

# UnitingCare Queensland Submission to Review of Queensland Charter of Victims Rights – Stage 1

## Introduction

UnitingCare Queensland (UCQ) welcomes the opportunity to provide input into Stage 1 of the review of the Queensland Charter of Victims' Rights.

Stage 1 of the consultation focuses on:

- Victims' experiences and needs
- The Charter's purpose
- Rights within scope
- How the Charter currently operates

UnitingCare Queensland (UCQ) delivers health, aged care, disability, and community services across more than 460 locations in Queensland and the Northern Territory.

Each year we support over 430,000 people through hospitals, aged care facilities, child and family programs, disability supports, counselling, community recovery, crisis helplines (Lifeline), and specialist programs for domestic and family violence, elder abuse, and sexual assault.

Through this diverse service system, we work daily with victims of crime and trauma. This submission provides insight into this experience and speaks to how Queensland's systems support, and at times fail, people at their most vulnerable.

In this submission we have provided two case studies to directly highlight how complex and multilayered victims' experience of accessing services and asserting rights under the Charter can be.

Further, these studies demonstrate the enormous challenges both government and community services face in supporting victims to assert their rights and to adequately address breaches of same.

The review is an opportunity to strengthen rights and protections for victims, ensure accountability across government, and align Queensland's charter with the Queensland Trauma Strategy and other whole-of-government frameworks that support victims. UnitingCare Queensland make this submission to the review with these opportunities and challenges in mind and will always prioritise collaboration with Government and stakeholders to protect the rights of victims of violent crime.

## 1. Victims' Experiences and Needs

Victims consistently report needs extend beyond immediate crisis responses. UCQ services confirm six domains of need: safety, practical support, advocacy/navigation, information, restoration, and recognition.

## **1.1 Post Traumatic Stress Disorder (PTSD) – a Rights and Service Issue**

It is essential for the Charter to positively impact the lives of victims and to do so it is essential for service planning to accommodate and address the needs of people living with PTSD.

Many victims will have a formal diagnosis of PTSD. Others may not but experience symptoms of the condition including impacts on executive functioning, difficulty relating to people, substance misuse, persistent negative intrusive thoughts, and difficulty planning for a more positive future.

At every point the Charter of Victims Rights empowers a victim to assert their rights, it is via an official process, contact with a government agency such as the Department of Public Prosecutions, and/or engagement with a community service such as UnitingCare Queensland.

It is essential processes, services, and agencies impacted by the Charter are adequately informed, equipped, and resourced to respond to victims with PTSD in ways that are unlikely to exacerbate symptoms, provide ample time for workers to navigate the complexity of supporting someone living with PTSD, and provide direct referral pathways to trauma specialist health professionals.

At the same time, victimhood and PTSD should be defined within a strength-based framework. PTSD symptoms are manageable, recovery is possible, triggers can be avoided, and thanks to contemporary and novel therapies, PTSD can now be pushed into long term remission.

This is all to say victims' rights as codified in this Charter will require careful working with people living with PTSD across the continuum of the disorder from remission to highly symptomatic.

As much as this requires empathy, it requires planning for government and community services to adequately respond to the whole person who has experienced trauma and post-traumatic stress in order to assert their rights under the Charter and further the purpose of the Charter.

## **1.2 Safety**

Safety is often a victim's immediate concern. Victims of domestic and family violence frequently face threats and intimidation long after separation and through court proceedings (UCQ submission on Domestic and Family Violence Amendment Bill 2016).

Older people experiencing elder abuse often feel unsafe in their own homes, particularly when perpetrators are family members on whom they depend.

UCQ's Elder Abuse Prevention Unit has reported two-thirds of callers identify family members — most often adult children — as perpetrators (UCQ Elder Abuse Inquiry Submission 2016). Victims require sustained assurance of safety, supported by trauma-informed systems that do not retraumatise.

### 1.3 Practical support

Stability in housing, health care, financial support, and transport is critical to recovery. Families supported through UCQ's child and family services often experience compounding disadvantage after victimisation.

