



17/10/2025

Dear Victims' Commissioner, Ms. Sarah Kay

Re: Charter of Victims' Rights Review: Victims' Experiences and the Existing Charter

This submission seeks to advise on the adequacy of Queensland's existing Charter of Victims' Rights (the "Charter") in meeting the diverse needs of victims of crime. It draws on the voices and experiences of victim-survivors, front-line workers supporting victim-survivors of domestic and family violence (DFV), and legal professionals supporting accused parties through the justice process, to examine the current (insufficient) operation of the Charter.

YFS supports victims of violent crime – directly, through our DFV programs – and indirectly through disclosures made within casework across our organisation, most notably our youth programs.¹ Our organisation also provides direct support to offenders, respondents to DFV orders, and accused peoples, through our legal service, housing and employment services, behaviour-change programs, family counselling, and youth casework. In many cases, these parties (young people that we support through our legal services) are also highly vulnerable, marginalised, and victims of crime themselves.

Throughout these programs, we have seen the inability for the existing Charter to guarantee the physical and psychological safety of victims, offenders, and respondents. The fragmentation of the justice system, combined with the lack of enforceable rights for all parties routinely causes additional harm and entrenches vulnerability and marginalisation by obstructing an efficient, empowering, and restorative justice process.

Although YFS is specifically concerned with the rights of victims of DFV related matters, we acknowledge the glaring omission of the rights of victims of non-violent crime in the Charter. The absence of these rights suggests a limited recognition of the unique and diverse needs of individual victims, and the degree to which the rights and interests of victims, offenders, and respondents are contingent, particularly on the type of crime that has been committed and the context of said crime.

Our principal concerns with the current Charter of Victims' Rights in Queensland are:

- The consistent transgression of victims' wellbeing and safety, specifically victims in domestic and family violence matters, without redress.
- The generalisation of the needs of diverse victims of crime, particularly those in at-risk groups, contributing to a blanket approach to victims' rights.
- The lack of enforceability and independent oversight of the existing Charter resulting in consistent violation of the precise rights alleged to be protected by the Charter.
- The lack of automatic procedural input of the current rights and supports detailed in the Charter contributing to 'blind spots' in the justice process.
- The negligence of the Charter with regard to the rights and interests of offenders, respondents, and accused peoples that are routinely violated, entrenching marginalisation and patterns of reoffending.

The purpose of a Charter of Victims' Rights

Queensland's Charter of Victims' Rights fundamentally lacks the level of detail and nuance required to sufficiently protect all victims of crime, specifically in its inability to mediate the interests of victims, offenders, and respondents.

¹ Many of the young people supported by YFS have experienced violence, including sexual violence, while in the care of the Child Safety system. While we are acutely aware of the profound impact these experiences have on their lives, our current submission does not focus extensively on their interactions with the justice system in these specific contexts. These complex and deeply important issues are addressed in detail in our separate submission to the Commission into Child Safety, where we explore the systemic factors contributing to their experiences and the support structures required to meet their needs.



In dealing with victims of violent crime, the existing Charter purports to generally:

- take victims needs into account.
- ensure that victims are treated with respect, courtesy, compassion and dignity.
- protect victims' personal information.
- inform victims about services to aid in their recovery.²

Although well-intentioned, this general model lacks a recognition of the complexity of victims' needs, and as such fails to deliver a comprehensive charter. Within the Charter itself, specificity in the rights that emerge from these general focal points (e.g. that "a victim will be informed, at the earliest practicable opportunity, about services and remedies available to the victim.")³ is markedly absent, particularly regarding the practical scope of rights, precise timing, and the agents/organisations responsible for ensuring them. In attempting to provide for the essential needs of vulnerable peoples, the existing Charter makes the fundamental error of expressing these specific and complex rights in broad, aspirational terms that lack operational detail and procedural input. The absence of specific, actionable rights means victims are often left navigating a fragmented system, with inconsistent access to information and support.

The *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (the "Act") established both the role of the Victims' Commissioner and the Charter of Victims' Rights. In defining the role and functions of the Victims' Commissioner, the Act explicitly recognises the diverse and contingent needs of victims.⁴ Highlighting specific vulnerable groups (i.e. First Nations peoples, LGBTQIA+ people, people with disabilities) is an important step in ensuring that individuals receive supports that reflect their unique needs and circumstances. However, within the Charter itself, this acknowledgement of at-risk groups is completely absent. The recognition and protection of the needs of vulnerable groups is, under the Act, merely a discretionary duty of the Victims' Commissioner and is not an established right within the Charter, meaning that the obligation to uphold these rights is non-binding. The silence of the Charter on the specific needs of vulnerable groups, when paired with the absence of procedural rigour and enforceability, fosters a framework that fails to adequately protect victims, and further marginalises at-risk demographics.

