

Submission to the Women's Safety and Justice Taskforce

by

The North Queensland Women's Legal Service

We congratulate the Women's Safety and Justice Taskforce on their remarkable work to date and the publication of *Hear Her Voice*. The 89 recommendations in this seminal report provide an opportunity to effect real change for Queensland women and girls.

We thank the Taskforce for the opportunity to again share our feedback, this time on the questions posed in the latest discussion paper. We have had the benefit of reading our sister organisation, Women's Legal Service Queensland's excellent submission. We agree with all submissions made by WLSQ and endorse them all. We would like to augment their submissions with further comments of our own regarding some of the issues raised in the discussion paper and pass on illustrative stories from our clients.

Who we are:

We are the North Queensland Women's Legal Service - a community legal centre with offices in both Cairns and Townsville. We assist women from Mackay to the Cape and out to the NT boarder, primarily in the areas of family law, child protection and domestic violence. Additionally, we are members of the Women's Legal Service Australia committee and are involved in law reform work, along with delivering community education programs and supervising legal students as volunteers and placement students.

We provide an array of face to face and telephone services and duty lawyer services in the Domestic Violence Courts and Federal Circuit and Family Courts. In the 2020/21 year we assisted around 2500 women and girls with 14,907 services. One in five of our clients identify as being Aboriginal or Torres Strait Islander and almost all identify as experiencing or having experienced domestic and family violence.

Whilst we do not practice in the criminal jurisdiction, we have significant experience in the civil domestic violence courts and have contact with women who experience the justice system in one way or another.

Our feedback:

Our submissions focus on the experiences of our clients, garnered largely through our assistance with their legal issues and from their stories and comments about their lived experiences of sexual violence, how they perceive the criminal justice system, why they do not wish to engage in the criminal justice system and what has happened when they have engaged in the criminal justice system.

Cross-cutting issues

Overrepresentation of First Nations women and girls as victims of sexual violence

There are many cross-cutting factors raised in the discussion paper that we agree underpin First Nations women and girls being overrepresented as victims of sexual violence. However, we must not lose sight of the fact that it is the decision to use harmful physical behaviours by men and boys against women and girls that is the ultimate *cause* of the problem. This is true for all perpetrators of sexual violence against any victim. To achieve any sustainable change, we must address the attitudes that men and boys hold, and that broader communities hold, supporting men and boys' beliefs that it is acceptable to treat women and girls in harmful ways.

Sexual violence, other physical violence, and non-physical violence are part of the dynamics of coercive control experienced by so many women and girls in our wider society, and by alarmingly high rates of First Nation women and girls. The stories we hear from our First Nations clients speak overwhelmingly of male sexual entitlement and dominance that seems not only accepted but supported by broader familial and societal groups.

One of our clients endured [REDACTED] years of coercive controlling behaviour, including physical, emotional and sexual abuse. Over the years, she tried to leave the relationship and sought support from family members. The family members simply said she needed to stick it out and be a 'good mother/ wife.' The abuse became so unbearable that the woman chose to leave her [REDACTED] youngest children and move to another state to get away from her abuser. When speaking with her about this painful decision and the response of her family, the woman told us this was a common theme in the First Nation's community from which she came. She told us women ultimately put up with the abuse, keep it to themselves and it is expected of them to stay with the perpetrator. This woman eventually returned to the community and was 'blacklisted' by the perpetrator and family members. She had been completely denied access to her [REDACTED] young teenage children by the perpetrator since she left (years prior) and even her adult children had been turned against her for leaving the relationship (despite them witnessing high levels of violence against her). Our client had not sought legal advice for many years as she believed she had no rights and was a hopeless mother.

Another client had endured years of domestic abuse, including sexual violence, and had had [REDACTED] children placed into state care because of the physical violence she had suffered at the hands of their father. She came to us heavily pregnant with her [REDACTED] child to a different father. She revealed she was too frightened to catch the bus into town to engage with a DV counselling service (which was problematic as it formed part of her Child Protection safety plan.) This young woman believed the perpetrator would track her down and kill her if he saw her pregnant to someone else, as he used to violently assault her when she was pregnant with his own children. She told us that the group of First Nations people that congregated at the bus stop would encourage this action by reporting her whereabouts, and her pregnancy, to the perpetrator.

