

Production Note: The Tip Off was produced as an audio series. If possible, we encourage you to listen to this episode wherever you get your podcasts. The following transcript is for reference only and may contain typos. Please confirm accuracy before quoting.

Maeve: Before we start, this episode deals with domestic violence and includes graphic imagery that may not be suitable for all. Listener discretion is advised.

Maeve: Annabel Hennessy, a journalist at the *West Australian* newspaper, was reporting on the case of an Aboriginal woman, a survivor of domestic violence. This woman had been due to appear in court as a witness in her own case, but she had missed a court hearing because she was sick.

Annabel: In Australia, if you miss a court hearing, and you're a witness, they can put an arrest warrant out for you. And so they put an arrest warrant out for this woman who's this victim of domestic violence. She ended up getting put into lockup overnight. She was pregnant at the time. She's never been in jail in her life, so it was a very traumatising ordeal for her.

Maeve: Annabel was shocked that the judicial system would treat this woman, who was the victim in this case, almost as if *she* were a criminal. Could it be that this woman's status as an Aboriginal woman had some bearing on her treatment? And was this a one-off, or could it be happening elsewhere?

Annabel: And I ended up speaking to this human rights lawyer Hannah McGlade.

Maeve: Hannah McGlade herself is part of an Aboriginal community. The story of the woman jailed overnight for not showing up to her own domestic violence hearing didn't surprise her. The legal system's treatment of domestic violence victims as

perpetrators in their own cases was something Hannah had encountered often in her legal work.

Annabel: And she mentioned this case of a woman named Jody Gore to me.

Maeve: Here is Hannah talking to Noongar Dandjoo TV:

Hannah McGlade clip plays: ...I was asking questions on behalf of a media contact actually about if I knew any women who were in prison because of violence against them. And while I know that most women prisoners have a history of violence I wasn't so sure about how many women are actually in jail because they fought back, and my young niece, Kia (sp), I asked her if she knew any women from the Kimberley and she said straightaway her auntie Jody was actually serving a murder sentence and yet she'd been a victim of severe violence and abuse, and I was really shocked when I heard her say that.

Maeve: On that call to Annabel, Hannah told her about the case of Jody Gore. What Annabel didn't know yet, is that the story behind Jody's case would lead her into a complex investigation, one that would create ripples of reform in Australia's legal system. I'm Maeve McClenaghan. This is *The Tip Off*.

Theme music plays

Maeve: In 2016, Jody Gore had been convicted of murdering her ex-partner and had been given a life sentence. She'd already been in jail for years. But her lawyers were hoping to bring an appeal. Hannah, the lawyer that Annabel had spoken to, had laid out some of the details, explaining what Jody had been through. When the police had come to arrest her, her face was beaten and bruised. It turned out, Jody had suffered years of domestic violence at the hands of the man she eventually killed.

Annabel: And Hannah believed it had been self-defence. And I think it was that description of the beatings, Hannah was speaking about them in a really vivid way. And

it sort of triggered something in my mind where I was like, *Hang on, I've not heard of this case. What is this case? What can you tell me about it?*

Maeve: Annabel had ended the call with the lawyer, shaken. This story seemed extraordinary. Surely someone had already reported it.

Annabel: There was only one or two news items. It was the kind of story that would have appeared at the back of the paper, not being given a full page or anything but as a brief, and it just sort of said that this woman had been jailed, convicted of murder, but it did mention that she had argued that she was not guilty due to self-defence, but the jury had rejected that.

Maeve: Annabel was intrigued. Her instincts told her there was something here and she wanted to find out more. She knew she needed to talk to people close to Jody. To hear more about how this woman had come to be convicted of killing her former partner. Hannah, the lawyer, was able to put her in touch with Jody's cousin. So Annabel picked up the phone. She was nervous. Jody had been in prison for four years. And now suddenly, the family would be getting a call from a journalist. She was worried that they'd be spooked and not want to talk. Jody's cousin answered and put the call on speakerphone, so Jody's mother could listen in, too. But it was a tricky conversation to navigate.

Annabel: I was asking them about domestic violence. And obviously, it's not an easy thing to speak about.

