

# **Intimate Partner Homicide of ‘Kelly’**

**Case Review Report  
Domestic and Family Violence Death Review and Advisory Board**

**February 2017**



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*We honour the voices and journeys of those who have lost their lives to domestic and family violence, and extend our sympathies to the loved ones who are left behind, their lives forever changed by their loss.*

*Our efforts remain with ensuring that domestic and family violence deaths do not go unnoticed, unexamined or forgotten.*

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**A report of the Domestic and Family Violence Death Review and Advisory Board pursuant to section 91Z of the Coroners Act 2003.**

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## About this report

The Domestic and Family Violence Death Review and Advisory Board (the Board) is established by the *Coroners Act 2003* (the Act) to undertake systemic reviews of domestic and family violence deaths in Queensland. The Board is required to identify common systemic failures, gaps or issues and make recommendations to improve systems, practices and procedures that aim to prevent future domestic and family violence deaths.

This report has been prepared by the Board in accordance with section 91ZC of the Act, which authorises the Board to prepare a report about a matter arising from the Board's functions, including about its findings in relation to a case review carried out by the Board. To protect the identity of people involved in this case, names and other identifiers have been changed within this report.

The views expressed in this report are reflective of the consensus decision-making model of the Board, and therefore do not necessarily reflect the private or professional views of a member of the Board, or their individual organisations.

14 February 2017

The Honourable Yvette D'Ath  
Attorney-General and Minister for Justice  
Minister for Training and Skills  
1 William Street  
BRISBANE QLD 4000

Dear Attorney-General

In accordance with section 91Z of the *Coroners Act 2003*, I submit to you a systemic report compiled by the Domestic and Family Violence Death Review and Advisory Board into the intimate partner homicide of 'Kelly', who was killed by her de-facto partner, 'Robert', in the middle of a relationship separation.

Kelly was killed three days before Robert was due to appear in court to face charges relating to an assault he committed against her nine months earlier. He was also due to face charges in relation to breaches of a protection order established under the *Domestic and Family Violence Protection Act 1989* and bail conditions imposed on him in accordance with the *Bail Act 1980*. These conditions sought to protect Kelly from future harm by prohibiting Robert from approaching or coming into contact with her.

Based on a review of this death, the Board found that given the aggravating circumstances associated with domestic and family violence and the high likelihood of recidivism, this case highlights the potential benefit in reviewing the *Bail Act 1980* to consider specific circumstances in which the presumption in favour of bail should be revoked.

The Board further identified that any such review should take into consideration the processes that should be implemented after a revocation of bail to reduce the immediate risk of harm, and the likelihood of future offending. Consideration should also be given to ways to enhance a victim's immediate and longer term safety needs while relevant criminal proceedings are ongoing.

The Board recommends that this report be tabled in the Queensland Parliament in accordance with section 91ZC (6) of the *Coroners Act 2003*.

Yours sincerely



Terry Ryan  
**Chairperson, Domestic and Family Violence Death Review  
and Advisory Board**

## OVERVIEW

In early 2011, a 35 year old woman, Kelly, was killed by her de-facto partner of approximately two years, Robert, in their home.

Kelly's death occurred three days before Robert was due to appear in court in relation to an outstanding charge of assault occasioning grievous bodily harm (for an assault of Kelly approximately nine months earlier), as well as a contravention of the protection order in place at the time, and bail conditions imposed subsequent to this assault.

The Queensland Police Service (QPS) had previously opposed bail given Robert's history of violence and the severity of Kelly's injuries, as well as her reports of escalating violence in the months preceding their initial contact. Despite the objections of the QPS, Robert was released from custody. Both the protection order and conditions of bail prohibited him from contacting or approaching Kelly. However, the couple continued living together up until Kelly's death.

As part of the conditions of his bail, Robert was required to present at a nominated police station each Monday and Friday. The bail sign in sheet confirms that he had largely met this requirement. He had even presented on the morning after he killed Kelly before absconding interstate. Robert later handed himself in to police and confessed that he had killed Kelly with a knife during an argument.

In 2014, Robert was found guilty of the murder of Kelly, assault occasioning grievous bodily harm and a breach of the protection order, as well as other minor charges relating to the offence.