Flowing from the attitudes of male entitlement and dominance is the prevalence of victim blaming. Victim-survivors are often desensitized, emotionally overborne, do not identify deviant behaviour toward them as unacceptable or harmful, or believe they are to blame for the offending. There is little open discussion about consent or healthy sexual activity, in either in the education system or the communities, allowing attitudes supporting male sexual entitlement and dominance to perpetuate.

One client told us there were no issues of domestic violence in her relationship. Further questioning in a trauma focused way, revealed that the woman had been tripped over deliberately by her partner, shoved, pushed, had things thrown at her, and had been held down during sex and bitten until she agreed to sexual activity. The woman did not identify any of these actions as being acts of domestic/sexual violence. The woman said she thought this sort of behaviour was present in all relationships and that this activity was normal. The woman had twin daughters who had experienced and witnessed their father's violence against their mother and were already starting to have relationships with men displaying behaviours like their father.

The reluctance in First Nations communities to talk about sex comes from shame around this topic. Because it is considered shameful to have conversations about sex, sexual offending is kept quiet or portrayed as shameful to the victim, rather than the offender. We had an instance where a First Nations woman's much older ex-partner (also Indigenous) was a convicted child sex offender. Our client became aware of her partner's criminal history when Child Safety stepped in to protect the couple's infant daughter. Whilst the young woman acted protectively and ended the relationship, she was reluctant to involve her own family or develop a support network - a protective measure sought by Child Safety - as she wished to avoid shame. The offender's family also actively discouraged her from developing wider supports, themselves wishing to cover up the matter as much as possible and protect the dignity of the offender and his family.

First Nations women and girls are often first victimized at young ages, sometimes by older and trusted males but often by young males who have disrespectful attitudes to females. The 2013 Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun Report (the 'Smallbone Report') set out how prevalent and serious this issue was in these two areas at that time, and what factors led to the men and boys' decisions to engage in this behaviour. The Report depicts how sexual violence is underpinned by unhealthy attitudes held by men and boys toward women and girls and by a lack of recognition of, or consequences for, deviant behaviour. Little seems to have changed in the near decade since the report has finalized. First Nations women and girls are still victimized at significant rates and the stories our service overwhelmingly hears is consistent with the continued normalization of male entitlement and dominance in First Nations communities.

The living conditions of some First Nations women and girls leave them more vulnerable to being victims in that men and boys have easier opportunity to offend. For instance, we have women who come to us with stories of abuse that started when they were minors in state care, or as children in crowded living situations or other situations where there is little or no adult supervision. In one instance we were approached by the mother of a 12-year-old girl who had been sexually assaulted whilst placed in residential accommodation by Child Safety. The offender was also a minor who had just been released from a youth detention centre for sexual offences. For a reason that was never explained to the mother, this boy had been placed in the same accommodation as four girls.

Access to secure housing is a major problem, particularly in regional and remote areas that leaves all women vulnerable to the risk of victimization, and this is especially so for First Nations women. Many of the women we see are homeless or would be homeless if they reported the domestic/sexual violence they are subjected to. These women are dependent on perpetrators, or the perpetrators' families, to have a roof over their and their children's heads. Only this week, the Department of Housing advised in a community meeting that there are 5000 families on the

waiting list for suitable housing in the Cairns region, with another 200 applications not yet processed.

What needs to be improved?

In short, disrespectful attitudes held by men and boys toward First Nations women and girls needs to improve. Further and more broadly, First Nations community attitudes and support of toxic male entitlement and female subservience needs to change. Communities must encourage/empower First Nations women and girls to expect respectful relationships and to expect to live free of domestic/sexual violence. Community leaders, bystanders, families and individuals need to recognize and call out deviant behaviour as harmful and abnormal behaviour.

