

The Review of Queensland's Charter of Victims' Rights
Australia New Zealand Lived Experience Advisory Council for Police-Related Deaths
(ANZLEAC4PRD)

Submission: Structural Discrimination and the Exclusion of Families Bereaved by Police-Related Deaths

The Australia New Zealand Lived Experience Advisory Council for Police-Related Deaths welcomes the opportunity to contribute to the first review of Queensland's Charter of Victims' Rights. We represent families who have lost loved ones during or after police contact.

These families experience a distinct form of structural discrimination: they are routinely excluded from the protections, recognition, and support afforded to other victims of violent death, not because their harm is any less, but because the alleged perpetrator is a police officer.

Structural Discrimination in Practice

When a person dies following police use of force, the initial narrative is quickly shaped by the State. It is believed, whilst acting in the coroner's name, this includes a homicide investigation but omits independent WHS notification or investigation in these processes.

The facts everyone can agree on is that a violent unexpected death has occurred. When a person survives similar critical incidents they are regularly charged with an offence. Although rare, as in the case of Clare Nowland a police officer can be found guilty of an offence and as in the NT inquest of Kumanjai Walker, officer induced jeopardy, has been formally recognised as a contributing factor.

Yet the framing of the deceased's conduct as meeting the elements of an offence is frequently contentious. Those assertions are central to an officer's justification for using lethal force in self-defence, and to avoiding criminal prosecution.

However, these same elements are then used, implicitly or explicitly, to deny the deceased and their family victim status under the Victims of Crime Assistance Act 2009. In effect, the Charter's protections stop at the point where the State becomes the alleged perpetrator.

What is particularly cruel and unusual in the coronial process is the denial of victim status at a time when families are experiencing acute trauma and prolonged uncertainty. That uncertainty is compounded by years of delay before an inquest, and the slow progress of any prospect of procedural fairness through investigations, findings, and eventual government responses. Vulnerable families consistently describe entrenched patterns of conduct within this process that are deeply concerning and remain largely unaddressed.

If a civilian kills, bereaved families are recognised as victims, with access to counselling, financial assistance, liaison services, and procedural rights.

If a police officer kills, those same families are treated as bystanders to a "lawful" incident until proven otherwise, a threshold rarely met in criminal proceedings.

Jurisdictional Gaps That Compound the Harm

The structural discrimination is not limited to deaths within Queensland. We see two common scenarios where the Charter's reach fails: Consideration of using a model that funds the person Development of a memorandum of understanding between grants areas, which outlines an agreed approach to applicant referrals between Legal Aid NSW and VLA,.

Death in another jurisdiction, family in Queensland

A Queensland-based family whose loved one is killed by police in another state or country faces the same trauma, media scrutiny, and procedural barriers as any local family yet the Charter's protections may not apply. They are left without recognition, liaison support, or funded access to counselling, despite living here and being part of the Queensland community.

Death in Queensland, family in another state or territory

When a person is shot or dies following police contact in Queensland but their family lives interstate, the Charter offers no guaranteed mechanism to extend its protections across borders. Families can be excluded from access to Queensland-based support services, even though the harm and the official processes are occurring here.

In both cases, the result is the same: the family is denied the standing and assistance afforded to other victims of violent death, solely because of the intersection between police involvement and jurisdictional boundaries.

The Harm of Denial

This denial of victim status compounds grief and isolates families. They face:
Institutional opacity and lengthy delays in information-sharing
Media vilification and misinformation
Limited or no access to counselling or financial support
Absence of trauma-informed engagement by State agencies and other victim stakeholders.

Why the Charter Must Change

The Charter exists to ensure all victims are treated with dignity, respect, and fairness. Those principles do not stop at the Queensland border, nor should they vanish when the State is implicated in causing the harm. Recognition and support should be determined by the impact experienced, not the employment status of the alleged offender or the location of the death.

Where the agreed facts establish that a crime occurred, even if those facts are used to justify lethal force, the family should retain victim status. To do otherwise entrenches a discriminatory framework that erodes public trust and denies justice to those most in need of it.

Recommendations

Explicit Inclusion - Amend the Charter to recognise families bereaved by deaths during or following police contact, including deaths in custody, fatal shootings, and other uses of force.

Harm-Based Definition - Adopt a definition of victimhood based on the impact experienced, not the legal status of the person responsible or the location of the death.

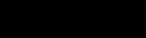
Cross-Jurisdictional Protections - Guarantee Charter protections and support services to Queensland-based families bereaved by police-related deaths in other jurisdictions, and to interstate families whose loved one dies in Queensland.

Independent Liaison - Establish a dedicated, independent liaison within the Office of the Victims' Commissioner for State-related deaths.