This case review report provides an outline of the prior history of domestic and family violence between Robert and Kelly, the known history of service system contact leading up to the death, and considers the key issues identified in the review with respect to current activities being undertaken across Queensland to better prevent, and respond to, domestic and family violence.

The review report also includes a brief summary of findings made by the Board relevant to this death. The Board has decided to release this report to inform current legislative, policy and practice change across Queensland. Although this death occurred a number of years ago, before a range of reforms have been implemented in Queensland, issues identified in the case review remain salient today. There is an opportunity to use these learnings to consider ways to improve victim safety and hold perpetrators to account.

A full overview of activities undertaken by the Board, inclusive of preventative recommendations made by the Board, will be provided to the Minister, and published on an annual basis, in accordance with the Board's statutory reporting requirements<sup>1</sup>.

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<sup>1</sup> As per section 91ZB of the *Coroners Act 2003*

## PRIOR HISTORY OF DOMESTIC AND FAMILY VIOLENCE

Kelly and Robert had been in a de-facto relationship for approximately two years prior to Kelly's death and spent much of their relationship travelling throughout rural south east Queensland with no fixed address.

Based on a review of available records, it is apparent that the relationship was characterised by a pattern of physical and emotional abuse, which increased in frequency and severity prior to the homicide.

In a statement provided to police, Kelly described the relationship as follows: *'I met Robert, over a year ago. We started living together a few months after we first met. The abuse started on my birthday ... He hit me twice and said "You don't know me, you don't want to f--k with me". That was just him snapping, he can be perfectly right one minute and he snaps the next, throwing things and stuff like that. It happens about every two weeks. As soon as one bruise heals, he gives me another one. I've always had black eyes.'*

Kelly also described a number of serious and increasingly violent assaults that had occurred prior to this incident, including:

- an assault where she sustained what she suspected may have been a broken rib;
- another assault and threat to kill her where Robert *'dragged me out and started kicking me all over, stomping on me and told me I was going to die and this was the best place for it, cos we were in a National Park'*; and
- multiple assaults in the following weeks where she sustained a range of injuries.

Kelly's colleagues and family members observed evidence of physical violence in the relationship and often saw Kelly with black eyes or bruises to her body. She commonly minimised the severity of these assaults or would deny Robert had committed these acts.

Witness statements also indicate Robert perpetrated non-physical forms of abuse against Kelly, including by limiting her ability to contact friends by deleting the contacts off her phone, monitoring phone conversations and often sitting outside her work during lunch breaks and yelling if she was not ready to be picked up on time. This isolated her from her protective supports and increased her vulnerability to further abuse.

When friends and family raised the issue of this abuse in the early stages of their relationship, Kelly routinely stated her intention was to remain in the relationship with Robert. Friends, family members and colleagues reported a shift in this attitude in the weeks preceding the murder and reported that Kelly had started to say she wanted to end the relationship with Robert.

This appears to correlate with observations that the severity and incidence of violence was escalating in the relationship. Kelly reported to others that she wanted to leave Robert but she was scared because he was *'pretty rough with her'*.

Significantly, a close family member stated after the death that they were aware the violence was getting worse, and that they had thought a few times if they could not get her out that Robert would kill her. However, as a family they had tried to do everything they could, and they could not get her to leave.

There are no QPS records of domestic and family violence for either Robert or Kelly in any other relationship in Queensland, although this does not preclude the possibility that Robert had previously used violence in his intimate partner relationships.

The lack of a prior known or recorded history is not unusual, as a large proportion of episodes of domestic and family violence never get reported, thereby limiting the capacity of the service system to effectively respond.

There is, however, some indication that Robert was violent in previous intimate partner relationships. For example, a former neighbour reported that Robert was often verbally abusive and '*lost his temper*' with a previous intimate partner, to the extent that neighbours were concerned at the time for her safety.

Robert had an extensive criminal history in Queensland, New South Wales, Victoria and the Northern Territory. Criminal records outline a history of violent offences, including a number of charges for assault and grievous bodily harm.

The most serious of these offences included a conviction and sentence of imprisonment relating to a home invasion in which a man was stabbed and killed. Robert was charged with unlawful entry with intent to commit an offence, with circumstances of aggravation in the nature of an assault and dangerous act, and was sentenced to eight years imprisonment.

