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15<sup>th</sup> October 2025

Committee Secretary  
Parliamentary Crime and Corruption Committee  
Parliament House  
George Street  
Brisbane QLD 4000

By email: [pccc@parliament.qld.gov.au](mailto:pccc@parliament.qld.gov.au)

Dear Committee Secretary,

### **Re: Review of the Crime and Corruption Commission's Activities**

Thank you for the opportunity to provide comments on the current Parliamentary Crime and Corruption Committee (**Committee**) Review of the Crime and Corruption Commission's Activities (**Review**), which we understand to be a statutory review to be conducted by the Committee at 5-year intervals pursuant to section 292(f) of the *Crime and Corruption Act 2001*. We have elected to make submissions in relation to the Crime and Corruption Commission's role in overseeing the police service including the management of police discipline and misconduct matters. We remain concerned that despite having the force of a number of recommendations in reports of Commission including: the Final Report of the Royal Commission into Aboriginal Deaths in Custody (1991); and the 'A Call for Change' report published following the Independent Commission of Inquiry into Queensland Police Service (**QPS**) Responses to Domestic and Family Violence, police continue to investigate complaints against police. It is fundamental that complaints against police be investigated independently from the QPS entirely, to ensure fairness, transparency and accountability.

### **Preliminary consideration: Our background to comment**

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander

peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

## Comments on the Review

In this submission, we have elected to make comments in connection with the Crime and Corruption Commission's role in overseeing the police service including the management of police discipline and misconduct matters.

### Background

The *A Call for Change* (2022), (**Report**) which was published following the Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence (**QPS Inquiry**) stated as follows:

*Despite the initial protestations of the Commissioner of Police and the President of the Police Union of Employees, the Commission has found clear evidence of a culture where attitudes of misogyny, sexism and racism are allowed to be expressed, and at times acted upon, largely unchecked. Where complaints in relation to such treatment are brushed aside or dealt with in the most minor of ways and those who complain are the ones who are shunned and punished. It is hardly surprising that these attitudes are reflected then in the way that those police who hold them respond to victim-survivors. It is a failure of the leadership*

*of the organisation that this situation has been allowed to continue over many years unchecked.<sup>1</sup>*

The Report stated that these cultural issues were found to have contributed to the overrepresentation of Aboriginal and Torres Strait Islander people in prison:

*In considering how cultural issues impacting the QPS investigation of domestic and family violence contribute to the overrepresentation of First Nations peoples the Commission identified that First Nations peoples are both over-policed and under-policed. This practice, combined with an increased focus on policing domestic and family violence and other cultural issues within the QPS, has contributed to the overrepresentation of First Nations peoples in the criminal justice system.<sup>2</sup>*

It is well-established that Aboriginal and Torres Strait Islander victims are often misidentified by police as perpetrators of DFV, and this has been acknowledged by QPS<sup>3</sup>. Misidentification of victims of DFV as perpetrators can be devastating. It can result in: the incarceration of the victim; the involvement by Child Safety and the potential that children of the victim will be taken from them; the loss of housing and income support; an increased mistrust of police and legal systems; long and complicated court proceedings and negative effects on the victim's health and wellbeing, along with children that are affected.

For Aboriginal and Torres Strait Islander communities, there is a history of mistrust and lack of confidence in QPS. The QPS Inquiry vindicated much of what was known including that there are serious systemic failures relating to internal disciplining of police officers in QPS, even for behaviours that are exceptionally abhorrent<sup>4</sup>.

With respect to complaints, we further note that the Report specifically identified that most complaints against police are handled by QPS and whilst the Crime and Corruption Commission has oversight responsibilities, in practice, most complaints are referred back to QPS. This has largely been our experience when making complaints to the Crime and Corruption Commission about police conduct.

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<sup>1</sup> Queensland, *Independent Commission into Queensland Police Service Responses to Domestic and Family Violence: A Call for Change*, Report (2022) page 11.

<sup>2</sup> Note 1, page 18.

<sup>3</sup> Note 1, page 239.

<sup>4</sup> Note 1, pages 70, 158, 286-304.