We support recommendations nine to 12 of the Taskforce's *Hear Her Voice* report to implement primary preventative measures to provide education about domestic violence and this should include specific education on sexual violence. We also urge the Taskforce to consider the prevention matrices in the Smallbone Report. We believe these measures propose sensible targeted strategies that seek lasting generational change by addressing attitudinal change in young offenders/potential offenders, young victims/potential victims and at the broader community level. It is appropriate that indigenous organizations and community groups step up and spearhead any efforts to implement the measures and address these pervasive, harmful attitudes toward First Nations women and girls.

It is vitally important that any community education or training provided to the QPS or any agency, service provider, students, lawyers, registry staff and judicial officers identifies that coercive control is not a stand-alone form of domestic violence but is the underlying dynamic that characterises the lived experiences of family violence. Coercive control is the *goal* of perpetrators and the *outcome* of various forms of physical violence (including sexual violence) and/or non-physical abuse.

We support recommendations 25 to 30 of *Hear Her Voice* to hold perpetrators accountable to stop them making choices to use domestic violence, with an emphasis on sexual violence, against all women and girls, including First Nations women and girls. The QPS and other executive agencies including Child Safety, need to ensure there are consequences when sexual offending is reported, even if the offending does not result in criminal charges. One specific consequence could be the QPS seeking a protection order to protect the victim-survivor from further sexual violence. First Nations women and girls need to be believed and supported on the occasions they do speak up about their experiences and have a reasonable expectation that something will happen to protect them and punish offenders and/or protect them in the future.

Along these lines, we suggest a preventative measure, similar to that proposed at recommendation 76 in *Hear Her Voice* that the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progresses amendments to the *Domestic and Family Violence Protection Act 2012* to require a court making a domestic violence order to impose an additional standard condition that if the aggrieved and respondent are in, or have been in, an intimate partner relationship, the respondent is prohibited from committing or attempting to commit a non-consensual sexual act against the aggrieved.

Community supports, such as safe housing and access to legal services, also need to be strengthened. Again - there are 5,000 families in the Cairns area waiting for suitable housing with 200 more to be added to the list. First Nations women and girls also need easier access to legal and support services as too often Indigenous agencies, for various reasons, do not assist women

who urgently need help to escape domestic/sexual violence, particularly when children are being held over by perpetrators or his family.

Overrepresentation of First Nations women and girls' as accused persons and offenders in the criminal justice system and the reason for offending in women and girls generally

The Taskforce is alive to the myriad reasons that First Nations women and girls are entering the justice system, many of which are associated with socio-economic disadvantage. We wish to again focus the Taskforce's attention on the issue of misidentification as a reason for woman and girls in general, entering the criminal justice system. Misidentification was raised by many stakeholders, including ourselves, in submissions to the previous discussion papers. Unfortunately, it is still a prevailing issue, and we continue to hear stories of incident-based policing by the QPS, and women - especially First Nations women - are still being misidentified as perpetrators. This misidentification often occurs in the face of long histories of police involvement where the other party has been the aggressor. It is a terribly unjust situation that after enduring years of abuse and violence when these women eventually react to the abuse or defend themselves, they are too often met with the full force of the justice system and named the perpetrator. Essentially, these women are criminalised for using techniques to survive domestic and sexual violence.

We know that women sometimes have no choice but to defend themselves - and can do so forcefully. Women's use of defensive violence is usually far less violent than violence perpetrated against them in the first instance. Without a dominant-aggressor framework being universally used by the QPS and extensive specialised training, many officers will continue to look at an incident and draw an erroneous conclusion based on that incident alone. When this occurs, there seems little or no consideration given to whether the woman is trying to coerce or control the other person, or whether she is responding to or defending herself from violence.

First Nations women in a heightened state can appear argumentative and disrespectful to police and this attitude, along with the use of defensive violence, can lead to them becoming the subject of a police protection notice/ protection order application or a contravene protection order charge. This occurs even when the true victim has called the police for help. One First Nations client we helped had two young children and had been controlled and subjected to ongoing emotional, physical, and sexual abuse throughout her relationship with a much older non-Indigenous man. Their relationship had commenced when she was 15 years old. Despite our client being the one to call for help, her partner successfully convinced the police who attended an incident that she was the perpetrator and had her charged for assault.

