

How to recognise a complaint under the Charter of Victims' Rights

The Charter of Victims' Rights (the Charter) describes the treatment victims should receive from Queensland Government agencies and funded non-government agencies that provide services to victims of crime.

The Charter is contained within the Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld).

Start here

1. Is the person making a complaint? Yes 2. Is the complaint from a victim of crime, or their support person or representative? Yes 3. Did the crime happen in Queensland? Yes 4. Was the crime a violent crime? Yes 5. Is the complaint about a Queensland Government agency or an organisation funded by the Queensland Government or Australian Government to provide services to victims? [v] Yes Rights to appropriate treatment (General rights) 6. Is the complaint about: the victim not being treated with courtesy, compassion, respect and dignity, or not having their needs as a victim of crime taken into account? No **b.** unlawful disclosure of the victim's personal information? failure to provide timely information to the victim about services or remedies available to them? No **d.** failure to provide information to the victim about the procedure for making a Charter rights complaint? No Rights in the criminal justice system (Investigation, prosecution and at court) 7. Is the complaint about: a. keeping the victim appropriately informed about the progress of an investigation? No informing the victim about decisions made about the prosecution of the accused person (including charges, pleas and the reasons for the decisions)? No failure to provide the victim with information about the accused person (including the accused c. person's name, issuing of warrants, details of court processes and when the victim may attend court, diversionary programs, and outcomes of criminal proceedings and appeals)? failure to provide the victim with information about bail applications, release arrangements and bail conditions that may impact the victim's safety or welfare? No if the victim is a witness at the accused's trial, failure to provide information about the trial process and the victim's role as a witness? during a court proceeding, failure to protect the victim from unnecessary contact, violence or intimidation by the accused, defence witnesses and supporters of the accused? where the accused is found guilty, failure to provide the victim with information about making a victim impact statement to the court? No failure to return the victim's property after it has been held by the State for the investigation or prosecution? No Rights if the offender is sentenced to prison

Is the complaint about failure to inform an eligible victim about the victims register managed by Queensland Corrective Services or Department of Youth Justice?

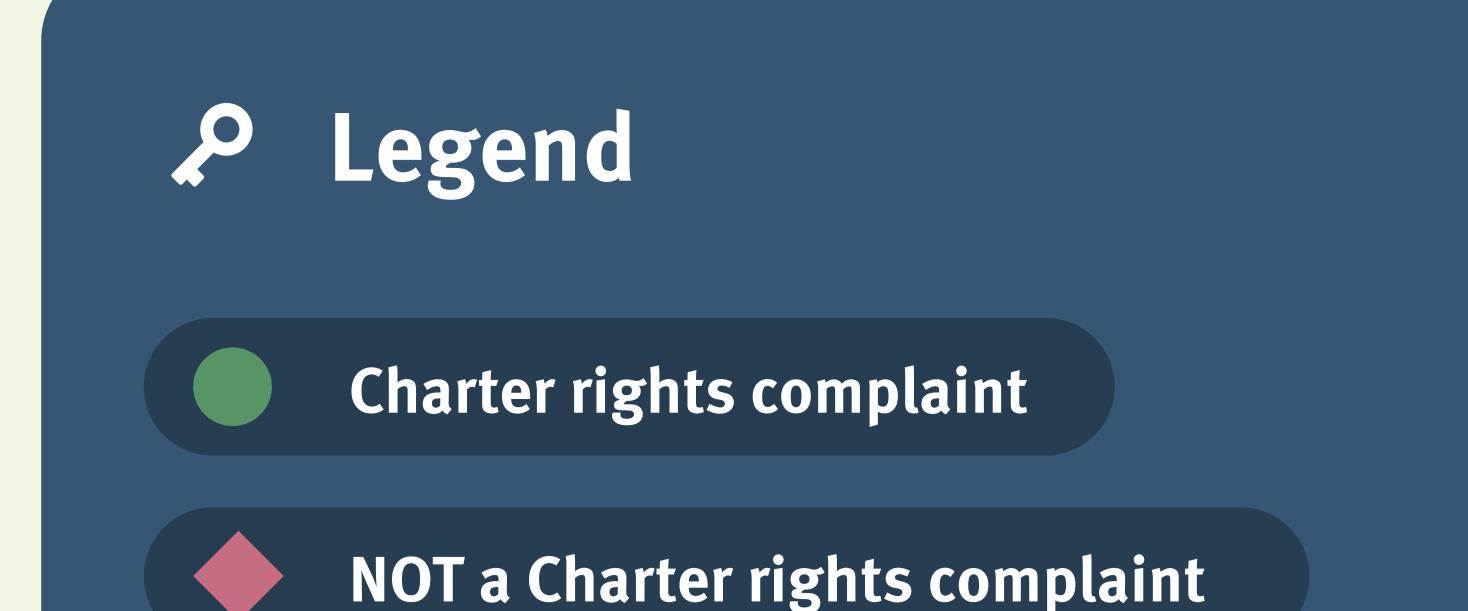
No

Is the complaint about failure to provide the victim who is on the victims register with information about 9. the prisoner?

No

Is the complaint about failure to provide the victim who is on the victims register with the opportunity to make a submission to the parole board?





Definitions

Victim

A victim is a person who has suffered harm because: [1]

- a violent crime was committed against them
- a family member or someone they are dependant on died or suffered harm because of a violent crime
- they are a family member of an unborn baby who died as a result of a violent crime [ii]
- they intervened to help a person who has died or suffered harm because of a violent crime.

Violent crime

A violent crime includes:[ii]

- domestic and family violence
- homicide
- sexual violence
- threats of violence
- physical violence.

It does not matter whether the person who did the act or made the omission has been identified, arrested, prosecuted or convicted in relation to the act or omission.[iii]

Harm

Harm means physical, mental or emotional harm like:

- feelings of anxiety, fear, stress, shock, depression, anger and sadness
- being in crisis, overwhelmed and distressed
- physical injuries that can be temporary or permanent
- loss of feeling safe and secure
- [i]. Victims' Commissioner and Sexual Violence Review Board Act 2024 s 38 (VCSVRBA).
- [ii]. VCSVRBA s 39.
- [iii]. VCSVRBA s 39(2).
- [iv]. VCSVRBA s 38(6).
- [v]. VCSVRBA s 40.

... Next steps

Government agencies are required to report on Charter rights complaints in their annual reports including:

- the total number of complaints
- the number of complaints for each right under the Charter of Victims' Rights
- the number of complaints referred to another government entity
- how each complaint was dealt with.

Follow your agency's guidelines for recording and managing the complaint.