



## CRIME AND CORRUPTION COMMISSION

### TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,  
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-19-1209

HEARING NO: 19-0006

DAY 10 - TUESDAY 26 NOVEMBER 2019  
(DURATION: 1HR 46MIN)

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any order made by the presiding officer concerning publication of these  
proceedings.

#### LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC  
CA Counsel Assisting – JULIE FOTHERINGHAM  
30 INST Instructing – COURTNEY MARTIN  
HRO Hearing Room Orderly – KELLY ANDERSON  
W Witness –  
SP Support Person – RENEE EAVES

HRO Corruption Investigative Hearing Number IHO-19-0006 of the Crime and Corruption Commission being conducted in Brisbane for the purposes of Operation Impala, a corruption investigation, is now resumed. Mr Alan MACSPORRAN QC Chairperson of the Crime and Corruption Commission is presiding and is being assisted by the Commission's Senior Lawyer Ms Julie FOTHERINGHAM.

PO Yes Ms FOTHERINGHAM.

10

CA I call [REDACTED].

[Pause]

HRO So it's just over there and I'll bring another chair over.

W So where am I sitting?

HRO Just straight over here so that one facing.

20

CA Thank you.

W There you go you sit down there. Thanks so much for that thank you.

PO Just have a seat thanks [REDACTED], do you, would you prefer-

W [REDACTED]

PO [REDACTED], sorry, ah would you prefer to take an oath or an affirmation?

30

W I'll take an oath, thanks.

PO Thank you be sworn in.

HRO Just take the Bible in your right hand and repeat after me please. The evidence which I shall give-

W The evidence which I shall give-

40 HRO -in these proceedings-

W -in these proceedings-

HRO -shall be the truth-

W -shall be the truth-

HRO -the whole truth-

W -the whole truth-

HRO -and nothing but the truth-

W -and nothing but the truth-

HRO -so help me God.

10 W -so help me God.

HRO Thank you.

PO Yes Ms FOTHERINGHAM.

CA Yes thank you. Good afternoon-

W Hello.

20 CA -Mrs ah [REDACTED]. And ah you were provided with a Notice to Attend today, yes?

W Ah yes I was that's right.

CA Just show you a copy of the Notice.

W I requested that Notice, very kind. Thank you yes that is the one.

CA I tender that document.

30 PO Exhibit 180.

**ADMITTED AND MARKED EXHIBIT 180**

CA There may be a ah non-publication order in relation to Exhibits?

PO Yes alright well I'll um.

CA Under Section 180 subsection (UI).

40 [whispering]

PO Pursuant to Section 180(3) ah of the *Crime and Corruption Act 2001* I make a non-publication order in respect of the ah evidence to be given by this witness and ah any exhibits that attended during ah this witness's evidence. That simply means ah as you probably know that this is a private hearing so whatever you say here and whatever evidence is tendered through you will not be available ah

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to the public as is um all of the other exhibits and evidence so it's a private hearing in effect that's the effect.

W You can you can blotch out my name and use the rest of the information cos I'm sure it's going to be very useful for your inquiry.

PO Mm.

10 W I'm happy for you to do that as long as it doesn't identify me, my name I think that would be most useful.

PO Yeah I just don't know well it depends I suppose what the evidence is. What we might do is I'll just I'll revoke that non-publication order we might deal with this after your evidence before you leave so we can understand what you've said, and whether what you've said can be ah released without identifying you, that might be difficult we'll just see how that pans out (UI).

20 W No I we can try and work it so that I'm not identified. I'm happy for my name not to be mentioned or address or children's names, of course, but I think the information will be useful and I and pretty much of what we'll be talking about you've already used and said during your live feed anyway so.

PO Yeah alright we'll, we'll just.

W What are you happy with?

SP I think it's right.

30 W Yeah.

PO As I say we'll wait we'll just wait I won't make any order at this stage and we'll just ah this is not being live streamed as you know.

W Yes I know.

PO Um so we'll just review that at the end of the evidence I think Ms FOTHERINGHAM.

40 CA Ah yes.

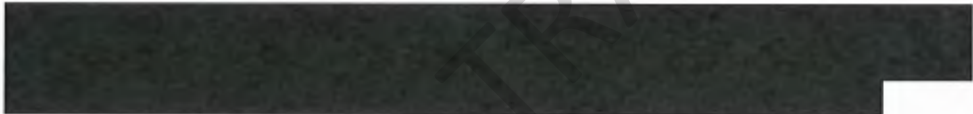
PO Yeah.

CA Thank you ah what is your current ah occupation?

W At this point [REDACTED] I would like to continue my studies my post-graduate studies but they're on hold at this point in time.

CA Ah would you like to make an opening statement?

- W No let's just get straight into questions.
- CA Okay alright ah now I believe you're here to talk about the um impact on victims ah whose privacy is breached-
- W Yes.
- CA -and in particular ah by the Queensland Police Service-
- 10 W Correct.
- CA -you're here to speak about.
- W Yes.
- CA Yes. So what ah in-in-in a manner which is um you're, you're able to do ah given that um this part of it may potentially be ah public, ah what are the impacts, what were the impacts on you ah and how did it come to pass that your priv- privacy was breached?
- 20 W Let's start with the impacts, I think it's a life sentence. The impacts are ongoing they're never gonna stop, they're gonna keep going let's face it. The privacy breach occurred when a police officer, by the name of Neil PUNCHARD gave out my private details from the offender my ex-partner from which I was hiding, gave out the details to him in a very malicious manner in a very calculated manner. He went into unlawfully the Queensland Police database, got out that information, so he misused the data base (1) and then (2) he passed on that information [REDACTED]
- 30 [REDACTED] live my life on a daily basis looking over my shoulder no matter what I do, no matter where I go I just can't feel safe. So this is something that I'm just it's unreasonable I shouldn't have to live this way but I do.
- CA Mhm so you say the um your, your contact details were disclosed-
- W Correct.
- CA -by Neil PUNCHARD to your ex-partner?
- 40 W Yes.
- CA Yes and ah what happened then afterwards with respect to him, are you hiding at the time?
- W Yes I was.
- CA He didn't know your address?

- W No he didn't know my address, didn't have any idea of where I was living?
- CA Did he have your telephone number?
- W My mobile number?
- CA Yes.
- 10 W At the time, yes.
- CA Mhm but he didn't know where you were living?
- W No.
- CA And then what happened afterwards, what did he do with that information?
- W What did who do with that information?
- 20 CA Your ex-partner?
- W 
- CA Did you have a Domestic Violence Order in place at the time naming yourself as an aggrieved?
- W I believe I did.
- 30 CA Mhm and he was named as the respondent?
- W Yes and myself and my children and my unborn child ah were the aggrieved. I was h-heavily ah pregnant at the time.
- CA How pregnant were you at the time you discovered the disclosure?
- W so gosh how pregnant was ?
- 40 CA Roughly.
- SU When was I (UI)
- W July 2000. I can't remember.
- CA Mm that's okay-
- W Just remember being pregnant.

CA - (UI) being heavily pregnant. And did you have any medical repercussions as a result of that?

W Absolutely.

CA What happened?

10 W I was, sorry [crying].

CA Did you want a tissue, you right? Just take your time.

W I'll have a drink of water.

CA Okay.

W Stomach cramps, dizziness, anxiety, stress.

20 CA Mhm.

W Heart palpitations insomnia, feeling really scared.

CA Mm and ah did you seek medical assistance for that?

W I did, yes.

CA And what did the medical-

30 W To my gynaecologist, my obstetrician.

CA And what-what did, what happen, what-what was the medical advice and ah diagnosis in relation to those particular problems?

W To try and relax as much as I could which was very difficult at during the circumstances I could have miscarried my child due to the stress.

CA [REDACTED]

40 W [REDACTED]

CA [REDACTED]

W [REDACTED]

CA Mhm.