Other stories we hear confirm that being in a relationship within the dynamics of coercive control is a significant contributor of women's offending for non-DV related offences. Clients have told us of being forced to partake in drug taking as they have been threatened with violence if they do not engage with their abuser's lifestyle, being injected with drugs without their consent and developing an addiction leading to offending, being coerced into admitting to offences for their violent partners, and calling the QPS for help after a domestic violence incident and then being charged for drug possession when drugs are found at the premises. We also hear from women who self-medicate with drugs to cope with the trauma of their past or current violent relationships, leading to offending. Two of our clients suffering extreme control in their relationships had been coerced into committing fraud offences using platforms such as Gumtree or Marketplace. The sentencing remarks of the District Court judge who sentenced one of these women, recognised the extreme control her husband had on her, saying that the husband was 'not only controlling,

he was also violent against you and blackmailed you, emotionally and financially’ and that ‘he made it clear to you that if you made any attempt to leave him you’d find yourself in very big trouble.’

What needs to be improved?

The Taskforce has already listened to the responses from stakeholders and individuals around misidentification and we commend their proposed recommendations 31 to 37 and 81 to 84 in *Hear Her Voice* to address this widespread issue. We are hopeful that the use of the dominant-aggressor model, specialised training (especially in coercive control and perpetrator image management) and access to more information including a serious and high-risk domestic and family violence offender register (and ultimately a national register), will significantly reduce incidents of misidentification and reduce female offending and recidivism for DV-related offences.

Where a protection order against a woman is found to be necessary or desirable, care must be taken to tailor the order to meet the circumstances of the lives of the people involved and avoid conditions not necessary for the protection of other parties. Words on paper translate to real-life consequences and hastily made orders can have devastating effects on women and their children. One woman we assisted had been prohibited from attending where the named children (her children) ‘lived, worked or frequented’ - without any exceptions. This order had been made ex-parte and in circumstances where the ‘aggrieved’ had withheld the children as a form of control over our client. We had to advise her that, until the court was persuaded to amend the order, even to attend at the children’s school or day care may result in the police charging her with a criminal offence. It took three months for this woman to obtain legal advice and assistance to file an application to vary and satisfy a court that the removal of this condition would not compromise the safety of her children.

First Nations women and girls’ experiences in the criminal justice system in Queensland

First Nations women being visible and integral to the organisation and running of the criminal justice system would better support and reflect their experiences within the system. We are privileged to have had Her Honour Jacqueline Payne sitting in the Cairns Magistrates Court for the past two years. Aside from Ms Payne and a small number of others here in Cairns, there is a paucity of First Nations women who preside over courts, work in registries, or work as solicitors, prosecutors, or barristers. First Nations women and girls need to see their peers in these roles and themselves be supported and encouraged to take up employment within the system.

Additionally, to enhance the experiences for First Nations women and girls in the criminal justice system, there needs to be continued, culturally appropriate training of judicial officers, registry staff, legal representatives, and organisations and service providers to ensure they are equipped to deal with First Nation women and girls in respectful and understanding ways. This training should include an understanding of complex trauma and the coping mechanisms that many of these women may use and how this is portrayed in their actions and demeanour.

Experiences of women and girls with multiple and complex intersecting needs as victims-survivors of sexual violence and as accused persons and offenders in the criminal justice system

First Nations women, CALD women, women with disability and others with complex needs who enter the criminal justice system as victims, accused persons and offenders face unique challenges. Infrastructure in many regional and remote court houses is sorely lacking, as are access to duty lawyer services and other court-based supports. Many regional and remote courts do not have facilities for video appearances, or safe rooms or safe exit/entries for victims to and from the courthouse. These deficits affect all women in these communities and can exacerbate the fear and confusion experienced by those with complex vulnerabilities.

Safety concerns are part of the experience of some victims in the criminal justice system. We have heard from women, especially First Nations women, who wish to give evidence in criminal matters being intimidated, harassed and/or threatened by the other party's family members outside of court and when arriving at court. Bail conditions may prohibit the perpetrator from contact with the victim, but do not preclude the perpetrator's family and supporters from victim blaming and shaming, blaming the victim for the involvement of the police and courts, and intimidating the victim and attempting to pressure them to withdrawing complaints.

