



A guide to the Charter of Victims' Rights

3rd Edition

Office of the
Victims' Commissioner

About this guide

This guide has been developed to help you understand:

- the Charter of Victims’ Rights
- why the Charter of Victims’ Rights is important
- how the Charter rights operate in practice.

This guide can be used by:

- Queensland Government agencies
- funded non-government agencies
- people supporting victims of crime to understand the rights that should be upheld by government agencies and funded non-government entities.

This guide does not constitute legal advice. Users should seek their own independent legal advice in relation to their statutory and legal obligations.

Glossary

Term	Definition
Charter	Charter of Victims’ Rights, within the <i>Victims’ Commissioner and Sexual Violence Review Board Act 2024</i> (Qld).
cultural safety	Cultural safety is an environment that is safe for Aboriginal and Torres Strait Islander peoples, where there is no assault, challenge or denial of their identity and experience.
funded non-government entity	An entity funded by the Commonwealth or the State to provide services to victims as its primary function.
government entity	A public sector entity under the <i>Public Sector Act 2022</i> , ¹ the Director of Public Prosecutions, and the Queensland Police Service. ²
intersectionality	The ways in which different aspects of a person’s identity, relationships and social factors can expose them to overlapping forms of privilege, oppression, discrimination and marginalisation.
trauma-informed	Refers to the five principles of being trauma-informed: safety, trustworthiness, choice, collaboration and empowerment.
victim-centric	Means placing the victim as the central priority in terms of design and user experience.
victim of violent crime	Victims who have rights under the Charter of Victims’ Rights: ss 38 and 39, <i>Victims’ Commissioner and Sexual Violence Review Board Act 2024</i> (Qld).

¹ *Victims’ Commissioner and Sexual Violence Review Board Act 2024* (Qld) sch 2 (VCSVRBA); *Public Sector Act 2022* (Qld) s 276.
² VCSVRBA sch 2.

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What is the Charter of Victims' Rights?

Victims of violent crime (including domestic, family and sexual violence) have rights that government and non-government agencies must uphold.

The Charter of Victims' Rights³ (referred to as “the Charter” in this guide) describes the treatment victims should receive from Queensland Government agencies and their officers, 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) (VCSVRBA).

The Charter establishes:

- general rights
- rights relating to the criminal justice system
- the right to make a complaint.

More information on the rights can be found on pages 5 and 6.

The Charter of Victims' Rights applies to:

- all public sector entities under the *Public Sector Act 2022*⁴
- a prosecutorial agency, such as the Director of Public Prosecutions⁵
- an investigatory agency, such as Queensland Police Service⁶
- a non-government entity funded by the Commonwealth or State to provide services to help victims as its primary function.⁷

The support needs of victims of crime can be complex, significant and ongoing.

Embedding policies and procedures that align with the Charter of Victims' Rights is an important way for us to support and interact with victims in ways that minimise trauma.

³ Contained within the VCSVRBA sch 1.

⁴ Ibid s 40, sch 2.

⁵ Ibid s 40, sch 2.

⁶ Ibid s 40, sch 2.

⁷ Ibid s 40, sch 2.

Examples of agencies subject to the Charter of Victims' Rights

Victim services agencies	Criminal justice agencies
Specialist victim support services Domestic and family violence services Sexual assault services	Queensland Police Service Office of the Director of Public Prosecutions Queensland Corrective Services Worksafe Queensland Department of Youth Justice Department of Justice and Attorney-General

Types of victims

In this guide, we use the term “victim” to refer to victims who have rights under the Charter.

A victim is a person who:⁸

- has been harmed by a violent crime committed against them
- is a family member or dependant of a person who has died or suffered harm because of a violent crime
- has suffered harm because they are a family member of an unborn baby who died as a result of a violent crime
- has suffered harm because they intervened to help a person who has died or suffered harm because of a violent crime.

A violent crime includes:⁹

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

We recognise that not all people who have been harmed by violent crime identify as a “victim” and may prefer the terms “victim-survivor” or “survivor”.

Trauma and its impact on victims of crime

Someone’s experiences prior to the “event” that harmed them can influence how trauma affects that victim.

⁸ Ibid s 38
⁹ Ibid s 39.

For example, intergenerational trauma and the consequences of colonisation have a compounding effect on Aboriginal and Torres Strait Islander women's experience of violence.¹⁰

A victim who has rights under the Charter may have also interacted with the criminal justice system as an offender.