Among his other charges in Queensland, Robert was charged with aggravated assault on a female in 1991 (relationship unidentified).

## **SERVICE SYSTEM CONTACT**

In accordance with section 91E of the Act, this review considers the interaction with, and effectiveness of, any support services provided to Kelly and Robert; the general availability of these services; and any failures or missed opportunities that may have contributed to or prevented this death from occurring.

In May 2010, in the course of their duties, police officers came into contact with Kelly in the street. She was distressed and had visible assault related injuries. Kelly disclosed to the officers that she had been physically assaulted by her de-facto partner some days earlier and had already received some medical treatment at the local hospital, although she had not returned for a further x-ray as requested by treating clinicians.

Officers sought unsuccessfully to secure emergency accommodation for Kelly. She was ultimately conveyed to the local hospital where she was admitted for her injuries.

During their interaction with her, police officers observed that *'Kelly was extremely nervous and gave the impression that she was terrified of Robert. She repeatedly stated that he would kill her if he found out she had spoken to the police'*.

Police subsequently located and detained Robert and completed an application for a domestic and family violence protection order. A temporary protection order was subsequently issued with additional conditions prohibiting contact between the couple<sup>2</sup>. Following his release from the watch house, Robert was charged with assault occasioning grievous bodily harm for the same occurrence and returned to custody.

Police cited Robert's extensive criminal history in seeking to oppose bail in relation to this charge. They referenced the significant number of prior violent offences and their *'fear for the safety of the complainant if police were to release the defendant as he has been violent to his de-facto so frequently over the past year and police fear he will attempt to find her and may assault her more seriously next time'*.

Despite the police objection, Robert was granted bail and released on conditions including that he not come into contact with, or approach, Kelly.

Several weeks later, Kelly attended the police station claiming the assault was just an accident. Police suspected that Robert had pressured Kelly into presenting to police to attempt to have the charges against him dropped, although Kelly denied she had resumed the relationship when questioned. The attending officer refused to withdraw the charges telling Kelly that she believed she had been coerced by Robert into attempting to have the charges dropped.

After this conversation, the police officer notified all colleagues through a station-wide alert of her belief that Robert had maintained contact with Kelly and was therefore in breach of his bail conditions and the protection order. A bail check was initiated and police located the couple residing together at a caravan park.

Robert was subsequently charged with a breach of his bail conditions and the protection order. He was remanded in custody although later re-released on bail<sup>3</sup>.

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<sup>2</sup> The conditions stated: 1) The respondent must be of good behaviour towards the aggrieved and must not commit domestic violence. 2) The respondent must be of good behaviour towards any named person in this order and must not commit an act of associated domestic violence against the named person. 3) The respondent is not to enter or remain in any place where the aggrieved is living. 4) The respondent is not to approach within 100 metres of the aggrieved. 5) The respondent is not to come to any place where the aggrieved may work. 6) The respondent is not to contact, try to contact or ask someone else to contact the aggrieved directly or indirectly (by telephone or any other means of communication). 7) The respondent is not to locate or try to locate or ask someone else to locate the aggrieved or relatives or associates of this aggrieved listed in the order.

<sup>3</sup> The bail conditions initially imposed on Robert required that he must report personally to the nominated police station Monday, Wednesday and Friday of each week and not have any contact, directly or indirectly, personally or otherwise, with Kelly or go within 100 metres of where she



Although police suspected that the couple were still residing together after this event<sup>4</sup>, outside of routine reporting for bail conditions there was no further recorded contact with the deceased or offender in this case with police.

Approximately nine months later, and three days before he was due to appear in court for the assault charge and contraventions of the protection order and bail conditions, Robert killed Kelly.

There is sufficient evidence available to suggest that Kelly was likely to have attempted to end her relationship with Robert on the weekend she was killed.

It is noted that leaving a relationship characterised by domestic and family violence may seem the obvious solution to preventing further abuse. However, in many cases, the risk of being hurt or killed is greatly increased when women make a decision to leave<sup>56</sup>, which highlights the critical role services can take in supporting a victim of violence to end an abusive relationship.

## **INTIMATE PARTNER HOMICIDE RISK FACTORS**

The recognition of multiple risk factors within a relationship allows for a more comprehensive assessment of risk, safety planning and, potentially, the prevention of future deaths related to domestic and family violence.