The following case study from UCQ's Intensive Family Support Service illustrates how misidentification and lack of contextual understanding can lead to long-term consequences for victims, particularly in employment and career pathways.

Without addressing these needs, victims' participation in justice processes is compromised and recovery delayed (UCQ Child Protection Inquiry Submission 2013).

#### **Case Study: Misidentification and Employment Consequences**

Through our Intensive Family Support Service, UCQ supported a single mother of four who had endured a decade of domestic and family violence. After years of coercion and harm, she relocated with her children to a new home. During a weekend visit, an altercation occurred between the parents, escalating into a physical fight. Both sustained injuries, and a neighbour called police.

Police were unable to determine the primary aggressor and issued cross Domestic Violence Orders (DVOs), later upheld in court for five years. While the father continued working as a labourer, the mother's Blue Card was revoked after her employer was notified she had "used violence in front of children." She lost her job in childcare and is now barred from her chosen career.

This was the first and only time in their ten-year relationship that she had used any physical force. The outcome illustrates how current systems can fail to recognise context, perpetuate disadvantage, and compound trauma—particularly for women seeking safety and stability after long-term abuse.

### 1.4 Advocacy and navigation

Systems remain complex and intimidating. Victims supported through UCQ's elder abuse helpline and others often report confusion about police processes, powers of attorney, or guardianship arrangements (UCQ Elder Abuse Inquiry Submission 2016).

People with disability also face multiple systems with no clear navigator, as highlighted in UCQ's submissions to the Disability Royal Commission.

Trusted advocates are essential to reduce retraumatisation and enable victims to exercise their rights effectively.

## 1.5 Information

A recurring theme across UCQ services is harm caused by poor communication. Victims frequently describe inconsistent updates, unclear language, or delays in being notified of key decisions.

The case study below from UCQ's Elder Abuse Helpline highlights how cultural misunderstanding and systemic gaps can prevent victims from accessing protection, especially in kinship-based Aboriginal communities.

### **Case Study: Cultural Misunderstanding and Access to Protection**

An elderly Aboriginal woman contacted UCQ's Elder Abuse Helpline after being pushed by her nephew when she refused his demand for money. The assault caused a fractured wrist. At the time, she was too fearful to disclose the truth, and no incident report was made. Weeks later, she confided in her daughter, who supported her to report the matter to police.

A Domestic Violence Order was refused on the basis that too much time had passed, there was "no ongoing contact," and the kinship relationship was misunderstood—her nephew was considered a distant relative rather than a son under cultural norms.

This case highlights systemic gaps in cultural safety and responsiveness. Failure to recognise kinship structures and the dynamics of elder abuse left the victim without legal protection, reinforcing her vulnerability and mistrust of formal systems.

Parents engaged with UCQ's child and family services often receive information too late to prepare for court (UCQ Child Protection Inquiry Submission 2013).

Survivors of domestic violence report delays in notification about bail or parole decisions undermine their sense of safety (UCQ DFV Amendment Bill Submission 2016). For the Charter to be effective, information provided to victims must be timely, proactive, and consistent.

## 1.6 Recognition and respect

Victims' capacity to engage with systems is directly tied to their experiences being believed, acknowledged, and treated with dignity. This is especially important for Aboriginal and Torres Strait Islander people, people with disability, and culturally and linguistically diverse communities.

UCQ's submissions to the Disability Royal Commission emphasised people with disability often feel disregarded or disrespected when reporting abuse (UCQ Disability RC Submissions 2019–2020). Rights are limited without culturally safe and trauma-informed systems to deliver them.

## 2. The Charter's Purpose

The current Charter's purpose is limited and overly technical, focusing on obligations of prescribed persons. It does not sufficiently recognise the impact of crime on individuals,

families, and communities, nor does it overtly commit to minimising secondary victimisation caused by system processes.

UCQ supports amending the Charter’s purpose to be clear, aspirational, and aligned with whole-of-government strategies.