W



CA



10

W



CA Mhm. Did you want to read out any of those messages?

W Do you not have a copy of them? Did you? Chair did you not provide a full copy of the messages?

PO Ah we have those ah.

20

W You have them, have you seen them? They're disgusting, they're volatile they're violent. You've got some there that I can see.

CA We, are they all (UI)?

W I don't know, you should have many of them they are disgraceful, they are disgusting.

CA I'll just hand you these.

30

W Thank you.


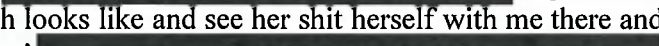
CA Are those the ones you sent through just not long ago?

W No they were sent through in my first complaint that I sent through to the CCC.

CA Oh yes okay. I'll just (UI).

SP There's two (UI).

40

W Thank you so much . . .  'I just want to see what such and such looks like and see her shit herself with me there and we'll turn up in my Pajero.' 

CA Mhm and ah how did you uncover the ah offending, the disclosure, the access and the disclosure?



- W Ah that's all throughout my complaint, the way that it was discovered was my son brought me back a phone that was stolen from me and showed me what was on that phone.
- CA Mhm. And ah-
- 10 W Isn't that concerning though. Tell you what, sorry for interrupting you because if I wouldn't have made this complaint nobody would have known that Neil PUNCHARD was misusing the database, let's just go back to the misuse for one second. If I wouldn't have highlighted a complaint to trigger an investigation nobody would've known what would've been going on and I and myself would've been dead right now. I-I actually don know how I'm alive talking to you.
- CA Just going back a second and we'll continue with what we're talking about, would you like those text messages to become an exhibit?
- 20 W You'd have to block out my name.
- CA Yes.
- W And also my husband's name.
- CA Yes.
- W But you could use these as an exhibit, yes, absolutely.
- 30 PO Okay well I'll make ah that ah group of text messages redacted in a way that um the Witness suggests-
- CA Redacted.
- W Mhm.
- PO -um as Exhibit 181.

**ADMITTED AND MARKED EXHIBIT 181**

- 40 CA So I tender that document.
- SP I think we can take a breath and go into that detriment thanks and-and-and (UI).
- W I'm sorry I'm using this as a fan to wash away the tears here. Thank you.
- CA Sorry to interrupt um so were you, how old, how old were your children at the time?

CA You had two children with your ex-partner, the offender.

W About 12.

CA Is that correct, two?

W No hold on a minute, yes, sorry they were, eight and twelve round about.

10

CA And were they having any communication at all with ah the offender?

W



20 CA Ah it was just because you said it was just because you said your son bought the phone back that's all.

W



CA Okay so we have the, your son bringing the phone back.

W Mhm.

30 CA You find out what's been happening with Neil PUNCHARD-

W Yes.

CA -and the offender and then what happens?

W Then I write up a complaint and I make a complaint.

CA Mhm. And that was in August 2016 yes and-

40 W Yes.

CA -when did you get any unwanted attention from the offender after knowing your contact details?

W All the time.

CA Well after, after the phone came back when was the first time that he turned up near where you live?

W That was way be-

SP Can I just remind, it's the par-, the parcel was the first.

W Oh yes the letter that he sent, you mean the letter that he sent through.

SP The overnight bag that went to, the overnight parcel that went to um (UI).

10 W Yeah he sent a parcel. He sent mail-

CA Okay.

W -as a form of intimidation to say I know where you live, here's some mail for you.

CA [REDACTED]

20 W [REDACTED]

CA [REDACTED]

W [REDACTED]

CA [REDACTED]

W [REDACTED]

30 CA [REDACTED]

W [REDACTED]

CA [REDACTED]

W [REDACTED]

40

CA [REDACTED]

W [REDACTED]

CA [REDACTED]

W [REDACTED]

CA And did you relocate?

W I had to relocate, yes.

CA [REDACTED]

10 W Ah I was looking for an appropriate property to move into with all of the safety requirements, that we needed-

CA Mhm.

W -to fit our criteria to feel safe and to be-be safe. So if you can imagine security, type of security that we needed ah it's quite difficult to find that on the Gold Coast and, you know, moving a family takes a lot of time and effort so finding another property took a little while and then obviously you need to apply for the lease and you need to go through an approval process-

20 CA Mhm.

W so we did relocate, yes.

CA And were you offered ah well did you know there was the availability of a domestic violence service, to assist?

W No services have been able to assist me, the amount of calls and any requests that I have put through they have been unable to fulfil any of those.

30 CA So who have you gone to, which organisations?

W I've gone to everybody you can imagine.

SP [REDACTED]

CA [REDACTED]

W [REDACTED]

40 CA [REDACTED]

SP [REDACTED]

CA [REDACTED]

PO [REDACTED]

W [REDACTED]

PO [REDACTED]

10 W [REDACTED]

PO [REDACTED]

SP [REDACTED]

20 [REDACTED]

W [REDACTED]

30 SP [REDACTED]

PO [REDACTED]

40 W [REDACTED]

PO [REDACTED]

- SP [REDACTED]
- PO I'm happy to let that ah be the way we proceed and-and you know, um we've convened this hearing in the way it's been convened for your convenience and for you to have your um evidence placed on the record in a way that you anticipate so I don't want you to feel as though you're being directed away from what you really want to say.
- 10 W Thank you.
- PO So if it would help-
- W Mm.
- PO -we'll adjourn briefly and you tell us when you're ready, take as much time as you like um and then come back and then proceed in the way best enables you to tell your story, would that be helpful?
- 20 SP I think, I think.
- W Yes, thank you.
- PO Okay we'll just adjourn now for um however long it might take you can outside in one of the private rooms and confer and then um come back.
- CA Would it be of assistance if I just sort of let [REDACTED] know um what I was (UI).
- 30 PO Areas you're interested in, yes definitely.
- CA Yes. So I'm, I'm interested in, in, in the impacts the victim impacts so the relocation, ah the-the children moving schools, ah the any friends and network support system for you and the children being disrupted, ah the emotional fear for yourself um and also any fear for the children or children themselves and the impacts on your parenting ability borne out as a result of your emotional state being destabilised. [REDACTED]
- 40 [REDACTED] and the financial cost ah, ah so the financial cost not just through the relocations ah but also through the ah pursuit of ah some monetary compensation from the Queensland Police Service through QCAT. Ah any um problems associated with the QCAT process, any problems associated with ah the Queensland Police Service process, ah and um are you being provided with sufficient, were you provided with sufficient assistance so ah any deficiencies in that support network, you said ah were you started to talk about problems there. Ah so what are the deficiencies, can you suggest any amelioration ah and then is the ah going through QCAT onto the current process with respect to um information privacy principles sufficient remedy. Do you suggest any other avenues ah and counselling, um the need for counselling, did

you obtain any, do you still need it, um was there a deficient there. Ah and yeah that sort of thing. So take your time.

W Yep.

PO Alright um so with that in mind and-and as I say it's not um we don't necessarily expect you to be ah wanting to go down that path if you don't want to we're not going to force you.

10 W Mm.

PO Ah this is an opportunity for you so you can go amd-

W We feel, feel relevant, very-very relevant thank you.

PO Okay well we'll have a um, have a brief adjournment, let you speak to your Support Person, Ms EAVES and get your thoughts together and then come back and then you, you have the choice of making an opening statement to say some of the things you, you want to say up front and then we'll start the questioning again or vice versa whatever is convenient for you or helpful to you. So just we'll adjourn now and you tell us when you're ready. Take all the time you need there's no rush um and then we'll, we'll get under way again.

20

W Thank you.

HRO This Hearing is adjourned.

**HEARING ADJOURNED**

30 **HEARING RESUMED**

HRO This hearing is resumed.

[Pause]

PO Okay are we ready to proceed.

W Yes we are.