Assessing and determining the severity of domestic and family violence can assist services to identify and quantify the level of risk or danger, allocate resources, and assist victims to understand that they may be at a high risk of violence against them<sup>7</sup>.

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resides or is at. Furthermore, it required that he, at all times, resided at the nominated residential address. Bail was then enlarged and amended requiring his presentation at a nominated police station every Monday and Friday; maintaining the no-contact provision; and requiring that he reside at a nominated residential address.

<sup>4</sup> A QPS officer noted that she was contacted by another officer at a different location several months later as Kelly had attended the station to request that the charges against Robert be dropped. The officer expressed the view that he believed Robert had pressured Kelly into making this request.

<sup>5</sup> Hotton, T (2001) *Spousal violence after marital separation*. Canadian Centre for Justice Studies. 21 (7).

<sup>6</sup> Anderson, D.K and Saunders, D.G. (2003) *Leaving an Abusive Partner: An empirical review of predictors, the process of leaving and psychological well-being*. *Trauma, Violence and Abuse* 4(2), 163-191.

<sup>7</sup> Roehl, J., O'Sullivan, C., Webster, D. & Campbell, J. (2005). *Intimate Partner Violence Risk Assessment Validation Study, Final Report*. National Criminal Justice Reference Service: U.S. Department of Justice. While this review report considers those risk factors identified as potentially associated with an increased risk of lethality within an intimate partner relationship, many of these factors (i.e. relationship separation) are indicative of a heightened risk of harm within relationships characterised by domestic and family violence.

The following 16 risk factors were identified in reviewing the history of the relationship between Kelly and Robert, prior to this death<sup>8</sup>:

1. History of violence outside of the family by the perpetrator
2. History of domestic violence
3. Prior threats to kill victim
4. Prior attempts to isolate the victim
5. Controlled most or all of the victim's daily activities
6. Prior hostage-taking and/or forcible confinement
7. Escalation of violence
8. De-facto relationship
9. Presence of step-children in the home<sup>9</sup>
10. Perpetrator - Extreme minimisation and/or denial of spousal assault history
11. Perpetrator - Unemployed
12. Perpetrator - Excessive alcohol and/or drug use
13. Perpetrator - Failure to comply with authority
14. After risk assessment, perpetrator had access to victim
15. Actual or pending separation
16. Victim's intuitive sense of fear of perpetrator

It is important to note that the above assessment of risk is limited in that it is based on available records and, as such, the presence of other relevant risk factors cannot be definitely excluded.

Even with these limitations, the presence of such a significant number of risk factors indicates that this death was potentially preventable if all of this information had been available prior to the death, and had prompted earlier recognition and action.

## ISSUES FOR REVIEW

In the year before her death, the deceased had contact with the police, courts, and health services in relation to her experience as a victim of domestic and family violence. While there was nothing to indicate she was referred to any domestic and family violence specialist services by these agencies, there were other barriers that likely impeded service provision.

### *Enforcing protection orders and bail conditions*

Police did oppose bail following Robert's initial arrest for his assault against Kelly, noting their concerns of continued violence in the relationship and Robert's extensive history of violent offending. They further applied for extra conditions on

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<sup>8</sup> Within this review report, the assessment of lethality risk is conducted using the Ontario Domestic Violence Death Review Committee Coding Form as it provides a comprehensive list of 39 risk factors developed cumulatively over time from their reviews of intimate partner homicides. In 75% of cases reviewed by the Ontario Domestic Violence Death Review Committee from 2003 to 2012, seven or more lethality risk factors were present; indicating that these domestic homicides were predictable and may have been prevented with earlier recognition and action. Office of the Chief Coroner (2014) *Domestic Violence Death Review Committee Annual Report*.

<sup>9</sup> Kelly's child from a former relationship lived in the full-time custody of her father however, did stay with Robert and Kelly in accordance with custody arrangements.

the protection order prohibiting contact between the couple in a bid to ensure Kelly's safety.

Despite their objection, Robert was ultimately released from custody under conditions of bail. Several weeks later, he was found to be in breach of these conditions, only to be charged and again released on bail with further prohibitive conditions that he not make contact or approach Kelly.