Maeve: The family members explained that Jody had been with her partner Damian for years, but the relationship has been volatile. After a stretch in prison, Damian's mental health seemed to suffer, they said. He would beat Jody. Even after a couple broke up, Jody still lived in fear of him. Annabel listened carefully. But she also wanted to make sure she wasn't raising the family's expectations too high. At this point, she hadn't even mentioned the story to her editor.

Annabel: So I always very much like try to keep expectations low about how much I can do. Sometimes you get the question of *will this help my case?* And I normally will say, I don't know, sometimes it does, sometimes it doesn't.

Maeve: But at least Annabel had introduced herself. The family seemed to trust her and wanted her to look into Jody's case further. Plus, they could now direct Jody's lawyers to tell Annabel more. That was vital. It meant she could now get the court transcripts from Jody's original trial. And she spent hours poring over them.

Annabel: There was a lawyer who through Hannah was looking at taking on this case. And he had just got a big box of documents from the previous lawyer, who had represented her in the original case. But because they had the a-okay from the family, and we'd got permission from Jody via the family, they were happy for me to come and have a look at this box of documents. And so they happened to have all the original transcripts in there, so they're all printed out.

Maeve: Annabel dug in. She read page after page, working through each box. But by the end, she was confused.

Annabel: So there was references to the domestic violence in the transcripts. But what I'd been told is that, this was severe domestic violence, it had gone on for 20 years, it had been this horrific relationship. And what I found interesting is that you did get a sense that, it did get brought up, but it wasn't a major part of the case.

Maeve: The state prosecuting Jody has spent four days laying out their arguments about why she was guilty, and had called 17 witnesses. On the other hand, Jody's defence case went on for just a day and a half, and only called two witnesses. One of them was Jody.

Annabel: So it was Jody and then one of her family members. And I sort of was left with questions. I felt like it was sort of one part of the puzzle.

Maeve: The court transcripts seem to raise more questions than answers. But it was enough to give the journalist confidence that there was something there. So Annabel took the idea to her editor, explaining that she had come to the limit of what she could do from a distance. It was agreed, Annabel needed to get to the scene of the crime.

Annabel: I'd started looking up addresses, I wanted to make sure I went to the place where it happened. I wanted to speak to other people who were there that night, I also wanted to try and find his family. There's a couple of different property searches you can do to try and find people's addresses. So I'd started doing those.

Maeve: Soon she was boarding a plane from Perth to Broome, over 1000 miles away,

Annabel: I did feel quite nervous, particularly given, they were flying me over and a photographer and we were staying there for about a week. I was sort of very conscious of the fact this is something that the newspaper has put resources into. So I felt I guess a bit of pressure that I was going to be able to pull the story off.

Maeve: She and the photographer touched down, and then set off to talk to Jody's family.

Annabel: Some family members wanted to speak more with me than others. But they were very like warm, welcoming people. They did seem a bit nervous, but I think they felt that Jody had been served a injustice. And that they wanted to do anything that they could that would help.

And you know, quite a few of the family members that actually worked in areas that sort of relate to domestic violence. Like one of them, she worked for the Department of Child Protection for some years. And so she was talking to me about other domestic violence cases she'd come across. I remember she became quite emotional. It was that thing of, it is difficult, wanting to get the information you need but also wanting to be respectful of people while they're talking about something that's very traumatic.

Maeve: Little by little, more of the story came out. Annabel heard how when the police arrested Jody after the murder, the mugshot they took of her showed her face was bruised and battered. The family told Annabel this was just the latest in a long line of injuries Jody had suffered at the hands of her former partner Damian. In 1998, he slashed at her wrist with a knife, leaving a scar. Seven years later, she was struck in the chest with scissors. She ended up in the hospital, but wouldn't tell the doctors how she had received the wounds. The beatings had gone on and on.

He hit her with a broomstick, chased her with a hammer, ran at her with an iron rod, they said. It had been years of abuse: 20 years. The family had witnessed much of it, and seen Jody nursing her injuries.

The couple had split up years earlier, but still saw each other around the town. They lived in Kununurra: a town in far north West Australia, whose name comes from the Aboriginal language of the region, meaning 'meeting of big waters'.

