably also worth saying that there
6 is a specific regime of acquittal that requires a higher
7 level of reporting from Indigenous corporations and
8 organisations, ORIC, which has been challenged as racially
9 discriminatory, but in - basically on the assumption that
10 Indigenous organisations governance is not as adequate as
11 others requires more intensive reporting from Indigenous
12 organisations. So there are often 30 per cent of time and
13 effort routinely put into reporting and acquitting to
14 government to show that these organisations are functional
15 while they're delivering over and above the money that
16 they're funded for to their communities.

17
18 COMMISSIONER: All right. Thank you. Ms Hillard, do you
19 have questions?

20
21 MS HILLARD: I have a few.

22
23 <EXAMINATION BY MS HILLARD:

24
25 MS HILLARD: Can I just say that Women's Legal Service
26 Queensland have few Indigenous women clients because when
27 they contact Women's Legal Service they choose to engage
28 with Indigenous organisations. So can I just ask you to
29 bear that in mind when I ask my questions.

30
31 One of the things about giving the voice to
32 First Nations women is I think understanding that when we
33 talk about statistics of the experience of women that that
34 is not because their community is violent; is that right?

35
36 PROF. WATEGO: Yes.

37
38 MS HILLARD: When we have a look at page 6 of
39 exhibit C01053 at the bottom there you set out some
40 statistics, and you talk about how a First Nations woman is
41 32 times more likely to be hospitalised due to domestic and
42 family violence; 10 times more likely to die due to an
43 assault; 45 times more likely to experience violence at
44 all; and five times more likely to be killed because of
45 domestic and family violence. In respect of those
46 statistics is that a symptom of what you have described as
47 under-policing a victim and over-policing the woman as a

1 perpetrator?

2

3 MS O'GORMAN: Can I just interrupt very briefly.
4 Mr Operator, would you mind putting this document on the
5 visualiser. The full number is [COI.053.0006].

6

7 MS HILLARD: The paragraph right down the bottom. Thank
8 you.

9

10 MS O'GORMAN: Just in case you need the material in front
11 of you.

12

13 PROF. WATEGO: Thank you for the question and I think it's
14 an important point to make, is that a statistical story can
15 be used to reproduce these racialised imaginings of
16 Indigenous people's communities and cultures as inherently
17 violent. I think as Liz pointed out what makes Indigenous
18 women susceptible to violence is the culture of impunity
19 that exists in a settlor colonial context in relation to
20 the care and worth of Indigenous women's lives.

21

22 DR STRAKOSCH: So this is a really core issue. It's
23 something that has come up in a number of our kind of
24 expert reports in relation to violence experienced by
25 Indigenous women. People know these statistics. In fact
26 recitation of the statistics of violence that Indigenous
27 women experience is something that the government and state
28 agencies often do and that the media often does.

29

30 But there is an implicit assumption that those
31 experiences of violence in one way or another attach to
32 either the culture of Indigenous people, the behaviour of
33 Indigenous people, even in the most progressive formulation
34 the reverberating intergenerational effects of colonialism
35 always locate the harm and the behaviour that leads to that
36 harm in Indigenous people.

37

38 What we are talking about here, we say that's an
39 unacceptable reason to justify those kind of statistics.
40 It's a very racist reason to do that. In fact the only way
41 we can understand those is when we understand the series of
42 relationships that are taking place here within which
43 Indigenous people since first colonisation have lived
44 within a structure of violence. It has been an extremely
45 violent experience. It continues to be an extremely
46 violent experience.

47

1 Police - this is not a question of intention; this is
2 a question of structure - have been on the frontline of
3 that violence, and the interactions of all these different
4 agencies have led to a situation in which Indigenous women
5 live in a culture of fear because they know they can be
6 subject to violence and they know they don't have redress,
7 while perpetrators live in a culture of impunity.

8
9 PROF. WATEGO: And we also witnessed the contradiction of
10 victimhood. So the statistical story tells the story of
11 Indigenous women as agentless, as victims, yet we know when
12 Indigenous women present as victims they're never treated
13 as such. So we're conscious of the political function
14 which those statistical stories are used to further justify
15 more control over the lives of Indigenous women in this
16 country.