Victims can experience serious consequences across all aspects of their lives resulting from violent crime. Victims may suffer physical, psychological, emotional or financial harms like:

- feelings of anxiety, fear, stress, shock, depression, anger and sadness
- being in crisis, overwhelmed and distressed
- temporary or permanent physical injuries
- inability to return to work or study
- inability to attend to family responsibilities
- loss of feeling safe and secure
- relationship breakdown
- retribution from community
- financial or economic loss.

Victims of crime come from all backgrounds and life experiences. Some individuals or cohorts may be more vulnerable than others and be at higher risk of being a victim of crime. These include:

- women
- children
- people from culturally and linguistically diverse backgrounds (CALD)
- people with disability
- people with impaired capacity
- people who are LGBTIQ+
- older people
- Aboriginal and Torres Strait Islander people.¹¹

These victims can experience barriers to participating in the criminal justice system. It is important to recognise this to ensure that their needs are recognised. All victims of crime should have fair and equal access to the criminal justice system.

The criminal justice process and its impact on victims

Victims can report feeling:

- marginalised and excluded from the criminal justice process
- that their voice is irrelevant or unimportant

¹⁰ 'Family, domestic and sexual violence: Aboriginal and Torres Strait Islander people' *Australian Institute of Health and Welfare* (Web page, 12 April 2024).
¹¹ VCSVRBA s 11.

- they are not adequately informed
- they have not been treated fairly
- the criminal justice system is re-traumatising.

The Charter plays an important role in ensuring that victims are informed about the progress of an investigation and prosecution, are provided with information which might impact upon their safety and are provided with access to support and services to help them recover.

How your agency can uphold Charter rights

Agencies can ensure they comply with the Charter by:

- developing internal resources for staff and victims to access that align with the Charter
- making training available to employees to increase knowledge and understanding of the Charter
- providing opportunities for networking and engagement with other agencies that interact with victims of crime to build competency, capability and cooperation for operational best practice
- ensuring policies and procedures about interacting with victims are aligned with the Charter of Victims' Rights
- ensuring complaints management procedures identify complaints about the Charter of Victims' Rights
- [ordering resources](#) from the Office of the Victims' Commissioner to support clients.

How you can uphold Charter rights

You can ensure you comply with the Charter by:

- informing victims of their rights under the Charter, including their right to make a complaint if their rights have not been upheld
- recognising and appropriately responding to the harm victims and their families have suffered, including by providing information on support available to them
- recognising the value in acknowledging and understanding the experience of victims of crime
- supporting victims to heal and recover from their experience.

Creating a safe and inclusive environment for victims where their choices and privacy are respected and their preferences and personal circumstances are considered is fundamental to meeting this right.

General rights

Courtesy, compassion, respect and dignity

A victim will be treated with courtesy, compassion, respect and dignity, taking into account their needs.¹²

People adversely affected by crime can feel violated, traumatised and unsafe. It is important that they are treated in a way that does not cause them further harm. They may be feeling very overwhelmed and have no prior experience with the criminal justice system. They may not wish to report the crime.

It is important that your agency is aware of the complex and challenging situations each individual victim may be facing. Victims have unique backgrounds, life experiences and perspectives. Respecting and understanding each victim's personal circumstances will help agencies and service providers respond to their needs appropriately.

Under the Charter you are required to treat victims with:

- **respect** – this means having regard for their feelings and wishes
- **courtesy** – this means being polite in your attitude and behaviour
- **compassion** – this means showing empathy, kindness and genuine concern
- **dignity** – this means treating someone as worthy and valued.

This Charter right is intended to ensure victims are treated in a way that responds to their needs while respecting their choices and preferences. There are good practice indicators to follow when engaging with victims of crime to ensure you uphold this Charter right.

Good practice indicators for agencies

- ✓ Policies and procedures that are trauma-informed and embed the principles of trust, choice, empowerment, safety and collaboration.
- ✓ Procedures are victim-centred, and recognise each person as an individual, and not a reference number.
- ✓ Procedures and training programs recognise and respond to diversity.
- ✓ Systems, policies and procedures are free from bias and discrimination.
- ✓ Agency recognises its potential to re-traumatise victims and works to minimise that risk.
- ✓ Employees have access to resources and training to build their cultural capability.

Charter rights in practice for individuals

- ✓ Be polite and respectful.
- ✓ Be trauma-informed in interactions.
- ✓ Be empathic and non-judgemental.
- ✓ Be open and honest.
- ✓ Listen to individuals and their concerns, respecting their needs and choices.
- ✓ Recognise and respond to diversity.
- ✓ Ensure you are free from bias and discrimination.
- ✓ Be aware of and understand systemic re-traumatisation.
- ✓ Recognise vulnerable and disadvantaged victims.
- ✓ Recognise and understand intersectionality.
- ✓ Recognise self-determination and cultural safety for Aboriginal and Torres Strait Islander victims.