Automatic Access to Support - Ensure eligibility for counselling, financial assistance, legal support, and procedural rights from the time of death, regardless of jurisdiction or criminal outcome.

Conclusion

Structural discrimination against families bereaved by police-related deaths is embedded in Queensland's current victim framework. Jurisdictional boundaries and the involvement of State officers should not erase victim status. The agreed facts that underpin an officer's justification for lethal force cannot be used to deny families recognition and support. The Charter must be amended to ensure that every victim, wherever they live, and wherever the death occurs, is treated with dignity, heard with respect, and provided with the support they need


Administration and Research
ANZLEAC4PRD

Dear Victims Commissioner,

For your consideration, and printing convenience please find our recent submission to the following senate inquiry attached. We hope this can be added on to our original Review submission.

Regards



Freedom of Information Amendment Bill 2025

SUBMISSION

Introduction

The Australia New Zealand Lived Experience Advisory Council for Police-Related Deaths (ANZLEAC4PRD) represents families bereaved by police-related deaths. Our aims and goals are grounded in ensuring accountability, transparency, and legislative reform to protect lives and prevent further harm.

Central to our advocacy is the recognition of bereaved families as **lived-experience whistleblowers**. Families who speak out following preventable deaths are not merely victims but are forced into the role of exposing systemic failings at significant personal cost. The presumption of whistleblower status for these families is critical to safeguard against reprisals, policy-induced harm, and secondary victimisation.

Presumptive Whistleblower Status

We submit that amendments to existing legislative frameworks, including Memoranda of Understanding between all States and Territories, must expressly recognise:

- A **presumptive whistleblower status** for bereaved families, ensuring protections from reprisal when raising matters of public safety, state accountability, or systemic failures.
- Alignment with **Work Health and Safety (WHS) duties of care**, acknowledging that police-related deaths constitute workplace deaths, attracting obligations under both domestic WHS law and international labour instruments, including ILO Convention C190.
- Legislative presumptions for **PTSD and vulnerable applicant categories**, recognising the acute and ongoing harm suffered by those navigating coronial, police, and administrative processes.

Freedom of Information Reform and Harm Prevention

We support reforms to modernise the FOI framework. However, reforms must be viewed through a **harm-prevention lens**, particularly where access to information directly affects bereaved families.

Mental Health and Safety Concerns

- **Risk:** Prolonged or obstructed access to information exacerbates post-traumatic stress disorder, depression, and anxiety among bereaved families. Suspicion of concealment and administrative stonewalling compounds trauma.
- **Impact:** Increased reliance on public health services, avoidable harm to mental wellbeing, and potential escalation to public protest or disengagement from lawful processes.

Government Responsibilities

The Commonwealth not only bears a duty of care to ensure its legislative frameworks do not expose citizens to avoidable harm, but also a Treasury-stated **national wellbeing framework** obligation. This framework seeks to measure the progress of all Australians beyond economic outputs, placing emphasis on health, safety, trust in institutions, and social cohesion.

Where the State is directly implicated in the events under scrutiny, this obligation is heightened. It is inconsistent with both duty of care and wellbeing commitments for bereaved families to suffer aggravated trauma, uncertainty, or procedural injustice when seeking information and accountability.

- **Risk:** Failure to discharge this duty constitutes a breach of Australia's obligations under international human rights instruments, including the Right to Life, the Right to Remedy, and the UN Basic Principles of Justice for Victims of Crime.
- **Impact:** Erosion of public trust, loss of legitimacy in government decision-making, and exposure to legal challenge.

Aims and Goals of ANZLEAC4PRD

Our Council's objectives are clear and practical:

1. **Transparency and Access:** Ensure bereaved families have timely, unimpeded access to information, including under FOI, without retraumatising processes or undue cost.
2. **Independent Oversight:** Advocate for OPCAT-aligned National Preventive Mechanisms and independent investigative frameworks to reduce structural conflicts of interest.
3. **WHS Alignment:** Secure recognition of police-related deaths as workplace fatalities, triggering duties of prevention, notification, and investigation under WHS law.
4. **Protection from Harm:** Establish presumptive PTSD and whistleblower protections to safeguard families from the secondary harms of state processes.
5. **National Consistency:** Pursue amendments and intergovernmental agreements to ensure protections apply uniformly across all jurisdictions.

Conclusion

ANZLEAC4PRD submits that the Freedom of Information Amendment Bill 2025 must not only address administrative efficiency but also embed harm-prevention principles. Recognition of bereaved families as presumptive whistleblowers, coupled with PTSD vulnerability protections, is essential to ensure that transparency frameworks do not perpetuate further harm.

We urge the Commonwealth to act decisively, ensuring legislative and intergovernmental arrangements align with WHS duties of care, international labour standards, and Australia's human rights obligations.

Lived-experience case studies can be made available upon request.

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