Then one day, Jody snapped. They were at a gathering with friends, and Jody had been drinking. Damian showed up and they fought about money. Drunk and upset, she had stabbed Damian in the heart with a 10 centimetre knife. An ambulance driver told the police that when he had arrived, Jody was screaming *You don't know what he's done to me. He's given me scars. I've got the scars to show.*

When the case came to court, a 12 person jury took just two hours and 39 minutes to find Jody guilty of murder. They rejected her claim that she was acting in self-defence.

Annabel: What was interesting about this case was it was relying a lot on the jury to have a complex understanding of domestic violence. It was assuming you know, the 12 people who'd been picked were going to have a good understanding of the cultural context for a First Nations woman in Kununurra.

Maeve: The jury hadn't had any guidance about the coercive and controlling nature of domestic violence. Nor was it properly explained how First Nations' women are

particularly isolated, given longstanding—and often justifiable—mistrust of law enforcement.

Annabel: The jury was 11 white people and one Aboriginal person.

Maeve: The sentence took Jody's family by surprise. Here's Jody's cousin, talking to the *West Australian* newspaper.

Other speakers: When I heard that she was sentenced to murder, it was I think a shock. A big shock because we weren't expecting a murder charge. I was expecting maybe manslaughter or something like that. But not murder.

Just with Indigenous—like women in general up in the east Kimberley—we haven't really got much say in the law system or anything like that. And I think that her being an Aboriginal woman in the situation she was in, it did play some part in the sentencing.

Maeve: Talking to Jody's family had helped Annabel better understand the context of what Jody had been through, and just what a disappointment the court proceedings had been. But Annabel knew that that was just part of the picture. She also needed to talk to the family of Damian, the man who had been killed.

Annabel: It was really hard, and I felt for them. The thing that kept me going in terms of speaking to them is I felt it was fair to do. And I also wanted to let them know that I didn't want them to be caught blindsided by the story. I sort of said, if you want to talk to me, you can, but you don't have to talk to me, but I want you to know that this is the story. This is what her family have said. I wanted to see what you have to say, and they did end up wanting to speak with me and you know, that was hard because they had lost someone and I think that was what was quite awful about this case, is—there were obviously no winners.

Maeve: Annabel heard how Damian had struggled with mental health issues and drug misuse. He had an adult son. His death shook his family. And yet Annabel couldn't

shake her sense of confusion as to how Jody was in prison with a minimum sentence of 12 years; how the circumstances of the repeated violence that she had suffered was barely mentioned in court. So she knew she needed to push on, find more paperwork, talk to more people. And there was one person in particular who would be crucial. Annabel wanted to speak to Jody. But that was easier said than done.

Annabel: If you're going to visit a prisoner who's not a friend of yours, you need to get permission from the Department of Justice.

So I'd put in a request right at the beginning to interview Jody, and it just kept getting knocked back. I would keep re-putting it in and they would keep knocking it back again.

They said that my application had been rejected, and I wasn't allowed to visit her in prison for the purposes of an interview. It also meant I wouldn't have been allowed to speak with her over the phone either.

Maeve: So Annabel resigned herself to the fact she wasn't going to get to talk to Jody.

But that wasn't going to stop her. She pushed on. She was putting the pieces of the puzzle together. But the more she learnt, the more shocked she was by what had and hadn't come out at the trial. She found herself coming back to the court transcripts, trying to make sense of how the case had played out.

Annabel: There was quite a lot of stuff that I realised weren't in the court transcripts. So it was things I thought perhaps could have potentially been brought up as evidence that weren't. For instance, her family said to me that he had actually burnt down a house. So that to me spoke of quite violent tendencies. And his family also confirmed that, but that there was no mention of that in the court transcript. So I guess that's what I was sort of focusing on is information I'd been able to get that hadn't been brought up in court.

Maeve: And there were documents that Annabel found that she thought surely should have been used at the trial. Police reports charting the violence Jody had suffered. Or a report from an expert.

Annabel: A psychiatrist who'd done an evaluation on Jody at her defence lawyer's request.