17
18 DR STRAKOSCH: We won't sort of recite particular cases
19 which are extremely violent, but there are many cases where
20 Aboriginal women are violently assaulted in great distress
21 in front of police officers and, even with the physical
22 reality of their victimisation in front of them, are
23 arrested or are treated as perpetrators or are ignored.

24
25 MS HILLARD: One of the things that you spoke about in
26 your answer there as well as has emerged in evidence before
27 the Commission is that there is often a fear of a
28 First Nations woman about the interference by the State and
29 the removal of her children and the involvement of the
30 Department of Child Safety. I know the statistics say that
31 a child is likely to be sexual abused or physically abused
32 in a domestic relationship if they're a First Nations
33 child. Do you want to say anything about that and how that
34 can be addressed in order to prevent violence and to
35 protect?

36
37 PROF. WATEGO: If I might, with the permission of my
38 sister I would just like to share her experience. She was
39 strangled by a former partner in Ipswich, one of the shitty
40 suburbs I guess that police would refer to. She had the
41 wherewithal to call Triple 0 in the midst of it so they
42 were aware of what was happening and the severity of this,
43 and her children also were on the phone to Triple 0.

44
45 The police presented in the middle of the night. She
46 passed out and managed to escape semi-naked down the
47 street. When the police presented they did not press

1 charges, despite the severity of the offence, on the basis
2 that in her state of distress she said she just wanted to
3 go to sleep.
4

5 They removed the perpetrator but did not press
6 charges. I had to advocate on her behalf. The police
7 subsequently apologised for, I quote, dropping the ball on
8 this one. Yet when she went to make her statement and with
9 her children they asked her to clarify the spelling of her
10 daughter's name for the reason that they couldn't find her
11 on the system. There was a presumption that as a victim of
12 violence that they would be clients of the system.
13

14 Then when she presented to her GP, who was a registrar
15 that wasn't experienced in dealing with trauma, within
16 hours of that assault made comments on her medical file
17 about child safety and "mum's mental health", which raised
18 concerns for her around contact with Child Safety.
19

20 Now, that matter was dealt with by the courts just
21 last Friday. She spoke in her victim statement about the
22 failings of police and all of those social services and
23 that it was an additional form of violence because these
24 were the agencies that were meant to care and protect, yet
25 she felt even more threatened through their interactions.
26 In fact it was her family who had to advocate for her. In
27 her victim statement her concern in relation to the
28 perpetrator, who has now since been released having served
29 time, is for him to get better and for there to be a
30 therapeutic response to what took place.
31

32 So these stories, yes, are very real for us in this
33 region of working mothers who are presumed, even in the
34 most severe cases, to not be legitimate victims and then
35 cast under the eye of the State, whether it's Child Safety,
36 at the local GP, and deemed unworthy of care by Queensland
37 Police, who in that instance should have pressed charges
38 regardless of what state she was in given the severity of
39 the crime.
40

41 DR STRAKOSCH: If I could just follow that up because that
42 does lead to something in our submission that we haven't
43 discussed where we talk about the interconnection between
44 violent care and violent control and that the way that care
45 from the State, whether it goes right back to the
46 protection era, the language of that, of missions caring
47 for Indigenous people while they controlled them, right up

1 to child welfare services have also been an instrument that
2 have interacted with those systems of control in the kind
3 of colonial context. So some of our concern around
4 particular types of justice re-investment that move
5 services from carceral systems like the police to State
6 social service systems is that in the experience of
7 Indigenous people those systems are really interconnected,
8 especially as it comes to family separation.

9
10 MS HILLARD: And just picking up on some aspects of your
11 answer and something that Counsel Assisting asked you, I'm
12 gathering from that example that you have just provided
13 which you would see many, many similar kinds of examples
14 that you're really saying that there needs to be a light
15 shone on the perpetrator who is the actual offender and
16 there needs to be preventive actions in place in a
17 culturally appropriate, trauma-informed but also a race
18 appropriate perspective; do you have anything you want to
19 say about that?

20
21 PROF. WATEGO: I think it's thinking about how do we take
22 a non-violent approach to dealing with domestic and family
23 violence. Given we know the violence of the State via its
24 various agencies, how do we de-authorise the power that
25 they hold, the violent power that they continue to hold
26 over Indigenous families, and it's witnessed in the
27 incarceration rates, it's witnessed in increasing
28 over-representation of Indigenous children under the
29 Child Safety system, which has proven to be not very safe
30 for our children. So the question is at what point do we
31 start to look at the violent relationships the State has
32 with Indigenous peoples and be as committed to the safety
33 of Indigenous women when it comes to violence perpetrated
34 by the State as well as those by intimate partners.