The *Bail Act 1980* (Qld) outlines basic principles, and provides discretionary authority to the court, in granting or refusing applications for bail. However, there is a general presumption that bail should be granted in Queensland and there are no provisions which specifically account for domestic and family violence cases, unlike in some other states and territories<sup>10</sup>.

For example, presumptions in favour of bail are displaced in New South Wales for family violence offences and breaches of protection orders in circumstances where the accused has a history of violence, has previously been violent to the victim of the alleged offence in the past, or has failed to comply with a protective bail condition.

Presumptions in favour of bail are also displaced in certain family violence cases in Victoria, the Australian Capital Territory and the Northern Territory. In South Australia, there is a presumption against bail for certain family violence offences involving physical violence or the threat of violence. In Tasmania, family violence offenders are not to be granted bail unless the court is satisfied that release would not adversely affect the safety, wellbeing and interests of an affected person or child. Legislation in Western Australia restricts the jurisdiction to grant bail in respect of breaches of protection orders in urban areas.

Pursuant to the legislation in Queensland, and relevant to this case, the court may, however, refuse to grant bail to the defendant if '*there is an unacceptable risk*' that the defendant, if released on bail, would, while released on bail, endanger the safety or welfare of a person who is claimed to be the victim of the offence with which the defendant is charged or anyone else's safety or welfare<sup>11</sup>.

Further, and noting the general presumption for bail to be granted unless specifically excluded, Magistrates have additional powers to impose special conditions on any bail grant if they believe that the conditions are necessary to ensure protection of any individual, and to ensure the defendant appears before the court and does not seek to interfere with witnesses<sup>12</sup>.

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<sup>10</sup> For further information refer to the Australian Law Reform Commission. Australian Law Reform Commission. (2010). *Family Violence: A national legal response, ALRC Report 114*. Australian Government

<sup>11</sup> Section 16, *Bail Act 1980* (Qld).

<sup>12</sup> Section 11(2), *Bail Act 1980* (Qld).

Bail conditions are generally 'process-oriented' and seek to ensure that the accused re-appears in court to face charges or be sentenced<sup>13</sup>, however, bail is also intended to protect the community and reduce the risk of re-offending<sup>14</sup>.

When reviewing this death, the Board identified that any consideration of a presumption against bail for domestic and family violence offences needs to also extend to what strategies should be implemented after bail is revoked to improve victim safety over the longer term. Incarceration provides an immediate respite for the victim and/or their children by removing the perpetrator from their environment and reducing the immediate risk of harm. However, on its own it may not reduce rates of reoffending, particularly among those with extensive histories of violence.

Notwithstanding the debate as to the presumption for or against bail for family violence offences, the court must have sufficient regard to the individual circumstances of the case and be satisfied that victims are not exposed to further violence by either refusing bail or imposing special conditions.

In this case, the protection and bail orders were consistent in seeking to protect Kelly. They prohibited Robert from coming into contact with her. The issue then arises as to whether these orders were proactively enforced, and whether there was a missed opportunity to remand Robert in custody, which may have potentially prevented Kelly's death.

For example, police records indicate their concerns that Robert was violent and that Kelly was being coerced or pressured by Robert to drop the charges. As a result of these concerns, a caution (flag) type 'Violent' was entered on the police system specifically stating that: *Robert's partner (Kelly) is an unwilling complainant in this matter. She has attempted on a number of occasions to have this matter withdrawn. Despite bail and DV Order conditions prohibiting it, it is strongly suspected that Robert and Kelly are residing together. Kelly will lie to protect Robert. Kelly has been assaulted on numerous occasions by Robert and is currently suffering from a fractured cheekbone (subject this matter).*

Despite police concerns for her safety, there is limited evidence that Kelly was referred to other services to support her in leaving Robert; although the QPS did attempt to place her in emergency accommodation when she initially came into contact with them.

Overall, the police response in seeking to protect Kelly was commendable on many occasions, including by:

- pursuing criminal charges and objecting to Robert's release from custody;
- detaining and charging Robert for the breach of the no contact conditions;
- gathering statements from hospital staff for additional evidence of the assault and refusing to drop assault charges when asked by Kelly; and

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<sup>13</sup> Chappel, D. & Wilson, P. 2005 *Australian crime and criminal justice*. 147.