40 PO Now what um would you prefer to do? Would you prefer to make an opening statement now or would?

W Yes I'll make an opening statement and go through some points with you.

PO Alright, okay thank you.

W Okay my case is really unique because the DV that I've suffered from is extremely complicated. Really, really complicated with so many different



layers. As a result of the breach of my privacy, I have relocated on two separate occasions. The first one as I pointed out was receiving mail and being stalked, and feeling very unsafe. Ah the second time I needed to relocate, as well, if I can just go through relocating. I just want to talk about how I felt like a burden, not only to my new partner, but to my children and the guilt at having to relocate the costly amount of relocating on two occasions. In the first property we had to relocate from, my family were happy with the home, we felt comfortable, ah the children felt really disappointed that we need to leave and it was like we were being forced out like we didn't have any choice. That was a very sad and unhappy time for us to have to move. I can't tell you what it does to children to have to, you know up, cause that upheaval and ask them to move. any instability with children is not good, and keeping that in mind,

I felt really, really bad and conscious that unfortunately it was necessary that we, we moved. We really did not have a choice. Being a very complicated form of DV and it still is because the offender is still at large, I believe the QPS have told me that there are arrest warrants out for his arrest. But before they could sentence him, he managed to skip the country and leave the country. So he's actually still on the run, and nobody knows or nobody can tell me where he is. So if you can imagine somebody who's threatened to kill you and your children, being at large it causes an anxious feeling that I just can't describe. in

regards to my children's schools, the level of I guess scrutiny that I was really facing with the school is because the offender was copying Neil PUNCHARD into the emails. PUNCHARD was being cc'd into all the emails based on his request, and that's clear in the messages. this provided what I would call as a false credibility to the school. Showing that there was a police officer siding with the offender, and this caused complications for me, and for my children. it was also defaming in the sense that the school could have been considered to have seen this false credibility which would not have really helped myself and my children in the situation at the time.

and you know, because of that I'm really unable to build any relationships with my school community, or to be able to trust anybody because the offender would consistently, and probably still is, trying to make friends with the mum's and dad's at school. So I just can't trust because I don't know if they're friends with him, has he sent them. You know my children also can't enjoy, normal school life, they've become hyper vigilant and as part of that, that impacts on parenting. I've had to become really hyper vigilant, I'm over-protective, I'm suspicious of everybody, I have example, for example, you know school excursions, going to and from school, any co-curricular activities, the hyper vigilance it's you know it's debilitating. the offender has also infiltrated into my husband's family. When I say family I mean his entire family, he has a very large family. and I've gone into some quite a lot of counselling about this, but the



offender as a result has caused my husband not to talk his family. They've become estranged, and so my daughter misses out, my child with my husband has been forcibly forced out of seeing any family members because we can't trust them. We can't feel safe, and, so those relationship breakdowns, you know, they're not right they're not fair. It shouldn't have happened, but it has, and he's, he's still I believe in contact with some of them. you know it's not right for my children to not be able to have friends and invite them over and have sleepovers because they feel really suspicious. They don't want to trust police as well. They just can't feel like they can trust the police to protect them because of what's happened. , in regards to pregnancy . . . I really didn't enjoy my pregnancy, I should have, the time I should've been enjoying my baby grow, and all the wonderful attributes to being pregnant I was constantly on the lookout, I was looking over my shoulder, I was anxious, I was suffering through the stomach cramps. Yes I called my gynaecologist, obstetrician, and I explained that to them. there many different factors of impacts upon my pregnancy that I was going through which I shouldn't have been. It should've been a normal happy pregnancy but it wasn't. I had to make sure that when I had my baby, the hospital that I chose, I had to become a silent guest. In fear that he would, the offender would kill my child. I couldn't receive any gifts, I couldn't receive any flowers to the hospital. It just wasn't what one would expect to be a normal pregnancy, or delivery birth, the baby. Financially , look it's de- it's debilitating. , we've gone completely backwards. I feel like there's no hope at all. I can't be in a definite place or time, I can't buy a particular business, or-or hold a certain job, and neither cos my- can my husband cos he feels like he needs to protect me. so moving forward in life and the financial detriment that it's caused to us is really irreversible. I just don't know how we're going to come back from the financial debilitation, it's really bad. , moving onto the QCAT process. Ah where do I begin? This is what I call secondary abuse. The process has been very, very long, since the moment I put in my application, the OIC tried to prevent my application going through or being accepted by QCAT, however they had already accepted it at the time. So they tried to get that one thrown out but fortunately that didn't happen. Ah when going through the submissions, I mean one goes to QCAT because you know I would expect it as they say on their website, to be efficient, time effective, not costly, quick and easy. And for somebody that's not a lawyer, the submissions I've need to put together, self-represented, have taken a long time to put together. that's caused me hours, days, weeks, months, and I'm still going through the process. This has been going on for two and half years, and this has really caused a detriment to myself and my family, because needing to make these submissions and appear at QCAT and then have it delayed, and dealing with PS, and Crown law.

The submissions that they are making are very long, to which I would then have to reply to. I did win my matter in March, March 27 of this year. Decision was handed down by member GARDNER, that I had won the matter. The matter was, ended out in my favour, and still to this day, what are we now November, I have received no

compensation. Why? Please somebody tell me why because I don't understand. That's not efficient, what's causing the delay? What also has happened is, [REDACTED]

10 [REDACTED] Well my understanding is if you miss the appeal you're out, because there are no grounds whatsoever for that appeal to make a different outcome of that decision. so why QCAT are entertaining this I really don't know. Are they having a meeting behind the scenes, who's controlling this and who can put an end to it because it needs to stop. It's just another layer to the abuse I've already been through. We know that Neil PUNCHARD breached my privacy, on the watch of the QPS, because they failed to have appropriate auditing systems to trigger and identity. And if we go into this matter, we can see that when I reported firstly to the CCC, the CCC told me it didn't meet their threshold to investigate, so they referred it back to the police. The police threw every investigation because of the hindrance of Neil PUNCHARD. [REDACTED]

20 [REDACTED] The mentality from reporting a breach to the QPS has been nothing less than what I feel like is misogyny and them wanting to protect their own. [REDACTED]

30 [REDACTED] Now reporting a breach is not easy, let me just tell you. You have to go into a police station, there are people swearing, there are drug abusers, I have to find somebody to mind my three children so that my husband can come with me to, which is normally my parents to mind my children, so that my husband can come with me so I can go report a breach. When I get there they try and talk me out of the breach. Even though it's a breach and I've been on the phone to the task force, the DV task force. So I get there, they try and talk me out of it. Then they say to me 'come back in two hours'. Sit down, I'm waiting an hour and a half to two hours. [REDACTED]

40 [REDACTED] tried to turn the matters on me or against me for making a breach, because they really couldn't be bothered. I feel really violated after I went through my ESC interview with [REDACTED] It felt like they were there just to get rid of the criminal charges or any potential criminal charges in the matter against Neil PUNCHARD. They were condescending, they were not transparent. I could tell they were there for an ulterior motive. It was not to listen to me and get my side of the story. They bungled the investigation, but we'll go through that. the Police Commissioner at the time Ian STEWART, went

onto live TV and said I'm happy to meet the victim again, he'd never met me before. He lied on TV and he lied to me. Now on a after a particular mother's day at my, one of my son's schools, I went back home to the second address that I'd moved to and [REDACTED] who's a Queensland Police Service employee arrived unannounced with [REDACTED]

I believe at Southport at the time. [REDACTED]

Through every investigation with the QPS it's been bungled. It hasn't been transparent and when I've made any calls to the ESC, they've refused to tell me at any stage what the process was, where we were at. So through the whole process I haven't been given any information, there's been no transparency. There's been a lot of secrecy and even [REDACTED]

Uh I certainly wouldn't have used the same person to investigate that second matter. Ah in regards to counselling look I believe the children and I will always need counselling, some form of counselling ah because the impact, it's just, it's what I call a life sentence, we'll never be the same again. I've you know. [Pause] Apologies. So, there's supposed to be a pacer alert, on the offenders passport travel cos he's out of the country. The AFP have said that the QPS are responsible for that, and the QPS are saying that the AFP is responsible for the pacer alert. So I can't get any answers there because the offender has two passports. So if he enters back in the country on a different passport, is that going to trigger an alert because he could just roll up in this country one day and no one's gonna know, and you're gonna hear about murders. , there's no transparency [Pause] Thanks for your patience.