You should seek to understand:

- ✓ a victim's preferred contact method, such as phone, text, email or letter
- ✓ a victim's communication preferences or needs
- ✓ whether they require an interpreter or assistive technology
- ✓ whether they would like a support person with them
- ✓ what information they are seeking.

Privacy

A victim's personal information, including the victim's address and telephone number, will not be disclosed unless authorised by law.¹³

Victims of crime are entitled to privacy under the Charter. Disclosing their personal information inappropriately may expose them to greater risk of harm.

When you are interacting with victims you should inform them that their privacy is protected under the Charter but can be disclosed with their consent or when required by law. Personal information might include their name, address, telephone number and email.

Agencies will already have policies and procedures in place regarding the collection, storage and sharing of information. Queensland Government agencies are required to comply with the privacy provisions in the [Information Privacy Act 2009 \(Qld\)](#).

¹³ Ibid.

Specialist domestic and family violence (DFV) services and prescribed agencies also have the power to share information under the *Domestic and Family Violence Protection Act 2012* (Qld) in certain circumstances. This may be where the information will help lessen or prevent a serious threat to a person's life, health or safety because of DFV or help assess if there is a serious threat due to DFV. Further information about sharing information in these circumstances is available [here](#).

Good practice indicators for agencies

- ✔ Victim information is secure and accessible only by employees who require access to that information.
- ✔ Policies and procedures to securely manage personal information.
- ✔ Transparent information-sharing arrangements with other agencies.
- ✔ Recognition of the risks that information-sharing has for victims and consideration of any associated concerns they may have.
- ✔ Published information about how personal information is stored and dealt with by the agency.
- ✔ Information is available for employees about how to share information responsibly.
- ✔ Informed decisions about information-sharing.

Charter rights in practice for individuals

When dealing with a victim's information, you should:

- ✔ seek consent for sharing their information, unless otherwise authorised or required by law to share the information
- ✔ not discuss a victim's personal information with colleagues unless for an authorised purpose
- ✔ identify whether the victim has any safety concerns.

Information about services and remedies

A victim will be informed, as soon as practically possible, about services and remedies available to them.¹⁴

Under the Charter, victims are entitled to information about services available to them.

This may include:

- [victim support services](#)
- counselling
- [support at court](#)
- [financial assistance available under the *Victims of Crime Assistance Act 2009* \(Qld\)](#)
- [making a complaint about their rights under the Charter.](#)

Information about the services and remedies that are available to victims will enable victims to understand their options and ensure that they have access to support as early as possible.

Good practice indicators for agencies

- ✓ Intake procedures identify and respond to the victim's needs, and enable appropriate referrals.
- ✓ Practices and policies assist with the identification of victims' needs.
- ✓ Information is available for staff about the services and resources available to victims.
- ✓ Information is available for staff about the remedies and options available for victims.
- ✓ Accessible and accurate information is available for victims about these services.
- ✓ Information is available for employees about how to refer or connect a victim to an appropriate service.
- ✓ Information is available for staff about how to share information responsibly.
- ✓ Staff know about available resources from the Office of the Victims' Commissioner and how to order them.

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¹⁴ Ibid.

✓ Charter rights in practice for individuals

- ✓ Recognise and understand the personal circumstances of the victim to identify their individual referral and information needs.
- ✓ Where appropriate and with victim consent, use “warm referrals”, which may include contacting the referral agency and assisting the victim to navigate the service.
- ✓ Understand a victim’s preferences for receiving information and provide a victim with options wherever possible.

Rights relating to the criminal justice system

The criminal justice system can be complex and challenging to navigate.

Meeting Charter obligations during the criminal justice process is important so that criminal justice agencies can:

- manage victim expectations about any investigation, prosecution or post-sentence imprisonment of an offender
- recognise that the victim has an inherent interest in the criminal justice system’s response to the crime
- empower the victim by respecting their right to know information about the progress of the matter through the stages of the criminal justice system
- minimise further trauma for the victim by keeping them informed, particularly if they have safety concerns
- build trust and confidence in the criminal justice system for the victim and the broader community.

It is important to note that there may be laws which affect how these rights occur in practice. For example, the *Youth Justice Act 1992* prohibits the publication of identifying information about a child. This may mean that a victim is not told an offender’s name if the offender is a child.