Maeve: The psychiatrist had interviewed Jody for three hours, and had noted that Jodi had symptoms of post traumatic stress and would benefit from receiving counselling for quote, "battered woman syndrome": a term used to describe patterns of trauma common in victims of domestic violence. She said it was her opinion that Jody's actions the night she stabbed her former partner had been driven by fear of him, which came from the decades of abuse she had endured.

Their 20-year relationship had been emotionally abusive and violent from day one, she said. Add to that, that a court had heard from just one of Jody's family members. Annabel had spoken to several others who'd witnessed the domestic abuse she'd suffered. There were still questions remaining, but Annabel had what she needed to publish her first story. The *West Australian* started putting out a series covering the case.

Annabel: So we did it as a week-by-week series, and there was sort of more information I was getting as I went along.

Maeve: The reaction to the story was huge.

Annabel: People were surprised, I think, that this woman [that] had been attacked by her ex-partner the night she killed him—that she had been convicted of murder.

Maeve: So the first story was published, but Annabel wanted to keep going. There was one issue that had been bugging her. She had heard that Jodie had gone to a domestic violence refuge. This was a few years after she and Damian had split up, but clearly she was still scared of him. In a way, that helped explain why Jody might have

lashed out that day. Why the fight with Damian escalated to its deadly climax. Annabel wanted to be able to report that, but the refuge workers have been refusing to speak to her.

Annabel: She'd gone to a refuge and it had never been mentioned anywhere in court. So it was sort of something that had been on my mind from the beginning.

Maeve: But now finally, Jody's lawyer had managed to pass on Jody's approval, and the refuge managers agreed to give her a report that they'd drafted, proving that Jody *had* come to them for help, fearing for herself and her three nieces, who she was caring for.

The report notes Jody's reason for fleeing to the shelter, saying, quote, "Escaping domestic violence, ex-partner running amok, been to police, but they won't help as he has a mental health problem. Ex-partner going off at the moment, and scared might hurt her and the children." Annabel published a new article, headlined: "Does this document change everything?"

And the articles kept coming. While she hadn't been allowed to go into prison to interview Jody, she did manage to get a letter from her. In it, Jody explained in her own words what she went through. She wrote about how she had suffered from years and years of physical and mental abuse from Damian. Quote, "He was strong, he'd hit like a man. I'd finish, leave him, let him come back to me. Beg me, sorry, all the time. I was scared all my life living with him, but I tried not to show it." She went on. "I lived with violence all my life. He would swear at me and abuse me every day and night. He used to punch me when I'm asleep. That's why I wouldn't go to sleep, unless he went to sleep first."

And Jody described her memory of what happened the day she struck the fatal blow, quote, "He walked away on the road. But he was coming back for me. I knew he was going to bash me again, and I'd be dead. I got the knife to wound him. I didn't know

he was going to die." The jury, she said, had shown no mercy. Quote, "They didn't experience fear and violence that I lived through."

The readers of the *West Australian* newspaper were rapt. But it was one reader in particular who really sat up to attention. The attorney general of WA, Western Australia.

Annabel: His name is John Quigley. He's been reading the stories, he hadn't heard about the case. And then once I had done the final part of my series, he agreed to do an interview on the case because he was quite interested in it. And the family was quite excited when I told them that he was going to do an interview with me and I sort of tried to mitigate their expectations, I guess, because I didn't know what his response was going to be. And so he said to me in this interview that the stories had raised some valid points, and he wanted to request the transcripts himself and read the full transcripts.

Maeve: Quigley got hold of the court transcripts, and just like Annabel had, he went through them with a fine-tooth comb. Sometime later, Annabel was travelling, flying from one part of the country to the other. And she was flicking through on her phone using the plane's Wi-Fi, when the most remarkable alert popped up.

Annabel: I was watching it from a plane from Canberra to Perth. And I sort of couldn't quite believe it.

Maeve: Quigley was giving a speech in the Australian Parliament, all about Jody's case.