SP [whispering] talk about the counselling, children.

W I need another tissue. the children have gone through, my poor children. I'm sorry.

CA Sorry go on.

W [to support person] You might have to finish that.

[Pause]

SP [whispering] Just go into the counselling and give them what they need.



W . . . Okay. Thanks for your patience.

CA That's okay.

W So the children, my children have needed extensive counselling. It'll be past and future, and they'll never be the same again because of what's happened, and I'll just remind you that, they heard a police officer, Neil PUNCHARD wearing a uniform and say to them [REDACTED]

10

[REDACTED] Whilst he was in uniform. I've really been let down by the QPS and so have my children and they could've been murdered and they would've had blood on their hands. but the counselling that my children have needed, no child should have to go through what they've gone through. If this would've just been investigated from the beginning when I made my first complaint to the CCC, I need to tell you that the CCC miscalculated and misjudged and failed to identify the severity of this matter. I was told it didn't meet the threshold to investigate. How on earth the CCC came to that conclusion I'll never know. U, I sent you directly emails as well Chair but you didn't get back to me and you didn't respond to me to get this matter sorted. Even if I have a video of PUNCHARD right now holding a gun to my head, nothing would happen. Because he's been protected, what system is there to protect my children and myself?

20

30

[REDACTED] So Neil PUNCHARD has some very horrible friends. going back to the QCAT process, when I've gone to QCAT Neil PUNCHARD has had his friends there, and they look so angry and evil and intimidating in the way that they look at me.

40

CA Yes.

W You would have a understanding of 408E, why has he not been charged with being a party to the offences of domestic violence? That's something that needs to be investigated. Why are the charges only based around the misuse?

[REDACTED] There should be several other charges that should be added to the list. So whoever is conducting the investigation, in my eyes and in public interest, it appears to me that Neil

PUNCHARD is getting off very easy. What message is that sending out to anybody else who's not only gone through DV, which was what my family have, but then to have a police officer who you're supposed to trust, to then break that trust and then give confidential details out to an offender. Who knows, who knew the offender wished to cause further harm and trauma. Neil PUNCHARD clearly assisted the offender, so we've got to connect the dots and string on the rest of those charges which need to happen. Thank you for your patience.

10 CA Thankyou.

PO Thankyou. Um, Ms Fotheringham do you have um some other questions you, you want to ask?

CA Oh, uh yes ah just ah wanted to go through the, the risk that you're under at the moment ah for if ah the offender comes back into the country. So have the police flagged you on their system so that um-

20 W I don't know.

CA -you particularly um ah, have you asked for that?

W Whenever, I don't know if you understand the way the QPS works, you can't ask for something because they probably, they may not do it or they may not follow through, the left hand doesn't talk to the right hand. So having anything done is very difficult.

30 CA Mm. So for example um on the Gold Coast ah not that I want you to comment on um any particular area, there is a task force, um on the Gold Coast, where ah particularly vulnerable domestic violence victims ah can be overseen with assistance. Um so that to try to avoid exactly what you're saying potentially-

W

CA Okay. Ah and ah with domestic violence service, services you talked earlier that you weren't able to have any assistance. What, what exactly problems have you encountered in trying to get some assistance?

40

W Well it, it appears to be that, any of the services truly are not understanding the needs of a DV victim. They're unable, they were not able to assist me. if I just go back to the services of the QPS they failed to charge the offender. If we go back, we need to look at the charges. Why were they not substantiated? Why was he not charged? How was Neil PUNCHARD hindering the investigations to prevent him being charged, going to jail?

CA Well I can, I can touch on that now-

- W Mhm.
- CA -If you want to go to that now, just go through assistance but yeah so you ah made a complaint to the CCC.
- W Mhm.
- 10 CA Ah in um August 2016.
- W Yes.
- CA And ah you're aware of the ah hopefully the concept of devolution.
- W The devolution model.
- CA Yeah.
- 20 W Doesn't work.
- CA Ah under Section ah 34(c) of the *Crime and Corruption Act*, uh it is basically that um, it's back to the, the QPS to look into it. Uh so that, that happened in August, you would've been sent a letter and you know about that, I'll just show you a copy, on the 5<sup>th</sup> of August. . . Do, do you remember that letter? From a while ago.
- W . . . Have to go back through my emails but I don't have my computer here to double check this is the same letter. So the devolution model as we've all seen doesn't work. Mm what should have happened-
- 30 CA What do you suggest?
- W -is, what should have happened is, is for the cri- for the CCC to refer this back to the QPS-
- CA Yes.
- 40 W -clearly points out corruption. Clearly points out boys club. Clearly points out that they really didn't care to look at my situation and my complaint thoroughly, or reasonably. To then refer that back straight to the QPS is you investigate your own, he'll get away with it, let's sweep it under rug, it should go away.
- CA So you don't agree with the um concept of devolution?
- W It's corrupt conduct.
- CA And you understand that there's only um certain resources that is within the-

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W Major resources within the CCC, if that's what you're referring to. They have major resources, there shouldn't be any excuse whatsoever.

CA Mm.

W Look where this has gone to. Let me just point out where this matter is at now, as to where it could've been dealt with and finalised beforehand. Look what we've all had to go through. My life will never be the same.

10 CA Mm.

W It's unreasonable.

CA Um, I tender that document.

PO Ah that's ah Exhibit 182.

ADMITTED AND MARKED EXHIBIT 182

20 CA Um and then-

W So we've got to find out why was it referred. Why didn't the CCC see misuse of the database Neil PUNCHARD what have you done, let's get somebody onto this as soon as possible.

CA Mm.

W Not refer back to the QPS.

30 CA Well it was referred, um in accordance with what we've just spoken about. So then what did the QPS do with it. So uh they looked into it and they decided that they ah could substantiate um disciplinary proceedings, uh and that took place on the 7<sup>th</sup> of April 2017, so um seven months after your complaint. Ah and there was insufficient evidence to pursue ah criminal charges.

W Well there wasn't insufficient evidence, they just documented as that. So that whole investigation needs to be investigated again, because that wasn't conducted properly.

40 CA So I'll just show you Exhibit 109.

[Pause]

CA So it's um ex- it was an exhibit in the proceedings, 109, so a few days ago.

W Mhm.

CA Ah it's up on the CCC website, we're just getting a copy for you.

W Okay.

CA Ah so it was a letter from the CCC to Ethical Standards Command.

W Mhm.

10 CA Ah on the 12<sup>th</sup> of April 2017. Ah and um I'll just read from page um two of it, but we'll show you a copy in a minute. Um *'if the aforementioned evidentiary issues did not exist in relation to the search and disclosure of this information, we consider it would be in the public interest to prosecute Senior Constable PUNCHARD. Ah particularly in light of the comments he made in disclosing the information to'* ah then it's blanked out *'during domestic violence proceedings'*. So-so that's, that's where, where we were at in April 2017. Um and then you um-

W And when was Neil PUNCHARD charged, not until sometime (UI) after that?

20 CA He was charged on the 14<sup>th</sup> of December 2018.

W Isn't that ridiculous so what took the QPS so long to follow through with that?

CA Now so that's what happened back then, and then we've got um you in May 2018 meeting with um that what you mentioned before, meeting with the um Commissioner.

W Mhm.