<sup>14</sup> See *R v Greenham* [1940] VLR, 239; *R v Mahoney-Smith* [1967] 2 NSWLR, 158

- issuing an alert to all officers in the station of the continued safety concerns regarding the potential risk that Robert posed to Kelly, prompting a police check (and subsequent criminal charges).

However, noting that Robert presented to police two to three times per week, right up until the Monday following Kelly's murder, to meet bail sign-in requirements, it is reasonable to consider that had police taken the opportunity to undertake even a cursory investigation of Robert's living arrangements they would have been able to charge him with a breach of the protection order and bail conditions. As part of the implementation of recommendations from the Special Taskforce on Domestic and Family Violence Final Report (2015) '*Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*', new amendments to the *Domestic and Family Violence Protection Act 2012* have increased the penalties for protection order breaches<sup>15</sup>.

In the final report, the Special Taskforce on Domestic and Family Violence considered there was a need to further strengthen penalties in this regard out of their concern that current legislation may not effectively recognise the pattern of behaviour underpinning domestic and family violence.

This was because certain domestic and family violence behaviours, in isolation, do not amount to a criminal offence and would therefore only constitute a contravention of an order (i.e. contravening a no-contact condition).

As such, the Special Taskforce recommended a review of penalties for offenders who contravene orders, with a view to strengthening and increasing existing penalties<sup>16</sup>. Both of these recommendations have been subsequently implemented as part of the current reforms by the Queensland Government.

In addition, Robert was on bail for almost nine months between the time that the charges for the reported assault were laid, and the actual homicide. In this regard, the Board recognised that current initiatives, such as the trial of a specialist domestic and family violence court at Southport, may reduce timeframes for the processing of such matters and thereby enhance victim safety.

The circumstances surrounding Kelly's death highlight the need to evaluate whether criminal justice system responses can be strengthened to ensure sufficient regard is given to the appropriate assessment and management of risk, particularly in cases where perpetrators have an extensive and violent criminal history or there are other factors present indicative of a heightened risk of harm.

#### *Opportunities for intervention in health settings*

As outlined briefly above, Kelly presented to a rural public hospital at least twice in the year prior to her death for abuse related injuries. She presented initially complaining of a painful right eye, and reporting that Robert had punched her twice to the right side of her face, and once to the left side of her face a few days

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<sup>15</sup> Recommendation 121, Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence.

earlier. While the hospital provided medical treatment, there is limited indication that any intervention was provided at this time by the hospital regarding longer term support and assistance to Kelly as a victim of domestic and family violence.

Hospital staff are in a critical position to provide support and appropriate referral to victims presenting with abuse-related injuries. Research into preventing femicide highlights the significant potential for intervention afforded by health care service providers, particularly in emergency departments.

One study found that, of intimate partner femicides in 11 American cities, only 5% of victims presented to a domestic violence shelter, however, 74% of murdered women and 88% of victims of attempted murder had been seen in emergency departments for some ailment in the year before the incident.<sup>17</sup> Of the total, 32% of these women sought help at hospital emergency departments, inpatient units or received ambulance care for injuries specifically resulting from domestic violence.

The Special Taskforce on Domestic and Family Violence recognised the important role of emergency department staff in identifying and responding to domestic and family violence, noting that *'when individuals have been physically abused by their partners and require immediate medical treatment, a hospital emergency department is where the victim will seek help'*<sup>18</sup>.

In accepting all of the recommendations made in the Special Taskforce Final Report, the Queensland Government made a commitment to working in partnership with DV Connect to develop a model to provide immediate access to specialist domestic and family support and referral services within public and private maternity hospitals and emergency department<sup>19</sup>.

The Taskforce also made recommendations to ensure the continuing professional development and accreditation requirements of health practitioners includes education components on recognising and responding to domestic and family violence.

With respect to the circumstances of this case, and others it reviewed, the Board noted the recent release by Queensland Health of a suite of training resources for use in both public and private hospital settings as a positive step forward in enhancing responses to victims of domestic and family violence across Queensland.

#### *Family and friends as informal supports*

Domestic and family violence is a significant personal and social issue that has garnered increasing attention in recent years. Despite this, it is estimated that up

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<sup>17</sup> Sharps, P.W., et al. (2001) *Health Care Providers' Missed Opportunities for Preventing Femicide*.