John Quigley, Attorney-General of Western Australia: I had not heard the story of domestic violence victim and convicted murderer Jody Gore until a recent series of articles by Annabel Hennessy published by the *West Australian* newspaper. I sought information on the case and discovered that the Court of Appeal had done something which was to raise the possibility of the exercise of the Royal Prerogative of Mercy. After consideration by cabinet, the government recommended to the governor in executive council the exercise of the Royal Prerogative of Mercy to remit the remainder

of Ms. Gore's sentence without pardoning her from the offence. Ms. Gore has taken a life. She has served more than four years in prison. I extend my sincere condolences to the family of the victim who, as it happen to be, was also the perpetrator of vicious violence against Ms. Gore. The government has decided that now is the time for mercy.

Maeve: What Quigley was saying was that he had intervened, and that the Western Australian government was going to use a mercy law to free Jody from jail. The mercy was being granted because of the evidence Annabel had helped bring to light.

Annabel: There was a bit he said at the very end of it:

John Quigley: As a wise judge said, "Let mercy begin where justice ends."

Annabel: And so after the state parliament announcement, we were like, *Oh, my God*, You know, we couldn't believe it. And we wanted to sort of do the first interview with her.

She'd been transferred to a Broome jail. And she was going to get released from the Broome jail. So I got off my plane from Canberra, landed in Perth, and then hopped on another flight to Broome, not knowing if we'd be able to meet with her or not.

So it's a bit crazy. So I'm calling the family members, and some of them don't realise that she's going to be released. And they were beside themselves, they were crying, they couldn't believe it. They were so happy. So they were trying to find out where she was, but they didn't know where—you know, she'd been released from jail. And so they were asking me if I knew where she was.

And it later turned out the jail had given her a phone and she'd been given a place to stay. Then I got a phone call from an unknown number. And I answered the phone and it was actually her. "Oh, hi it's Jody, they said for me to call you." And I was like, *Oh*,

my God, it's Jody. And I was like, Where are you? I can't believe I'm speaking with you. And she gave us the address.

Maeve: In that interview, Jody told Annabel how happy she was to be out, but that she had decided not to try and overturn her original conviction in the court.

Annabel: I think she didn't want the trauma of going through another court case.

Maeve: Jody just wanted to get life back to normal, she told Annabel.

Annabel: She was a foster carer for three children, who were relative's children. And she got reunited with them when she was released, so I think that was one of her big focuses was, you know, being with them.

Maeve: Jody was delighted to be a free woman again, but there was more. In his speech in Parliament, the Attorney General Quigley had not just spoken about Jody's case. He had also talked more generally about changes that were needed to make sure the impact of domestic violence was recognised in the legal system.

He promised legislative reform, to make sure that juries in trials like Jody's would be directed correctly, and given access to experts to help them address misconceptions and stereotypes about domestic violence.

Here is lawyer Hannah McGlade again, the woman who first tipped Annabel off to the story, explaining what it felt like to see Jody's case get so much attention:

Hannah McGlade clip plays: Once the story came out, we were incredibly happy. It was not just a one short news story. It turned into a four-week [investigative] series. I've never seen the *West Australian* do anything like this in regards to Aboriginal women and justice or in regards to Aboriginal women, full stop. So it was very powerful storytelling through the media.

Maeve: Since Annabel's stories broke, there have been big changes. A family violence

legislation reform bill was introduced in Western Australia, which created two new offences: non-fatal strangulation and persistent family violence. They have been welcomed by campaigners and legal experts. But there is still a long way to go to ensure that the justice system is a fair and safe space for Aboriginal and Indigenous peoples.

If you or a loved one is experiencing domestic violence, support is available globally through a number of hotlines and organisations. We've linked to several resources on our website and in the show notes for this episode.

That's all for this episode of *The Tip Off*.

Thanks to Annabel Hennessy for taking me through that story. There's links to her articles in the show notes.

Please do review, subscribe and pass on word to your friends, and visit our new website — thetipoffpodcast.com — to explore show notes, past seasons, transcripts and more.

This show is a co-production of Studiotobe. Our co-executive producers are Joaquin Alvarado and Ken Ikeda.

Maeve McClenaghan — that's me — created this podcast.

Olivia Aylmer produces the show. Chloe Behrens handles audio editing. Claudia Meza does our audio mixing, sound design and original music. Thanks to her for editorial consultation, too. Thanks also to Soobin Kim and Rushana Miller for transcription support. Dice Muse composed our theme music.

As always, stay tuned for more stories behind the headlines.