30 CA Uh and, I'll just show you before we get to that. I think we'll just show you that letter first of all, so do you wanna. A couple of pages long I'll give you bit of time to look at that.

[Pause]

SP (UI) [whispering].

W (UI) [whispering].

40 SP (UI) [whispering].

PO Thanks.

W Oh that's good

CA That's the hard copy.

W That's better.



SP Easier,

W That'd be easier.

SP (UI). Dates.

W Yeah write the dates down.

SP (UI) [whispering].

10 [Pause].

SP (UI) this question (UI).

W Wow this letter is an eye opener. the evidence hasn't changed, so he's been charged as we're all aware but the evidence hasn't been changed.

CA Mm.

20 W Doesn't that sound odd? why did the CCC not intend to review the matter in QCAT, I don't understand that for a moment, and suggesting that no possible of a successful criminal conviction in regards to the consideration of the criminal charges. The, I don't know if this dates right but you know that [REDACTED]

CA [REDACTED]

SP [REDACTED]

30 W [REDACTED]

CA So just moving on, um then you mentioned you sent an email, um sent an email that wasn't responded to. So I'll just show you a copy of an email that you sent on the 9<sup>th</sup> of May 2017.

SP Is this (UI)?

CA And then the response from the CCC on the 15<sup>th</sup> of May 2017.

40 [Pause].

W No that's two complaints, I'm talking about an email directly through to Mr MACSPORRAN. That's not on here, that's complaints yes, but there was one directed directly to Mr MACSPORRAN. You don't have a copy of that one? See that says complaints, but the one that I sent was to Mr MACSPORRAN's direct email address.

SP (UI) [whispering].

[Pause]

CA Okay we'll just look into that in a moment. Um, now with ah the, just going onto, come back to that in a minute um. Now with the um progress, so that was back then and then you met with the Commissioner at the time.

10 W Mhm.

CA Ian STEWART.

W Yes.

CA And that's in Exhibit 109. A letter that he sent to the CCC on the 11<sup>th</sup> of May 2018, I'll just show you a copy of that, 109. Just keep to (UI) coming up. Ah basically saying that you were dissatisfied with the outcome . . . and um that the QPS were going to ah review internally and um ask that the CCC oversee the review.

20 SP (UI) [Whispering].

CA So that's an exhibit on the CCC website at the moment. Um-

W So *'I also ask you consider appointing a senior member of the CCC to oversee that review'*. So who oversaw [REDACTED]

CA Ah yes so-

30 W Who was the officer from the CCC?

CA So, the 3<sup>rd</sup> of September, you got that one?

W [REDACTED]

[Pause]

40 SP (UI) [whispering].

CA Alright so we're just, we're just getting that, we'll, we'll come back to that as well. Um, but just to let you know that um, the CCC wrote to you on the 3<sup>rd</sup> of September um by email letting you know who was overseeing ah the review by the Quee-, by the QPS.

W No I didn't get any letter from the CCC.

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CA Um it was sent by email um and we're just getting you a copy now to have a look at. So we'll go back to that.

W I don't remember receiving that. I would have known that otherwise.

CA That's okay.

W I just had a call out of the blue from [REDACTED]

10 CA Okay.

W

CA

20

W

CA

W I didn't get that email, I would have seen.

30 CA That's okay we're getting you a copy now anyway.

W You sure you sent that to the right email address? That was sent to the right email address cos I don't have a copy- I don't have a copy.

CA You can check the email address when we show you the copy.

W Okay.

40 CA Um anyway ah and then on the 25<sup>th</sup> of September ah the review had been completed by the CCC. Ah and um we wrote to ah the QPS ah saying that um the um effort should now be made to assemble the relevant evidence to facilitate charging PUNCHARD as soon as possible. Um and then-

W So I'm unaware of any of this, any review by the CCC. I wasn't included in any.

CA I'll show you a copy, well you, well.

W I just remember getting a call from [REDACTED] after I met Mr STEWART.

CA That's okay we've got the 3<sup>rd</sup> of September email to you, which we'll give you a copy in a second. Ah and I'll just show you a copy of the 25<sup>th</sup> of September letter. The CCC to [pause]. Yep. So tender that document.

PO Ah make that Exhibit 183.

10 ADMITTED AND MARKED EXHIBIT 183

CA So that's how it all came to pass. Um and then he ended up getting charged on the 14<sup>th</sup> of December 2018 ah and was stood down at that time and then has been suspended as of 13<sup>th</sup> of November this year-

W So.

CA -after pleading guilty on the 14<sup>th</sup> of October this year.

20 W That's Paul ALSBURY, Paul ALSBURY (UI) corruption. so this doesn't say which [REDACTED], that's been redacted. [REDACTED]

PO [REDACTED]

W Ah yep.

SP (UI). So from the CCC (UI).

30 W I haven't seen that before.

PO This was the letter I think from us to the Commissioner so you wouldn't have seen this one. You would have received the ah email, well we sent an email of September-

CA 3<sup>rd</sup> of September.

PO -3<sup>rd</sup> of September 18, which you don't think you received, have you got a copy of that to the witness?

40

CA Just getting a copy now.

W So you sent me an email first and then you sent one to Ian STEWART later on after that?

PO Yes, I suspect from my understanding our email to you on the 3<sup>rd</sup> of September simply said we had [REDACTED] report and we're going to review it.

- W Ah okay.
- PO Um and then on the 25<sup>th</sup> we wrote to the Commissioner saying we have the reviewed it and suggest they gather the evidence to charge PUNCHARD and I don't know if we ever sent that to you.
- W No I didn't, I didn't receive any of that correspondence again, once again I'm always left in the dark there's been no transparency. But why is it he was asked to be charged in 2018, two years after the complaint?
- 10 PO I think um, there, we can debate this ah but the effect of it as I understand is this, that initially and we've shown you the letter to us, well from us I should say to the Assistant Commissioner of April 17 when they reported they ah didn't propose to charge ah Neil PUNCHARD. Um, with and their, one of their reasons was that they had some concerns about the validity or admissibility of the evidence from the phone, because the allegation I think it was that the phone had been illegally obtained. Now whether that's right or not, um that was the concern the police had, ah we said apart from that um uh, there would have been, should've been an attempt made to gather evidence to charge him. When the
- 20 matter was reviewed the year later we formed the view that they should go back and gather sufficient evidence to charge him with computer hacking.
- W But then if you, having such a big legal unit, there should have been proper advice from the beginning.
- PO Well, whether there was or not, whether that's valid or not, you may be right about that.
- W Yes.
- 30 PO The fact is that ultimately, more evidence was gathered and he was charged.
- W They had the same evidence from day one.
- PO No it's different evidence, there's more evidence I can assure you. Cos I know the, I know the case.
- W What types of evidence?
- 40 PO There was other evidence about ah text messages he'd sent, in addition to the ones that um we're talking about.
- W Cos you know.
- PO There was also evidence about other conduct he'd engaged in around the same time. There was other evidence, I'm not saying there wasn't enough initially, he probably should've been charged initially-

W Yeah he should have been.

10 PO Police had that concern rightly or wrongly about whether they could use the evidence or the texts that had been obtained from the phone that had been retrieved. But putting that to one side there was more evidence that ultimately resulted in him being charged and after we had reviewed the case again. Now um as I say you're not happy about that and there is, you have good reason not to be happy. We're not taking issue with you about that, all we're doing here is simply putting the pieces of the puzzle together so we can look at what actually happened. Um we're not saying that we're not to be blamed or not responsible for some of the delay, clearly we were ah in part, but at the end of the day he was charged he has pleaded guilty, and as you know he was given a ah was it a six months suspen- fully suspended sentence, and he's appealed that. So that will have to go through the courts to see whether the court agrees with that punishment by way of the suspended sentence for the criminal offence was har- was too harsh or appropriate. So that's still before the court so we shouldn't be going down that path because that's a matter for the courts to judge. Um and we have um, your evidence relevant evidence for us in this hearing, and this project um about the impacts upon you and your family of, of the um the conduct he engaged in, ah and your partner engaged in at the time, which resulted in all of this ah effect upon you, and that's highly relevant to what we're looking at here as you know.