Criminal justice agencies that have specific obligations under the Charter include:

- Queensland Police Service
- Office of the Director of Public Prosecutions
- Worksafe Queensland
- Queensland Corrective Services

Investigation

A victim will be informed about the progress of the investigation of the crime unless it may jeopardise an investigation. If the investigation may be jeopardised, the victim will be informed accordingly.¹⁵

Return of victim's property – A victim's property held by the state for an investigation or as evidence will be returned to the victim or their family, in the case of a victim's death, as soon as possible.¹⁶

The Queensland Police Service's [Operational Procedures Manual](#) also provides important information about how information is provided to victims and how property is managed.

Good practice indicators for agencies

- ✓ Procedures and policies recognise a victim's right to information about the progress of the investigation, including clear guidance about who will provide this information to the victim.
- ✓ Published policies deal with the storage and return of a victim's property.
- ✓ Practices and policies are flexible and trauma-informed.
- ✓ Staff know the options for communicating information to a victim.
- ✓ Agency is transparent about its role and responsibilities and seeks to manage expectations.
- ✓ Ongoing training for staff builds understanding of their obligations under the Charter.

Charter rights in practice for individuals

When interacting with a victim during the investigation, you can:

- ✓ provide them with support to tell their story in a safe and inclusive environment where their choices and preferences are respected
- ✓ explain the role and responsibilities of the investigating agency in keeping victims informed
- ✓ understand the victim's preferences for receiving information, such as contact method or contact times
- ✓ provide information in accordance with the victim's preferences or needs, such as plain language or with the assistance of a translator or interpreter
- ✓ give the victim information about what they can expect

¹⁵ Ibid sch 1, div 2.
¹⁶ Ibid.

- ✓ provide information in a timely and compassionate way, having regard to the personal circumstances of the victim
- ✓ check in with the victim even when there are long delays in an investigation
- ✓ give the victim information about the return of their property and ensure the timely return of that property.

Prosecution

Prosecuting agencies have additional detailed guidance in place to support them in their interactions with victims. This includes the Queensland Police Service, Operational Procedures Manual and the Office of the Director of Public Prosecutions, [Director's Guidelines](#).

A victim will be informed of each major decision made about the prosecution of the accused, including the reasons.¹⁷

This includes decisions about:

- the charges against the accused
- not charging the accused
- substantially changing the charges
- accepting a guilty plea to a lesser or different charge.

A victim will be provided information about the accused.¹⁸

A victim will be provided information about the accused, including:

- the name of the person or people charged with the crime
- the issuing of a warrant for the arrest of the accused
- details of relevant court processes, including when the victim may attend a court proceeding and the date and place of hearing of a charge against the accused
- details of an application for bail made by the accused, including any court hearings
- details of any diversionary programs available to the accused in relation to the crime, such as the Drug and Alcohol Court
- the outcome of a criminal proceeding against the accused, including the sentence imposed and the outcome of any appeal.

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A victim will be informed about the accused's bail application and any arrangements made for their release, including any special bail conditions that may impact the victim's safety or welfare.¹⁹

If the victim is a witness at the accused's trial, they will be informed about the process and their role as a witness.²⁰

Some witnesses can also ask for **special witness measures** to help them in giving evidence. The prosecuting agency must identify if a victim is a special witness and make the necessary application for appropriate special witness measures.²¹

During a court proceeding, the victim will be protected from unnecessary contact, violence, or intimidation by the accused, defence witnesses or family members and supporters of the accused.²²

If the accused is found guilty, a victim may make or give a victim impact statement to the court which will be taken into consideration by the court during the sentencing process.²³

Victim impact statements can be an opportunity to convey the impact the crime has had on their lives. It can be an empowering and positive experience for a victim to present their perspective to the court.

Good practice indicators for agencies

- ✓ Clear practices and policies determine who is responsible for providing information, how information will be provided and how information will be followed up.
- ✓ Internal resources align with the Charter to provide consistent support and information to victims across the agency.
- ✓ Practices and policies are flexible and trauma-informed.
- ✓ Agency is transparent about its role and responsibilities and manages expectations.
- ✓ Ongoing staff training builds competency in their obligations under the Charter.
- ✓ Accessible and accurate information is available for victims about going to court and preparing a victim impact statement.
- ✓ Referral pathways to key support services, such as court support, financial assistance and post-sentencing information are established and maintained.
- ✓ Interagency networking and liaison is encouraged to ensure information is shared responsibly.
- ✓ Cooperative partnerships are built with other agencies for the benefit of victims.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Queensland Police Service, *Operational Police Manual: Prosecution Process* (Issue 100, Effective 20 June 2024) 75; Office of the Director of Public Prosecutions, *Director's Guidelines* (2016)

²² Ibid sch 1, div 2.

