

7 October 2025

Office of the Victims' Commissioner
GPO Box 149
Brisbane QLD 4001

Submitted via website

Re: Review of the Queensland Charter of Victims' Rights

Thank you for the opportunity to provide a submission regarding the review of the Queensland Charter of Victims' Rights.

As you may be aware, as the Public Advocate for Queensland, I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.¹ There are several conditions that may affect a person's decision-making ability, including intellectual disability, acquired brain injury, mental illness, neurological disorders (such as dementia) or alcohol and drug misuse.

Systemic report on adults with cognitive disability in the Queensland criminal justice system

As per our previous correspondence regarding the Charter of Victims' Rights, my office is undertaking a major project exploring the experiences of adults with cognitive disability in the Queensland criminal justice system. I anticipate that up to five discussion papers have or will be released by early 2026, each documenting a different stage of a person's journey through the criminal justice system in Queensland. Three of these discussion papers have been released so far, the first on policing, the second on the courts and the third on the forensic mental health and disability system. The next discussion paper will focus on detention.

The final discussion paper is expected to be released in February 2026, which will focus on victims and witnesses with cognitive disability and the issues they face in the criminal justice system.

That paper will undoubtedly raise various issues that may inform your work as the Victims' Commissioner (including your review of the Charter of Victims' Rights), and we are looking to be in touch with your office when that paper is being drafted to not only seek your office's expertise, but to inform your office of any potential recommendations that may be made as a result of our work.

Feedback on issues raised in the Victims' Commissioner's Detailed Paper

The Detailed Paper from your office raises a number of questions regarding victims with disability and how they are acknowledged and accommodated in the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (the Act) and the Charter of Victims' Rights. The paper notes the well known issue that people with disability routinely face barriers when reporting their experiences to authorities.²

¹ *Guardianship and Administration Act 2000* (Qld) s 209.

² Office of the Victims' Commissioner, *Review of the Queensland Charter of Victims' Rights: Detailed Paper* (August 2025) p 19.

Further, the Act requires that the Victims' Commissioner performs the Commissioner's functions having regard to, among other factors, victims who have characteristics that may make them particularly vulnerable to harm, specifically noting that disability is such a characteristic.³

As discussed in chapter 4 of the Detailed Paper, the Charter requires that victims be treated with 'courtesy, compassion, respect and dignity, taking into account the victims' needs',⁴ however, these 'needs' are not further defined. It is further noted that other jurisdictions specifically recognise specific characteristics that need to be taken into account, including disability.⁵

My suggestion is that the Queensland Charter should replicate this recognition, and acknowledge disability as a specific characteristic to be taken into consideration when the Charter is being applied. This will assist in recognising the particular vulnerabilities and difficulties that people with disability experience when interacting with the criminal justice system.

Additionally, I suggest that the Charter state, as clearly as possible, that proper accommodations must be made when a victim has a disability, so that their right to 'understand and be understood' is upheld. As you are aware, a victim cannot be expected to fully participate in the criminal justice system if the information to guide this participation is not provided in a format that they can understand. A victim should also be afforded the opportunity to communicate in a way that is consistent with, and accommodates, their specific needs.

Thank you again for the opportunity to provide a submission regarding the review of the Queensland Charter of Victims' Rights.

Should you wish to discuss any of the matters I have raised in this letter further, please do not hesitate to contact my office via email public.advocate@justice.qld.gov.au or phone 07 3738 9513.

Yours sincerely

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John Chesterman (Dr)
Public Advocate

³ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 11(1)(c).

⁴ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) sch 1 pt 1 div 1

⁵ Office of the Victims' Commissioner, *Review of the Queensland Charter of Victims' Rights: Detailed Paper* (August 2025) p 36