<sup>18</sup> Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence.

<sup>19</sup> Recommendation 59, Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence.

to 63% of intimate partner violence incidents are not reported to police<sup>20</sup>. Reasons for under-reporting are complex, but are, to an extent, partially attributed to the pervasive and historic public perception that domestic violence is a private matter and, in that sense, less important than violence between strangers<sup>21</sup>.

Victims of violence within an intimate partner relationship may also be less likely to perceive the behaviour as a crime, or may not report the incident because of shame or embarrassment, fear of the perpetrator, or the consequences of reporting the incident<sup>22</sup>. Given the known reluctance (for myriad reasons) of victims to report violence against them to police and other services, the role of family, friends and community members in responding to domestic and family violence becomes even more significant.

Recent research suggests that many people are aware of, or suspect they know of, someone who is a victim of intimate partner violence<sup>23</sup>. How people respond in these circumstances depends, in part, on social norms and attitudes to domestic and family violence<sup>24</sup>. While family, friends and work colleagues were aware of the violence in the relationship between Kelly and Robert, and expressed concern regarding her safety or future risk of harm, there was also a sense of helplessness in trying to assist, and *'that they had done everything they could but they couldn't get her out of the relationship'*.

The need for bystander education so that people know when and how to intervene in matters of domestic violence was highlighted as a critical part of the Special Taskforce Report<sup>25</sup>. The Special Taskforce challenged the community to embrace its vision of *'not now, not ever'* in regards to domestic and family violence, and acknowledged any success in achieving this vision is dependent upon action at an individual and community level.

A suite of recommendations, to influence cultural change and enhance the capacity of families, friends and a range of community stakeholders to detect and respond appropriately to their concerns or suspicions of domestic and family violence were articulated throughout the report, including that the Queensland Government:

- recognises the importance of community and government prevention programs for long-term reduction of domestic and family violence and

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<sup>20</sup> Cismaru, M., Gitte, J., and Lavack, A.M. (2010) *If the noise coming from next door were loud music, you'd do something about it*. Journal of Advertising 39(4):69-82.

<sup>21</sup> VicHealth (2004) *The health costs of violence: Measuring the burden of disease caused by intimate partner violence. A summary of findings*. Melbourne: Victorian Health Promotion Foundation, Australia.

<sup>22</sup> Morgan, A. and Chadwick, H. (2009) *Key issues in domestic violence*. Research in Practice, Summary Paper No. 7, Australian Institute of Criminology.

<sup>23</sup> Beeble, M., Lori, A., Post, L.A., Bybee, D., and Sullivan, C.M. (2008) *Factors related to willingness to help survivors of intimate partner violence*. Journal of Interpersonal Violence 23(12): 1713 – 1729.

<sup>24</sup> VicHealth (2006) *Two steps forward, one step back. Community attitudes to violence against women. Progress and challenges in creating safe and healthy environments for Victorian women*. Melbourne: Victorian Health Promotion Foundation, Australia.

<sup>25</sup> Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence, p89.

- gives a clear commitment to resource and support comprehensive and coordinated prevention<sup>26</sup>; and
- leads and promotes sustained inter-generational communication in the community about the seriousness of domestic and family violence, the community's intolerance of domestic and family violence, and the services available to victims and perpetrators.<sup>27</sup>

### *Identifying domestic and family violence in the workplace*

In the months preceding her death, Kelly's work colleagues report that they had seen her with bruises and cuts, and some had spoken to her about their concerns and suspicions of domestic and family violence being perpetrated by Robert against her. Colleagues also witnessed examples of Robert's non-physical controlling behaviour.

A colleague reported that Kelly took some unplanned time off work before Christmas, shortly prior to the death. This was because Kelly had had an argument with Robert, gotten scared and fled to her brother's house, returning three days later. When a graze was noted on the side of her face, Kelly attributed it to her dog dragging her down her brother's driveway and maintained that everything was fine with Robert again.

Another colleague reports that some time in the weeks immediately prior to the death, Kelly came to work with a black eye. When she asked what happened, Kelly stated '*you don't want to know*'.