We regularly hear about problems arising around basic communication when women and girls with complex issues have interactions with the QPS and during court processes. Foreign/ Indigenous language interpreters and Auslan interpreters are not readily offered or in fact available, especially in regional or remote areas. We have heard of one local First Nations woman languishing on remand for almost a year on public nuisance charges. The woman was significantly hearing impaired, and it seemed too difficult for her legal representatives to organise interpreters into the correctional facility so that instructions could be taken to progress her matter.

Time and time again we hear about poor outcomes when police attend domestic disturbances where victims speak limited or no English. Often, the other English-speaking party tells their version of events and police leave without rendering assistance to the person who needs it, or worse, misidentify a victim as a perpetrator and take action against her. One woman told us of ongoing domestic violence perpetrated by her husband against her when they first migrated from China, with incidents occurring in front of her small child and her visiting parents. After neighbours called the police, officers arrived and spoke only to her husband who was the only one in the household who spoke English. He told police his wife was the problem, and after multiple callouts the police proceeded with an application for a protection order against her. She told of us of the hopelessness she and her parents felt at the situation. Much later, our client inspected QPS records subpoenaed into parenting proceedings and was horrified to read the damning records made by the police based solely on her husband's account of the incidents. These records formed part of the evidence in the parties' family law proceedings, where the husband was attempting to paint the wife as a perpetrator of family violence.

This familiar story was the basis of the application in the 2021 QCAT case of *Applicant SIL v Scheme Manager, Victim Assist Queensland, Department of Justice and Attorney General*. We urge the Taskforce to consider the facts as accepted by the Member in this case, as being illustrative of the issues faced by so many vulnerable women with communication barriers in their interactions with the QPS.

Women and girls with communication barriers and other complex needs that find themselves as accused persons or offenders often have continued interactions with the QPS and the justice system that could be avoided if they had been connected early with appropriate supports and services. Sometimes these interactions result in increased charges, watchhouse or jail and outcomes that exacerbate their complex needs. One client who spoke English as her second

language naturally found legal terminology used at court, in police directions and in court orders very difficult to understand. She was also a victim of coercive control by an Australian-born man and suffered significant mental health issues because of the trauma from the violence used against her. Her husband engaged in systems abuse, using police and the judicial systems to further control her. This woman was charged with multiple breaches of a domestic violence order due to having little comprehension of what the order prevented her from doing. These breaches resulted in her being placed in the watchhouse, contributing to her experiencing an acute mental health event when she was unable to see her children.

There is no doubt traumatised women and girls find it difficult to understand complex court processes. Special care needs to be taken to ensure their overwhelm does not lead to miscarriages of justice. In the 2019 pre-sentence hearing matter of *The Queen v MW*¹, the defendant First Nations woman was found not only to have been misidentified as the perpetrator of sexual violence resulting in three unlawful carnal knowledge charges against her, but to have been the victim of sexual violence perpetrated against her. The woman initially pleaded guilty to the charges at first erroneously believing that if she pleaded guilty it would mean the charges would be dropped, then feeling 'pressured' into the guilty plea by being told she would be away from away from her infant son for a shorter period. A better understanding of the court system and having clear competent advice in plain English would undoubtedly have made a significant difference to this woman, as would trauma-informed practices being observed by police, legal representatives and others involved in her trajectory through the criminal justice system.

What needs to improve

Access to foreign/ indigenous language interpreters and Auslan interpreters needs to be improved, especially in regional and remote Queensland. Interpreters need to be readily available when QPS attend at incidents (or shortly thereafter) and during court processes. The QPS should amend their processes to ensure that women and girls with communication barriers have the opportunity to tell their version of events in a safe way. Women and girls who may require these services need to be informed of their availability.

We support recommendations 49 of *Hear Her Voice* regarding capital upgrades, refined scheduling practices and enhanced security at court and overall court processes. Access to free, confidential, culturally appropriate, trauma-informed and competent legal advice should also be improved. Domestic and family violence and vulnerable persons units and duty lawyer services need to be adequately funded to allow services at all regional and remote courts around Queensland, and to this end, we support recommendation 32 and 50 of *Hear Her Voice*.