Notably, the Report states on page 19:

*Queensland currently has a civilian review model for assessing complaints about police. The QPS investigates most complaints against police officers but with oversight from an independent body, namely the Crime and Corruption Commission (CCC). While the CCC is independent, in practice the vast majority of complaints are referred to the QPS for investigation with limited or no further oversight by the CCC.*

*The Commission found evidence of a lack of independence in the internal QPS conduct and complaints system, including because of insufficient safeguards to manage conflicts of interest and ensure the independence of investigations. Investigating officers and entities in the QPS are not siloed from cultural issues in the QPS more broadly, and this can also compromise the independence and effectiveness of the internal conduct and complaints system.<sup>5</sup>*

Relevantly, the Report goes on to say:

*Moreover, the conduct and complaints system is ineffective in bringing about thorough and robust investigations. The use of standard investigative assessment tools do not seem to be applied to complaints against police members. The Police Commissioner accepts that it appears that, when complaints are based on 'word against word', they are almost inevitably written off as unsubstantiated. In this way, the conduct and complaints system is unfairly biased towards the officer facing investigation. A disciplinary system where police investigate police, who are sometimes friends and workmates, simply does not result in a fair system.*

*The conduct and complaints system is not sufficiently accessible, responsive or transparent to ensure community confidence in the QPS or, for that matter, to ensure that police officers maintain confidence in their own organisation.*

*The failings of the current conduct and complaints system are so great, and the risk that the system will fail to protect against serious misconduct is so significant, that a different approach is needed. The current system should be replaced with an independent Police Integrity Unit which sits within the CCC and independently investigates complaints against police officers. Such a system will benefit the*

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<sup>5</sup> Note 1, page 19.

*QPS, its police officers, and the members of the community who deserve to have full confidence in the police who serve them.*<sup>6</sup>

To address these fundamental issues, the Report recommended as follows (Recommendation 68):

*Within 18 months, the Queensland Government establish the Police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police. The Police Integrity Unit must, at a minimum:*

- *be led by a Senior Executive Officer who is a civilian*
- *provide for whistleblower protections*
- *include a victim advocate*
- *include identified positions for First Nations staff in the intake and victim advocacy teams*
- *include civilian investigators, and transition to a predominately civilianised model as soon as possible*
- *implement an adequate complaints management system, including fit for purpose data collection and reporting, including providing for aggregate trends analysis*
- *publicly report annually on activities and outcomes.*<sup>7</sup>

We understand that the Crime and Corruption Commission hired external consultants to facilitate consultations (held in early 2023) in relation to what model should be adopted for the Police Integrity Unit and this work involved executive members of the Crime and Corruption Commission travelling to Northern Ireland to consider their police integrity model (all of which was at significant cost to the public purse)<sup>8</sup>. Despite such extensive consultations being undertaken, which ATSILS participated in, we understand that the creation of a Police Integrity Unit has still not occurred<sup>9</sup>.

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<sup>6</sup> Note 1, page 19.

<sup>7</sup> Note 1, page 30.

<sup>8</sup> Eden Gillespie, 'Queensland police integrity unit 'unlikely' to be established by recommended deadline', *The Guardian* (Online 12 Jan 2024) < <https://www.theguardian.com/australia-news/2024/jan/12/queensland-police-integrity-unit-unlikely-to-be-established-by-recommended-deadline>>.

<sup>9</sup> Eden Gillespie, 'Experts concerned over delays establishing integrity unit that would stop police investigating themselves', *ABC News* (Online 19 Jul 2024) < <https://www.abc.net.au/news/2024-07-19/qps-police-integrity-unit-working-group-domestic-violence/104116804>>.

It is worth noting that the following was recommended in the *Royal Commission into Aboriginal Deaths in Custody* in 1991:

*At least as far as they involve complaints by Aboriginal people, investigations of alleged police misconduct should be carried out as much as possible by persons other than police officers.<sup>10</sup>*

Sadly, 30 years have elapsed since this recommendation was made and police are still investigating complaints of alleged police misconduct.

The creation of an independent complaints handling body is fundamental. In order for this unit to be properly independent, it must meet the requirements contained in Recommendation 68 of the Report, as outlined above.

We note that many lessons can be learned from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in the United Kingdom UK. In particular, we strongly recommend that any independent unit have the ability to conduct structured thematic reviews which measure police operations against the Rule of Law, Human Rights standards and reasonable expectations of the community.

We thank you for the opportunity to provide feedback on the Review.

Yours faithfully,

Shane Duffy  
Chief Executive Officer

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<sup>10</sup> Commonwealth, Royal Commission into Aboriginal Deaths in Custody, National Report, (1995) Volume 4 at 29.5.24.