Research demonstrates that most victims disclose their experience of domestic violence to co-workers (64%), followed by immediate supervisors (29%), non-immediate supervisors (21%) and others in the workplace (21%)<sup>28</sup>. In this case, Kelly's family and colleagues appear to have been among the only people aware of the assaults between December 2010 and January 2011.

This case confirms the view, expressed by the Special Taskforce on Domestic and Family Violence, of the importance of raising awareness and embedding education programs in the workplace to support people to identify domestic and family violence and make appropriate referrals.

Within its Final Report, the Special Taskforce made a suite of recommendations to capitalise on opportunities for intervention in the workplace, including the development of a training program for employers and businesses on building supportive workplaces for victims of domestic and family violence that includes skills on identifying and responding to this issue<sup>29</sup>.

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<sup>26</sup> Recommendation 15, Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence.

<sup>27</sup> Recommendation 16, Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence.

<sup>28</sup> Swanberg, J., Logan, T. and Macke, C. (2006) *Intimate partner violence, employment and the workplace: consequences and future directions*. Trauma, Violence and Abuse, Vol. 6, No. 4, pp236-312.

<sup>29</sup> Recommendation 32, Bryce, Q. (2015) *Not Now Not Ever: Putting an end to domestic and family violence in Queensland*. Special Taskforce on Domestic and Family Violence.



The Queensland Government has subsequently enacted this recommendation through the development of an e-learning program, *Recognise, Respond, Refer: Domestic Violence and the Workplace*, which is available to the Queensland Public Service and offered to businesses to purchase.

While these are positive steps forward, when discussing workplace responses to domestic and family violence in relation to this case, the Board identified that while government and larger corporations may be incorporating workplace policy and training to improve supports in these types of settings, many victims may be employed in small businesses. This means they may fall outside the scope of current initiatives and consequently, there is a need to also consider ways to provide training and support in these types of workplaces.

#### *Service provision in rural and remote communities*

The significance of family, friends and colleagues as protective supports is also of considerable importance for victims who are socially and geographically isolated. Ensuring victims of domestic violence are able to access support to leave an abusive relationship is particularly problematic in rural and remote areas where service availability and accessibility may be limited. People living in rural and remote communities have limited access to healthcare when compared with their urban counterparts, and the quality of these services can be highly variable<sup>30</sup>.

Service provision in rural communities is commonly limited by a lack of resources, restricted access to professional development opportunities, and difficulties with the recruitment and retention of qualified staff. In the absence of dedicated, resourced and accessible services to support victims or to respond to perpetrators of domestic and family violence, it is more likely that opportunities for intervention may be missed, and that victims who are attempting to leave relationships may not be able to access the necessary support in a timely manner.

It would have been difficult to provide services over the longer term to Kelly due to her reluctance to engage (at least, in part, due to her expressed fear of retribution from Robert) and the transient nature of her lifestyle<sup>31</sup>. This is likely to have disrupted or impeded any attempts to provide ongoing health or other support services to her.

However, notwithstanding the transient lifestyle of the couple, in reviewing this death the Board found that there were a number of relevant services in the general

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<sup>30</sup> Kolves, K., Milner, A., McKay, K & De Leo, D. (2012) *Suicide in Rural and Remote Areas of Australia*. Australian Institute for Suicide Prevention: Griffith University

<sup>31</sup> There is substantial research that highlights why aggrieved persons are at times hesitant to utilise criminal justice system options, or other formal supports. For example they may lack confidence in its effectiveness for their situation, or they may wish to remain in the relationship. They may also delay reporting abuse to police because they fear a lack of support from them or they are afraid of retribution or further victimisation from the perpetrator in intimate partner relationships. See: Meyer, S. (2011) Seeking Help for Intimate Partner Violence: Victim's Experiences when Approaching the Criminal Justice System for IPV Related Support and Protection in an Australian Jurisdiction. *Feminist Criminology* 6:268. Such findings highlight the need for specialist services and interventions in responding to domestic and family violence.

catchment area of the rural location in which the couple resided, and that she could have been referred to.

Further, the Board identified that while a victim of domestic and family violence may be disengaged from services, and that this may act as a barrier to the provision of effective support, this is a simplistic explanation which displaces blame onto the victim and minimises accountability for those agencies required to respond.