We support recommendation 8 of *Hear Her Voice*, which if implemented, would assist in a broader understanding of coercive control and a review/improvement of domestic and family violence orders into plain-English and easy-read diagrams/pictures.

Impacts of trauma for women and girls across the criminal justice system

Trauma and the impacts of trauma are not understood at all well within the justice system and this can result in poor experiences for women engaged in court processes and the criminal justice system overall. A lot can be done to improve the interactions that traumatised women and girls

¹ *R v MW [2019] QDCPR 12*

experience at all levels of the justice system. The starting position is to ensure that police, legal representatives, court staff and judicial officers are educated in and employ trauma-informed approaches at each level of interaction.

Childhood trauma, intergenerational trauma, trauma from domestic/sexual violence and other forms of trauma can often manifest itself in behaviour incorrectly identified as hysterical, violent, or untruthful by police and others in the justice system. This can lead to women erroneously being identified as perpetrators and offenders, or as unreliable witnesses.

The need for victim-survivors to continue to recount their stories can be triggering and retraumatising. We hear how uncomfortable some women and girls find telling their stories to male police officers and/or other men in the criminal justice system. We hear those women and girls' trauma is ignored, misunderstood and unrecognised throughout the criminal justice processes. The current approach can lead to women and girls withdrawing statements or police deciding not to prosecute an offender due to lack of cooperation from the victim, or the perceived unreliability of the victim's evidence. Unfortunately, this can also lead to women and girls no longer reporting incidences of domestic and family violence or sexual assault to police.

What can be improved

We support recommendations 23 and 24 of *Hear Her Voice* for the implementation of a trauma-informed framework and extensive training, education and change management across all areas of the justice system and in agencies that deliver or fund services to victim-survivors and perpetrators of domestic violence.

We are particularly attracted to the idea of using video-recorded interviews between police and victims of sexual offences as evidence-in-chief in trials. Currently, victims must endure being in a witness box and recounting the traumatising event yet again, knowing the defence is ready to challenge any inconsistencies with her original police statement. Having video-recorded evidence-in-chief would relieve a victim of this burden and ensure that her evidence is accurately recorded in an environment far less intimidating than the witness box. This measure if it is introduced, would go a long way in protecting victims from harm whilst proving a fair trial for the accused person.

Police:

We propose that victim-survivors be given a choice as to whether to have a male or female QPS officer during their interactions with police. Interviewers should be trained in trauma-informed interview techniques to deal with women who present with PTSD and complex trauma. Interviewers must understand the different ways these women can present and how evidence may not always be coherent, chronological, or comprehensive. We know that women and girls experiencing complex trauma may present in ways that do not align with the idea of a perfect victim and that they may be rude, complacent, oblivious, or be completely desensitised to violence perpetrated against them. We see women who have become so desensitised and have denied or minimalised the violence against them to the point that they present as not in need of protection or assistance.

Many women have stated that whether they received assistance was heavily reliant on the police officer they spoke to on the day. Whilst some officers do an excellent job of recognising and

responding to domestic/sexual violence, this is not always the case. There seems to be a lack of understanding as to exactly what the cycle of domestic violence looks like. Some women report feeling judged for stating they did not wish to leave abusive relationships and why they wished to continue to support their abusive partners.

Added to the trauma-informed training, education and change management proposed by the Taskforce, we support recommendations 31 to 37 of *Hear Her Voice* to implement a transformation plan to address police attitudes, beliefs and responses and this should specifically include when dealing with traumatised women and girls who have experienced sexual violence or who do not present as the 'perfect victim', or could at first blush present as a perpetrator of domestic violence.

Prosecuting authorities, lawyer, support services, judicial officers & court staff:

Added to the trauma-informed training, education and change management proposed by the Taskforce, we support recommendations 38 to 48 of *Hear Her Voice* to implement a whole system shift in understanding, identifying, and responding to coercive control and this must include an understanding that it an intention or outcome of sexual violence, other physical violence and/or non-physical violence.