- Recognising crime as harm to individuals and communities
- Embedding dignity, equity, and cultural safety as core principles
- Aligning with the Queensland Trauma Strategy, the Domestic and Family Violence Prevention Strategy, the Queensland Disability Plan, and Closing the Gap commitments
- Ensuring the Charter is victim-centered and supported by trauma-informed systems that support PTSD recovery

### 3. The Rights Within Scope

UCQ supports strengthening the rights currently in the Charter to reflect lived experience and community expectations.

#### **Courtesy, dignity, respect**

Rights to dignity and respect must be explicit and enforceable. Victims should be protected from discrimination on the basis of age, gender, sexuality, disability, culture, or background. UCQ submissions to the Disability Royal Commission highlighted systemic disregard for people with disability when reporting abuse (UCQ Disability RC Submissions 2019–2020). Such experiences erode trust and deter reporting.

#### **Information and notification**

The current standard — “at the earliest practicable opportunity” — is too vague. UCQ recommends a stronger obligation victims receive information in a timely, proactive, and consistent manner.

This should apply to bail decisions, parole updates, court outcomes, and restorative processes. Victims repeatedly told UCQ services delays or lack of updates made them feel invisible in the justice process (UCQ DFV Amendment Bill Submission 2016).

#### **Family and dependants**

Definitions of “family member” and “dependant” must reflect culturally diverse understandings of kinship. Aboriginal and Torres Strait Islander families emphasise extended kin networks not currently recognised.

UCQ’s child and family practitioners consistently observe Western definitions of family often exclude key carers and kin in Aboriginal and Torres Strait Islander communities (UCQ Child Protection Inquiry Submission 2013).

#### **Access to trauma-informed supports**

Victims should have explicit rights to access health care, mental health support, disability services, and culturally appropriate programs.

Callers to UCQ's elder abuse helpline often express frustration they can access legal information but not trauma-informed counselling (UCQ Elder Abuse Inquiry Submission 2016). Linking the Charter to documents such as the Queensland Trauma Strategy could drive consistent, trauma-informed support across government-funded services.

#### 4. How the Charter Currently Operates

Despite its symbolic value, the Charter is poorly understood and inconsistently applied. UCQ services report:

**Low awareness:** The Stage 1 Discussion Paper identified awareness of the Charter among victims is likely to be very limited, which is consistent with UCQ's service experience

**Inconsistent application:** Prescribed persons' understanding and application of obligations is uneven: This is consistent with UCQ's child and family services experience, where families report different standards of communication depending on the worker or region (UCQ Child Protection Inquiry Submission 2013).

**Unclear complaints pathways:** Victims rarely know how to raise concerns when rights are not upheld. This is consistent with UCQ's elder abuse services experience, where older people often give up rather than pursue complaints because pathways are opaque (UCQ Elder Abuse Inquiry Submission 2016).

**Limited accountability:** Rights remain aspirational if there are no consequences for agencies when they fail to meet obligations.

#### **UCQ recommendations to improve Charter operation:**

- Mandatory trauma-informed training for prescribed persons
- Public education campaigns so victims know their rights
- Integration of Charter obligations into government contracts and service agreements
- Monitoring and reporting to track compliance across agencies

## 5. Recommendations (Summary)

### 1. Purpose

- Ensure the Charter is victim-centred, aspirational, and aligned with Queensland Trauma Strategy and related frameworks
- Explicitly recognise crime as harm to individuals and communities

### 2. Rights

- Strengthen obligations around dignity, cultural safety, and non-discrimination
- Replace vague language with proactive standards for information and notification
- Update definitions of family and dependants to reflect cultural diversity
- Recognise rights to trauma-informed health, mental health, disability, and culturally specific supports

### 3. Operation

- Raise awareness of the Charter among victims and practitioners
- Mandate trauma-informed training for prescribed persons
- Integrate Charter obligations into service agreements
- Establish transparent complaints and monitoring systems

## 6. Conclusion

UnitingCare Queensland commends the Office of the Victims' Commissioner for leading this important review.

UCQ looks forward to working with the Queensland Government and sector partners through the next stages of this review to ensure a stronger, more responsive system for all victims of crime.