W Okay.

PO Um.

W Just imagine if it was your daughter, your niece.

30 PO No I understand, I'm not, I'm not, I'm not playing down your concerns at all-

W Yes.

PO -I'm just saying that we have to, that's why you're here to tell us.

40 W I'm so glad I'm here because can I tell you through the whole process the QPS have tried to minimise this and it won't be minimised. And if you relate to public interest and if you've seen the comments online about what the public think about Neil PUNCHARD and the QPS, they have lost all faith. They would like to see Neil PUNCHARD as I would, in jail. He shouldn't be given an opportunity to appeal. The charges should have been much stronger, and there should have been further charges for his conduct unbecoming of an officer, [REDACTED]. This has been minimised because of the minimal charges that he has received. If the QPS can't get rid of a police officer [REDACTED] what hope is there?

PO Thank you.

- W What can you do?
- PO Thank you. Ms FOTHERINGHAM did you have other correspondence you wanted to ah show the witness.
- CA Ah yes yes, I've got the email now, ah one for yourself as well Chair.
- PO That's the 3<sup>rd</sup> of September email is it? Oh yeah thank you.
- 10 W No I never received that email. I've never seen that email, so don't know where [REDACTED] has sent this through to but this is the first time I'm seeing this email.
- PO I think if you look at the top there under the heading private and personal there's an email address.
- CA So it says [REDACTED]
- 20 W That's my email address but he obviously didn't send it, anybody can type this up and say they sent it. No. This has, I'm going to double check my email, my inbox, but I can tell you right now on record that I have never seen this email before.
- PO Okay well we'll tender that ah-
- CA Yes I've tender that document.
- PO -as Exhibit 184.
- 30 **ADMITTED AND MARKED EXHIBIT 184**
- CA So that is your email [REDACTED]
- W That is my, that is my email address.
- CA Okay.
- W But I haven't seen this.
- 40 CA Alright and have I tendered the 25<sup>th</sup> of September 2018?
- PO Yes that's Exhibit 183.
- CA Okay. Ah.
- W Have you ever tried to call somebody [REDACTED] have you ever tried to call [REDACTED]



PO [REDACTED]

W [REDACTED]

10 PO [REDACTED]

W [REDACTED]

PO [REDACTED]

W [REDACTED]

20 PO [REDACTED]

W [REDACTED]

PO [REDACTED]

SP [REDACTED]

PO [REDACTED]

30 W [REDACTED]

PO [REDACTED]

40 W Well imagine being me and dealing through this process and then you can't get a hold of anyone and no one answers the phone and they're always on leave and no one available. It becomes tedious.

CA Just to finish off on this and we can sort of get back to having a bit more of a talk about the impacts but you did ask if there was an email sent directly to ah the Chair. Ah I don't have an email sent directly to the Chair.

W I do.



CA I have one where it's addressed to him but not sent directly to him. It appears to have been sent to complaints via um the police. So I'll just show you a copy of that.

PO What's the date of that Ms FOTHERINGHAM? The date?

CA Ah It is . . . the 9<sup>th</sup> ah of April 2018.

10 PO Okay.

[Pause]

PO Did you want to tender that?

CA Ah yes I tender that document.

PO That's Exhibit 185.

20 **ADMITTED AND MARKED EXHIBIT 185**

CA We're just obtaining another copy for you.

PO Is that the one, one of the one's you were, you were thinking of [REDACTED]

W Uh no this is another one but I remember this.

30 CA Okay ah now, are there any suggestions you can make to ah improvements with the QCAT process or any other type of um alternative process for um pursuing the civil remedies?

W I would need to conduct a full report and get in a consultant to answer that question for you.

CA That's okay.

W There are many layers and it goes really really deep. It's not just as simple for me to produce these remedies. it would take quite some time.

40 CA Mhm.

W I think that it really need to be overhauled and it needs to be changed. Just as so does the oversight body for the QPS, it needs to be changed, needs to be completely independent so that an oversight can happen ethically.

CA Mhm and you mentioned ah training that training was needed for the QPS.

- W If you want to touch on training it's very important for me to say that Queensland Police Officers do not understand DV. They don't understand the layers, the extent in which abusers will cunningly go at lengths to commit abuse and further abuse. there is definitely more room to have sufficient training, adequate training.
- CA And about the ah misuse of information under-
- W Misuse of information
- 10 CA -Section 408E?
- W Correct, and there needs to be a harsher penalty. So anybody who thinks that the database the QPrime database or the police database is a yellow pages, they should face immediate criminal action. It's too light.
- CA And proactive auditing you said as well?
- W Proactive auditing because there is no auditing at this point. They have no auditing system.
- 20 CA And PUNCHARD's offending went over?
- W A period of over 12 months and I believe he still kept talking and probably is still talking to the offender. But I don't understand, why I'm really confused is I don't understand why Neil PUNCHARD hasn't been fired? How is he going to fire him? How are the QPS going to fire him if the Commissioner hasn't got that power to do so? Is it can't or won't? Where does that take us to because this shouldn't be happening?
- 30 PO I think there's a, there's a couple of things I can tell you about that. The first is as I ah mentioned before um and has you know the um criminal ah sentence of suspended imprisonment has been appealed so.
- W See but we've got to back. We've got to go back because the relevant charges were not set out in the beginning. [REDACTED] presented during the stage in court when Neil PUNCHARD tried to have those charges vacated. He was very aggressive in making sure those charges were not vacated. [REDACTED]
- 40 [REDACTED] If we truly want to set an example that this type of behaviour is not acceptable and should never be acceptable, the charges should've been far more severe and the sentencing. He got off easy, I'm, my children and I have a life sentence. What we've gone though, I don't know if anybody could ever understand. It's so hard to describe the layers of the abuse that has happened since this whole process began. These charges that Neil PUNCHARD received the conviction far, I think they're absolutely too light

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weighted for the criminal offences in which he has committed. So we're already on the wrong foot already. He's been charged, but not appropriately to the severity of which he should've, because the penalty doesn't fit the crime. That's when you're supposed to come in and say no, where are charges, blah blah blah, where are the rest of these charges what's going on.

PO Okay.

10 W Now he's going to appeal a light sentence.

PO Well I understand your view, ah whether it's a light sentence or not will be what the court will tell us in due course, and I think the Commissioner has said publicly if I, unless I'm mistaken, I think in some ways appropriately, she's um getting advice on what the QPS position can be and should be and that will need to await the ah appeal proceedings in any event.

20 W I understand that, I understand that Chair, but going back, I've got to take you back because the Prosecutor didn't ask for a physical jail sentence. [REDACTED] That shouldn't have happened, there should have been a far more severe content of charges and, and the Prosecutor should have asked for jail. I saw a very different Angus after the conversations that had already been taken place.

PO Yep okay. We understand your view.

30 W So whoever instructed the prosecutor, so let's, let's just get this right. The QPS, who wanted to charge their own officer were paying the prosecutor to do what they wanted him to do. That just sounds all wrong to me, so [REDACTED] was paid by the QPS to prosecute Neil PUNCHARD, [REDACTED] e had a lengthy sub-discussion about this in the meeting room, we went through some, some important discussions and that's what we took from that discussion.

[whispering]

PO Okay.

40 W [REDACTED] indly discussed that he was aware that other Police Officers were using the QPRIME data base, but there was nothing so bad about that because it may have just been used for looking up Tinder dates and people that they were wanting to hook up with, he said, on Tinder. Now I don't know about you but that is disgraceful. That people know that this is going on in other avenues of the QPS and it's not being dealt with. So any QPS Officer at this point, if they're going out on a Tinder date, they know they're not going to be audited so they're going to get on the QPRIME data base and they're going to look up that particular person, invade their privacy, unlawfully use the QPRIME data base for, something other than what

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it's meant to be used for, outside of their duty of responsibilities, and you know how many of those are going unseen by the QPS because there's no auditing system? That's happening every day Chair.