Delays across the criminal justice system

Delays in the criminal justice system are problematic for women and girls who are victims, accused persons or offenders. Delaying these processes creates on-going stress for already traumatised women and girls and can lead to, or exacerbate, mental health conditions. The longer women and girls who are victims have to wait to give evidence, the more vulnerable they are to being threatened, intimidated and blamed by a perpetrator's family or supporters- sometimes even by the perpetrator themselves. We know this happens and we know it results in some women telling us they lied to police and 'made it all up' as a reason to withdraw their complaint. We hear anecdotal evidence of men taking matters to trial only to plead guilty if the complainant turns up.

Delays in criminal courts usually leads to family law and domestic violence proceedings stalling and being adjourned until after an outcome in the criminal courts. This delay means uncertainty for women and children, further stress, and can even increase the risk to their safety.

Governance and accountability

We wish to comment on the long delays women and girls face in waiting for an application to be assessed and approved under the Victim's Assist Queensland scheme - currently up to 18 months. A proposal worth considering is providing judicial officers in Queensland with statutory powers to distribute emergency financial relief under the Victims Assist Queensland program. These powers could be enlivened when sentencing perpetrators of domestic/sexual violence if a judicial officer determines that victims-survivors need additional support. For instance, judicial officers could direct that a cash sum be distributed to assist a victim-survivor find alternative accommodation for her and her children. We understand that that a similar system is currently in operation in Victoria.

Community attitudes, rape myths and consent

We believe community attitudes around equality, sex and consent all need to improve, and this includes improving disrespectful attitudes held by men and boys towards women and girls.

Individual attitudes informed by community attitudes, underpin each decision to enact sexual violence against a woman or girl. A sense of male entitlement and dominance, rape myths, victim blaming, poor representations in pornography, social media, and dating apps/apps/behaviours are all factors that influence a broadly misunderstood concept of consent. Repeatedly we hear women feel obliged to be sexually available to their partners regardless of how they feel. We had a recent client who said she acquiesced to sex four weeks after her baby was born, against medical advice, because her partner was putting so much pressure on her. She was also pressured into making videos of herself masturbating for her partner to view when she could not have sex with him. Once they separated, he put the videos on a website without her consent. This sort of story is not uncommon, and we have the sense from listening to our clients that many men and women still believe that being in a relationship impinges on a woman's agency to consent and that she should be available to engage in any sex act at any time.

Another ubiquitous myth is the notion that women and girls make up stories about being sexually harassed or assaulted to obtain financial benefit, have their '15 minutes of fame', or to bring down men they don't like. Wearing certain clothing, being intoxicated, or being sexually active can still elicit strong ideas of blame being assigned to a woman or girl when a man or boy has decided to sexually assault her. These community attitudes operate as barriers to reporting that stubbornly persist in society.

It is no wonder women and girls are extremely reluctant to report sexual abuse and violence. Contrary to the notion that false sexual assault allegations are easy to make and plentiful, we know reporting these sorts of assaults is incredibly difficult and requires great courage. There is no doubt that harmful community attitudes toward victims (being believed or blamed), act as strong barriers to women and girls reporting sexual assaults in the first instance. We know so many do not get past this hurdle, and instead internalise shame and blame themselves. Other barriers to reporting sexual assault are safety concerns and the risk of retaliation by the perpetrator or his family and supporters, particularly if threats have already been made. Women still living within the dynamics of coercive control have an extraordinary barrier to surmount if they are to report a sexual assault of their captor. These women are far more likely to keep their men's secrets. Many other women are focused on simply living, and stressful complicated legal processes cannot be prioritised over finding shelter and surviving the other vicissitudes of life. Yet other women do not report assaults against them because they are reliant financially on their abusers or for other reasons that mean they do not want their abuser charged.

Education is critical in effecting change to community attitudes and addressing the stigma, shame and to turn the tide of victim blaming toward, instead, holding perpetrators responsible for their decisions. We support the primary prevention measures in recommendations 9 to 12 of *Hear Her Voice*, to include and focus education about respectful sexual relationships and consent. We again urge the Taskforce to consider the prevention matrices in the Smallbone Report as strategies that can be employed to create generational change by addressing attitudinal change within all young offenders/potential offenders, all young victims/potential victims and at the broader community level.