²³ Ibid.

Charter rights in practice for individuals

When interacting with a victim during the prosecution, you can:

- ✔ create a clear understanding with the investigating officer about who is providing information to the victim
- ✔ understand the victim's preferences for receiving information, such as contact method or contact times
- ✔ explain the role and responsibilities of the prosecuting agency and different people involved in their case
- ✔ manage expectations of the victim, including that there may be uncertainty through the court process and that the court process can be traumatic
- ✔ keep victims informed about the progress of the matter, even when there are delays
- ✔ provide accessible and accurate information in accordance with the victim's preferences or needs, such as plain language or with the assistance of a translator or interpreter
- ✔ provide information in a timely and compassionate way having regard to the personal circumstances of the victim
- ✔ identify when a victim may need a referral for support and take appropriate action
- ✔ identify when a victim needs to be protected from intimidation and unnecessary contact with the accused, defence witnesses or supporters and work with support services to ensure that victims are protected
- ✔ give the victim information about what they can expect.

Post-sentence

If an offender is sentenced to prison, eligible people can nominate themselves to be placed on the victims register.²⁴

The Charter entitles eligible victims of crime to information about the detention and release of an offender who has been convicted and sentenced to imprisonment. If a victim is an “eligible person”, they must apply or be referred to the victims register team to receive this information. Victims of crime should be informed about whether they are an “eligible person” and how they can register.

Queensland Corrective Services manages the register for adult offenders and the Department of Youth Justice manages the register for youth offenders.

These rights and entitlements under the Charter are intended to provide victims with information about the offender to:

²⁴ Ibid sch 1, div 2.

- advise them of the release or escape of the offender, which is particularly important to victims who have concerns about their safety
- provide them with an opportunity to make a submission to the parole board if they choose to.

Good practice indicators for agencies

- ✓ Internal resources align with the Charter to provide consistent support and information to victims across the agency.
- ✓ Practices and policies are flexible and trauma-informed.
- ✓ Agency is transparent about its role and responsibilities and manages expectations.
- ✓ Ongoing staff training builds competency about their obligations under the Charter.
- ✓ Accessible information is available for victims about victims registers and how to apply.
- ✓ Accessible and accurate information is available for victims about preparing a submission for the parole board.
- ✓ Interagency networking and liaison is encouraged to ensure information is shared responsibly.
- ✓ Cooperative partnerships are built and maintained with other agencies for the benefit of victims.

Charter rights in practice for individuals

When interacting with a victim during the prosecution, you can:

- ✓ explain the role and responsibilities of the victims register
- ✓ give the victim information about what they can expect
- ✓ understand the victim's preferences for receiving information, such as contact method or contact times
- ✓ provide accessible and accurate information in accordance with the victim's preferences or needs, such as plain language or with the assistance of a translator or interpreter
- ✓ provide information in a timely and compassionate way, having regard to the personal circumstances of the victim.

Charter rights complaints

A victim may make a complaint about a contravention of a right under this Charter and will be given information about the procedure for making a complaint.²⁵

The Charter provides victims with the right to make a complaint if they consider their Charter rights have not been upheld.

Victims can make their complaint directly with the agency concerned or to [the Victims' Commissioner](#).

Good practice indicators for agencies

- ✓ Information is available about the Charter rights complaint process.
- ✓ Information is available for employees about other remedies or complaints mechanisms that may be available to a victim, such as human rights complaints.
- ✓ Agency has developed an accessible complaint handling system that embeds trauma-informed principles.
- ✓ Agency's complaints systems are updated to be able to identify Charter rights complaints.
- ✓ Complaint handling processes demonstrate transparency, accountability, objectivity, safety and fairness.
- ✓ Complaint handling procedures demonstrate timeliness and protect privacy.
- ✓ Agency has remedies available which are fair and reasonable, and are commensurate with the person's complaint.
- ✓ Agency values its relationship with the victim and the broader community by responding positively to feedback and complaints.
- ✓ Data on complaints is collected and analysed to identify trends and improve services.



Charter rights in practice for individuals

When interacting with a victim:

- ✓ provide information and guidance to the victim about the complaints process, reasonable timeframes, and available remedies
- ✓ understand the barriers some victims may have to making a complaint
- ✓ minimise the need for a victim to retell their story.

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