35
36 DR STRAKOSCH: And I suppose just to tie that back to the
37 current process that's ongoing, inquiries have been a
38 regular feature of the Queensland Police Service. So the
39 Queensland Native Mounted Police were subject to four
40 inquiries in the first 10 years of their operation. So
41 what we've seen in Queensland is inquiries often tracking
42 the violence of these organisations, perhaps making
43 adjustments that make them seem more palatable, but not
44 actually, for example in the case of native police, making
45 any substantive changes to the mandate and the resources of
46 those agencies.

1 So in the context of the current inquiry it's very
2 critical and important work but it's taking place in the
3 state in which there's a massive expansion of policing.
4 Queensland is leading the way in terms of expansion of its
5 police force and the expansion of bail and other laws which
6 are sharply leading to increasing incarceration for
7 Indigenous women specifically, many as a result of breaking
8 domestic and family violence orders that the police have
9 approved of issued in kind of domestic violence situations.

10
11 MS HILLARD: One of the things - and this is my last
12 question - that has emerged from different First Nations
13 communities, different First Nations representatives and
14 the like is that they want to be proactively involved in
15 helping the problem and they want to participate in working
16 around whatever the infrastructure is that exists. You've
17 spoken about funding. You've spoken about the need for
18 funding. A witness yesterday spoke about intergenerational
19 plans and funding. Did you want to say anything about
20 that?

21
22 PROF. WATEGO: I would just point out that Indigenous
23 families and communities are already involved in responding
24 to domestic and family violence. It is a matter of
25 resourcing and authorising that in a more formal structured
26 way. So I think it's really important. I think there
27 hasn't been an examination of the exemplars of success in
28 terms of Indigenous led models responding to domestic and
29 family violence, thus we can't imagine anything beyond a
30 police response despite the evidence of its violence that
31 we continue to hear about.

32
33 MS HILLARD: Thank you, Commissioner. That was my last
34 question.

35
36 COMMISSIONER: Thank you. Ms Morris?

37
38 MS MORRIS: Thank you, Commissioner. I would like to, if
39 I may, please, seek a short break to take some
40 instructions.

41
42 COMMISSIONER: Yes. That's fine. We'll just adjourn for
43 15 minutes.

44
45 **SHORT ADJOURNMENT**

46
47 COMMISSIONER: Ms Morris?

1
2 MS MORRIS: Thank you, Commissioner. I have no questions.

3
4 MS O'CONNOR: No questions, thank you, Commissioner.

5
6 MS O'GORMAN: I don't have any further questions and, in
7 the circumstances, might Professor Watego, Dr Singh and
8 Dr Strakosch be excused.

9
10 COMMISSIONER: Dr Strakosch, Professor Watego and
11 Dr Singh, thank you so much for coming in this morning.
12 It's been very informative, and you're free to leave.
13 Thank you very much.

14
15 <THE WITNESSES WITHDREW

16
17 MS O'GORMAN: Commissioner, there are two further
18 witnesses that we will be able to get through between now
19 and lunch. The first witness is Teressa Tapsell. I call
20 Ms Tapsell.

21
22 <TERESSA TAPSELL, sworn:

23
24 <EXAMINATION BY MS O'GORMAN:

25
26 Q. Ms Tapsell, you have provided a statement to
27 the Commission dated 12 July 2022?

28 A. Yes.

29
30 Q. All right. Thank you. As I understand it, you are
31 presently the acting senior research officer for the
32 First Nations and Multicultural Affairs Unit within the
33 Communications, Culture and Engagement Division; is that
34 right?

35 A. Yes.

36
37 Q. And your substantive position is as a police liaison
38 officer training officer with recruit training at the
39 Police Academy at Oxley within the People Capability
40 Command?

41 A. That's correct, yes.

42
43 Q. Now, although you've been in the acting role with the
44 FNMAU, is it the case that you have continued to also work
45 as the police liaison officer in your substantive role as
46 well?

47 A. That's correct, yes.