We have already made the suggestion of another new preventative measure, similar to that proposed at recommendation 76 in *Hear Her Voice*. That is, to impose an additional standard condition on Queensland protection orders such that: if the aggrieved and respondent are in, or have been in, an intimate partner relationship, the respondent is prohibited from committing or attempting to commit a non-consensual sexual act against the aggrieved. This measure helps to protect women, regardless of whether they have made a report of sexual assault or not.

The women and girls that do find the courage to report sexual violence find themselves faced with other significant barriers within the minefield of an adversarial criminal system - where the rights of the accused outweigh the rights of the victim, and there is the risk that community attitudes will infiltrate the courtroom. We have heard of women being cautioned by officers about the arduous legal process that will ensue if they continue with their complaint. Victims are effectively cautioned that unless they are the perfect witness, they are fighting an uphill battle. Unfortunately, this is realistic advice. The treatment of victim-survivors in this current system can have devastating effects on women and girls who are already traumatised.

For women to feel supported and confident that they will be believed if they report sexual violence, measures must be taken to ensure that all those who play a role in the criminal justice system employ trauma-informed practices each step of the way and have training in and understand the dynamics of coercive control.

Away from formal processes in the criminal justice system, we have received positive feedback from some women about alternative reporting options for on-line reporting of sexual assaults. We would comment that community education about AROs needs to be improved as many women have not heard of this method as an alternative to a formal police complaint. AROs provide a very good medium for those who want to register a complaint about an assault, but who do not wish to make a formal complaint to police. Broader community education about the existence and widespread use of AROs may also act as a deterrent for perpetrators.

Women and girls' experiences of access to legal advice & barriers to women and girls accessing good quality legal advice, support and services

We know access to good quality legal advice, support and services is critical in assisting women and their children to leave abusive relationships, or to support those who stay. The community legal and non-legal sectors work holistically to support the complex needs of these women. What we hear is that women and girls living in rural, regional and remote locations do not have ready access to these services and stay longer in abusive relationships or return to them because of their feelings of overwhelm. Conflict of interest and services not being adequately funded to meet the demand appear to be the main drivers of this issue. Sometimes there is no appropriate service at all to assist with a woman's specific issues, or there are only one or two services, and they could be at capacity or assisting the other party. Illustrative of the paucity of services in regional areas is the fact that there is only one preferred service provider for child protection matters in the Cairns region.

Processing times for Legal Aid applications can mean those women who need urgent assistance must rely on over-stretched community legal services or ad hoc help under the FASS system. Waiting four to six weeks for an answer on whether they will be approved for aid, does not assist in urgent matters where a child is taken and is at risk. We have assisted many women to file urgent applications where there are allegations of significant domestic and family violence, only to hear that funding has been granted weeks later for assistance with mediation, but no assistance for the listed court event.

We also comment that access to Legal Aid is very difficult to obtain in domestic violence matters. Women aggrieveds and respondents are likely to be denied assistance and many are proceeding as self-represented parties to hearing on private applications, or in response to applications in

which misidentification has occurred. This results in many private applications being withdrawn and women consenting to unnecessary protection orders that can be used against them.

Women and girls' experience of incarceration/detention - general comment:

We wish to make a general comment about the predominant role women enact in our community as carers and nurturers, and the ripples of adverse effects on children, families and communities that occur when a woman is incarcerated. Women who face incarceration should be permitted adequate time to receive free family law advice and to make arrangements for any children or other dependents in her care.

Our service was approached by a mother who was charged with criminal offences and was expecting to be incarcerated at her sentence. She sought assistance with sorting out arrangements for her six-year-old son for the period of her incarceration. The child's previous foster carers agreed to care for the child during this time and we assisted with writing up an agreement between the parties without the need for Child Safety to become involved in the matter. This mother knew she was going to be incarcerated at a point in the future, and this gave her time to sort out appropriate arrangements for her child. Had this woman been denied bail, organising arrangements for a child last minute from prison would have made the situation more challenging and may have led to Child Safety becoming involved in the matter.