PO Mm.

W And then we're getting a, we're letting Neil PUNCHARD get away with such a light conviction,

10

[REDACTED]  
[REDACTED]. He was aware of a DV acc-ah incident that happened way back before, I found out about any of this and he was aiding and enabling a violent offender. And how he hasn't been charged with those offences, there is no sense about it.

PO Yeah, okay thank you.

CA Thank you. Now ah, did you have a safety plan put in place?

20 W I have a safety plan.

CA You have one now?

W Yes.

CA Okay. Is that something you've generated yourself with your um support networks or is it, with the assistance of Domestic Violence Services or the Police?

30 W It's between my husband and I and our children.

CA Yes.

W We've come up with that safety plan ourselves.

CA Mhm.

[whispering]

40 CA And are you-

W [REDACTED]

CA Okay.

W The Psychologist that we see.

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- CA Mhm. And are you um, did you, did you look into um refuges at the time you had to relocate?
- W Imagine relocating twice and then having to relocate again and up, uproot all my children into a refuge and you know that refuge wouldn't have been safe at all, for any of us because Neil PUNCHARD still had access to the data base. He would have found where we were and then there would have been less protection-
- 10 CA Mhm.
- W -again so, there's no way we could have done that.
- CA So you said less protection, so where you moved to had good protection?
- W Better protection than a refuge.
- CA Mhm.
- 20 W In which Neil PUNCHARD could disclose to the offender.
- CA And you're saying that one of the issues, well the main issue there was that ah, the Queensland Police Service continued to allow him access to the data base?
- W Exactly. He was allowed access continually. And you know what? It's not just him, it appears to be the friends in the QPS that he circulates with, have the same opinion, obviously that he does because they're support him and the way that they looked at me during court appearances was the look of, a horrible look actually, I don't even know how to describe it. So he could get any of his friends that are currently in the QPS to also look up my details. So I can't update any details, I-I actually cannot update my details within a lot of Government and QPS organisations. I've lost my ability, my ability as a woman to vote, because when you vote they ask for a home address, I cannot give that out.
- 30
- CA Mhm.
- W So I am losing all privileges of being, you know Australian, in this country, because of a police officer who I know, as soon as he finds out where I may be will give that address out.
- 40
- CA So, as a result, it's not only the Queensland Police Service as an agency ah, that you feel you can't turn to, there's also other Government agencies?
- W Correct, correct.
- CA Because of the interactions they have with the-
- W Exactly.

- CA -QPS?
- W Cos they share the data base.
- CA Share information. Mhm.
- W By sharing that information I can't update, I just I'm unable to because of my, safety requirements.
- 10 CA Mhm. Um now we have, we have found another email um, sorry about that, ah that was sent directly to um the Chair on the 4<sup>th</sup> of August 2018. So just for completeness I'll show you that.
- W Oh, you want those ones? Yeah, sure. This is all redacted. [Laughs] It's all redacted.
- CA That, that's, that's since um you sent it, that the part where you sent it to the Chair hasn't been redacted. I'll just show the Chair a copy of that email. I tender that document. [Pause] That's just for completeness.
- 20 W You can write the date.
- PO That's 1-8 ah 186 Thank you.
- ADMITTED AND MARKED EXHIBIT 186**
- CA Alright, um now, um, you still having counselling?
- 30 W Yes.
- CA And your children?
- W Yes.
- CA Have they shown any problems with schooling or development?
- W due to the I-I think, it, it took a long time for my children to reach their full potential given the circumstances. . . . they're very gifted children,
- 40 CA Mhm.
- W they will be limited as to how and why and when they do things because of them feeling unsafe.
- CA Mhm. And you mentioned ah, by way of risk, ah the alert on the passports and not being able to-



W I just, sorry can I just take you back for one second?

CA Yeah.

W The school has a lock down policy, so anybody that resembles the offender, the school shuts down immediately. The children are taken into safety rooms where the doors are locked, and then the police are called.

CA Mhm.

10

W we had a, an incident of a lock down, which was really, really scary ah, so I just wanted to go through that, that the school has needed to go to an even further resources into keeping the children safe.

CA Mhm. Ah now with the Queensland Police Service, you said you haven't been able to get a firm answer out of them as to the level of protection that you have with respect to ah re-entry of the offender to the country on one of the two passports that he holds?

20 W That's correct.

CA Mhm. And um do you propose any um, improvements to ah the ability for you to obtain that information? You say you're currently left in the dark.

W

30

CA Mhm.

W There really needs to be a better line of communication or a line, simple line of communication. Ah especially with domestic violence victims in helping them remain safe and diligent at all times.

40 CA Mhm. And um, for, for others going forward, ah with um, if they ah, fall victim to privacy breaches, is there in your view sufficient ahhh, access to, quick access to ah financial assistance, um-

W Definitely not.

CA -housing assistance?

W Definitely not. So any financial assistance I haven't received, and as you might know the QPS who failed my family miserably are fighting me to not even

compensate me. So, not only is there no financial assistance but when you win a matter in QCAT, the matter is delayed, delayed which causes further detriment and trauma.

CA Mhm.

W Isn't it unbelievable?

10 CA Mm. So you say that, that is the, the elongated delay in QCAT for yourself? Um, and-and that's an issue, ah.

W Like the QPS should've just called me and said 'We'd like to have a meeting with you around a round table', the CCC should have pulled the matter, should have said to the QPS 'you will not go any further in this', [REDACTED] and said 'we need to pull all funding, let's compensate this woman and her family and not give her any more stress or anxiety or further trauma. Let's not add to the trauma.' It's just more abuse, I mean as we go down the line every single process I've gone through in regards to this privacy breach, it's been one level of abuse after another, after what I'm already been suffering.

20 CA Just putting it back to um someone else um, who, who might come into um, that, that sort of um situation with a privacy breach, ah what immediate access to funds and-

W There are none.

CA -shelter?

30 W There maybe shelter, I'm not sure. But there are no, no financial aids that I am aware of that I have been offered.

CA Mhm.

W I have just, not been offered any financial assistance.

CA So that would ass-, that would assist for other ah victims if there was some-

W At this point-

40 CA -need of assistance?

W At this point I would say they have no hope. I don't know what they're going to do, that's why so many women are being killed in this country. if it, if it wasn't for me, I'm going to give you some ideas, if it wasn't for me having my husband, I probably wouldn't be alive today. For those other women, all I can suggest is that, they will be able to receive immediate funding to get a new home, which would then pay for the lease and to have furniture. Money for food,



and somewhere that is very secure in which the perpetrator is unable to find them, locate them, or gain access to that particular property.

CA Mhm.

10 W all the money would need to be around the food, the safety of the sheltering police protection, and even just going to court the perpetrator knows when the aggrieved is going to court. They're waiting, they'll be waiting, you've seen that these things have happened before. There's no proper process. I, I have felt like a sitting duck having to go to court appearances to report breaches, going to police stations, there should be somebody who can take a report over a phone, whether it's face time, whether it's phone or an officer to then go to that particular home and assist with taking those breaches. Because, as a mum of three children, you can imagine me having to go to a police station to report a breach, and then the rest that go through that it's just an unreliable system to help any woman who's facing DV or is in the DV situation.

CA Mhm.

20 W It's inadequate, it's insufficient and it-it, this system right now is incapable of helping victims that's why women are dying. There's just no protection, I don't feel like there's any protection. And look at the lengths I've had to go through, what hope does any other woman have?

CA Mm. Thank you, thanks very much of you sharing your experiences.

W Thank you.

30 PO Thank you.

CA I don't have any further questions, there's just the ah-

W Thanks.

CA -matter of ah, the redaction or closing of the evidence.

40 PO Yep. Can I ah just firstly tender the list of persons permitted to be present for this hearing? That's just the staff in the room, including yourselves, ah, and some other staff of the Commission who are involved in this ah project, but no one else. That's the effect of this, so I'll tender that, mark that as ah Exhibit 187.

**ADMITTED AND MARKED EXHIBIT 187**

PO Now um, as I s-, foreshadowed at the start of the hearing um, we just need to discuss, the ah, publication of, of your evidence. Um, now we've heard it all and we've had the Exhibits tendered, I think what I'd like to do is to adjourn to ah, reflect on the transcript to see what is in there. My impression from having heard you, is that there are some things we're going to have to redact to protect

firstly your privacy and the possibility you might be identified. And secondly and equally as importantly some of the things you've said about others, that haven't been, aren't in the public arena, and they won't be aware of it until it's published if it is, and they would have had no chance to ah comment on those allegations as such.

This is not like a court case where that would normally happen where you say something and if it affects adversely someone else they come in and give their story and then we decide who's-

10

W They already gave their story.

PO -criminal.

W [REDACTED]

20

PO No-no-no. There's a whole lot of, other things you've said about, various parts of this. Um, so we're not conducting that sort of enquiry is what I am saying, so we just need to, look at the transcript of your evidence, make sure that we capture um, in a way that's hopefully satisfactory to yourself as well as us. The essence-

W There has to be assistance, some form of assistance to, make a change.

CA Yes.

30

PO Yes, to, to, to make clear what devastating impacts you've suffered in line with what can be suffered by most DV victims, like yourself. And that it gives us a proper evidentiary basis which is the whole purpose of this hearing or this, this project, ah to make some relevant recommendations on the basis of evidence, for reform, and for improvements in the system. So um, what I'll do now, firstly is make a non-publication order for your evidence in exhibits, just to hold ah, status quo until we have a chance to review the transcript.

W Mhm.

40

PO And then I'll amend that ah order once we decide what we can legitimately publish in a redacted form. What we'll do firstly is um, once we've done that process, I'll get a copy, ah I'll allow you to see a copy of the proposed public transcript. And then um, if necessary we'll, we'll seek your views on, on that process. But I want you to understand this is not a trial, um, but it's about capturing the impacts, the financial, emotional and so forth to you and your family. Improvements that you've suggested that we might be able to recommend and-and the reasons why. Not about individual cases as such, although they're important and much of what you've said about that is important. So you understand that, the process I'm going to go through?

W I do, yes.

- PO Okay. Um, alright, so, I'll make a non-publication order in terms of um, Section 180(3) of the *Crime and Corruption Act*, in respect of the evidence of um this witness and the exhibits that were tendered during your evidence, on the basis that we'll review the transcript and look to producing a redacted version of your evidence that can be published and relied upon for the public report. Because you understand we have public, we have to publish a report.
- 10 W I hope you do, because-
- PO Well we are that's the purpose of the hearings.
- W And-and you know try not to leave out what's very important in bringing those people who have been unaccountable to date or irresponsible don't leave them out of it. But can I also have your word Chair that you're going to look into why Neil PUNCHARD was kept, has been kept in the QPS [REDACTED]
- 20 PO Well that, that um, that ah, story as it were, is not yet complete. The Commissioner hasn't said what she's going to do about all that. So, anything we, we do ah in that space will necessarily follow what she does, so, we'll just wait and see in that, in that space for the time being.
- W And the other this is, is I've asked for my, QPRIME file, and that keeps getting rejected, and it shouldn't be rejected because I should have every right to look at that , and it keeps getting rejected. Would you greatly assist me in getting a hold of my QPRIME file please?
- 30 PO Ah, well um, in the first instance that's a matter for um, the QP-, QPS and their Right to Information ah, section and that of course is in turn is subject to proper court processes that you and they can pursue in due course. Um, ultimately it may not be a matter for our jurisdiction, but I'm not, I'm not saying that to avoid the issue, I'm just saying there, there is a process. Whether it's satisfactory or not is another question-
- W That's another process-
- PO (UI) process.
- 40 W that I'd like to say is not satisfactory.
- PO Yep I understand that.
- W also have you spoken to the new Police Commissioner Katarina?
- PO Ah well I, ah I don't normally discuss my conversations with other heads of agencies in a hearing like this. I wouldn't normally do so, because that would be a breach of confidence in itself. But what I can say to you is and I think um,

10 you might have a different view about how we handle this matter initially, and I understand that, you've told us that. But the fact is that we ah, we have monitored this ah more closely in recent times, there were charges laid, I know you don't agree with the type of charges that were laid. But the process is, is still on-going, and we do take ah seriously this sort of behaviour. And it's one the reasons why we're having public hearings about this particular conduct. Because it is ah serious in our view, it's serious enough to warrant ah significant recourses of ours to be devoted to the exercise involved in this hearing, including hearing from you, taking on board your concerns and to produce a public report to Parliament with the expectation that there'll be something done about this, to try and lessen the incidence of this sort of behaviour.

W So you're asking for a change of legislation or?

PO Well we may be. We-we, we've got to consider all the evidence now and make some recommendations and a report. There are things that um, can be done, I think by way of ah, IT to try and tighten up the systems themselves. But I think fundamentally and I've said this publicly before and in and indeed during this hearing, publicly that um, fundamentally it's a cultural issue. You have to have a system that's secure enough to hold sensitive data but one that's not, is not so secure that you prevent dissemination sharing of the information because, police, nurses, doctors, teachers all have to share relevant information to get their job done and to keep the community safe. The abuse of the system set up like that is, is largely a cultural behavioural issue. So people have to-

W That's because-

PO -understand-

30 W because there's no-

PO -they shouldn't do it.

W -there's consequences, for that type of behaviour are not serious enough. They're not deterring anybody, they're not scaring anybody as [REDACTED] said. Speak to [REDACTED], people are using the system, QPRIME system every day on a daily basis to look up people they want to date or see on Tinder. That's not acceptable, neither is this, but also if we look into the roles of the [REDACTED] and the [REDACTED], I've met with a few different [REDACTED] and they've been unable to assist me in the ways that I have reasonably requested, so I don't know why they're in a role of DV Minister if they're unable to assist.

40 also the [REDACTED] could really be doing a lot more, I'm not sure what [REDACTED] role is right now. I don't know if you've met with him Chair, but nothing has been done, and nothing's been done fast enough. This has been going on far too long and I think that the public would like nothing more than to see Neil PUNCHARD in jail and to see that the QPS and the CCC are serious about these offences and adhering to appropriate severe

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consequences which is what needs to happen. But I'm very disappointed with the [REDACTED] to date and also the [REDACTED] for, giving the green light to the funding to fight me in QCAT. This shouldn't be happening.

PO Yep.

10 W There should have been a settlement a long time ago. And it, you know, I don't know if anybody would make it sustain through this whole process which is what, what I've gone through. So God bless anyone that has to go through this.

PO Okay well look um, can I just say ah, thank you very much for coming, I understand how painful the, the process is and what you've been through and how difficult it is for you to talk about these things that are so stressful for you and have been and will continue to be no doubt. So thanks very much.

W Thank you.

20 PO And ah, and hopefully we can um, as I say capture the essence of, of your concerns and produce a report that will have some relevant impact and have things ah changed for the better.

W Thank you. I'm' hoping-

PO Thanks very much for coming and you're now excused, thank you Miss EAVES-

W Thank you.

30 PO -for be a support person.

SP Thank you.

W Thank you.

PO And um, we'll adjourn. Thank you

W Thank you.

40 SP Thank you.

HR This hearing is adjourned

**HEARING ADJOURNED**

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UNPROOFED TRANSCRIPT