The acknowledgement of the unique needs of vulnerable peoples within the discretionary functions of the Commissioner, but without instantiation in the Charter, creates a legislative blind spot that risks further harm to already marginalised groups. In its current form, this inclusion lacks the specificity and enforceability required to function meaningfully. As a discretionary duty, it does not impose binding obligations, nor does it guarantee outcomes. This creates an illusion of recognition and protection for vulnerable groups, without the procedural or legal frameworks necessary to uphold their rights. Despite their symbolic inclusion in the broader victims' rights framework, First Nations peoples, culturally and linguistically diverse (CALD) communities, LGBTQIA+ individuals, people with disabilities, and DFV victims remain among those most severely affected by the Charter's inadequacy.

Furthermore, the Charter is silent as to the contingency of victims' rights on the rights of offenders. The recognition of victims' rights must not undermine the fundamental legal protections afforded to the accused, as both sets of rights are necessarily linked throughout the justice process. In failing to acknowledge the need to balance these rights, and the role of restorative justice in navigating this process, the Queensland Charter can and does foster recidivism and systemic entrenchment in cycles of violence.

Lack of enforceability and oversight

While the Queensland Charter is legislated within the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) to "govern the conduct of prescribed persons in dealing with affected

² Office of the Victims' Commissioner. "A Guide to the Charter of Victims' Rights." Queensland Government, (2025): 2. https://www.victimscommissioner.qld.gov.au/_data/assets/pdf_file/0010/826858/Guide-to-the-charter.pdf.

³ Office of the Victims' Commissioner. "Charter of Victims' Rights." Queensland Government, <https://www.victimscommissioner.qld.gov.au/Charter-of-Victims-Rights-simplified>.

⁴ Victims' Commissioner and Sexual Violence Review Board Act 2024 11. <https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2024-021> (2024).



victims,”⁵ it fails to produce legal rights or obligations that are enforceable by law.⁶ While this, in isolation, is not necessarily cause for concern, when paired with the absence of operational details and procedural input it creates a climate wherein victims’ and offenders’ rights are routinely violated without consequence or restitution. The European Union Directive of Victims’ Rights (EU Directive) legally mandates training for “officials likely to come into contact with victims,”⁷ which operationally ensures that victims’ rights “to be understood”,⁸ for example, are protected, even where the rights themselves may lack a degree of procedural detail. Conversely, victims and offenders in Queensland are subjected to a Charter that is radically deficient in operational detail regarding the identification of agencies responsible for upholding victims’ rights and the timeframes in which these rights must be met, thus making not only victims’ rights unenforceable but also the structures intended to protect and provide for them.

It is because of this gap that victims and offenders of violent crime in Queensland consistently experience violations of their fundamental rights, causing further harm, trauma, and risking further systemic marginalisation. Victims of crime in Queensland, specifically victims who engage with YFS’ DFV programs, report lengthy judicial processes and a lack of communication and information (including disclosures that are explicitly protected in the Charter – court updates, charges laid, etc.). DFV victims live in a constant state of fear, distanced and excluded from the justice process, contributing to long-term trauma and preventing effective recovery. Whilst the Charter indicates that victims ought to have agency throughout the justice process, our organisation frequently supports clients that have been ostracised from participating in parole processes, received no guidance on how to raise concerns or complaints, had their voices decentred from magistrate proceedings, and been given inconsistent information on when and where they have the opportunity to voice their experiences (particularly when a Police Protection Notice is in place).

These issues speak to two distinct problems. Firstly, that the existing Charter fails to invoke meaningful frameworks that ensure the rights of victims are consistently and uniformly met. The enforceability of practical, operational measures that guarantee victims’ rights is severely lacking. Additionally, there exists no body to provide independent oversight and hold agencies responsible for upholding the rights within the Charter. Although the Office of the Victims’ Commissioner plays an important role in advocacy and systemic review, the absence of a body that can compel agencies to act in accordance with the Charter, through legal remedies or the imposition of penalties, creates a justice system that possesses no concrete obligation to protect victims of crime. Importantly, we note that without the inclusion of operational details and procedural inputs within the Charter, an independent oversight body could not comprehensively address the ongoing violation of victims’ rights.

Generalisation of needs

The Queensland Charter of Victims’ Rights, at its core, fails to articulate and protect the diversity of victims’ needs within its scope, specifically in its inability to produce adequate supports for vulnerable groups throughout the justice process. While the scope of the Charter itself ought to be reviewed and expanded to include victims of non-violent crime, the existing Charter generalises the needs of all victims of violent crime without regard for the way in which these needs are heavily contingent, particularly on the offence (and the offender).

The Charter fails to adequately protect the needs of at-risk groups, such as First Nations peoples, CALD communities, people with disabilities, and LGBTQIA+ individuals, by offering only symbolic recognition without embedding enforceable or tailored procedural safeguards. While these groups are acknowledged in the Charter’s language, there are no mandated requirements for cultural safety protocols, interpreter access, accessible communication formats, or inclusive service delivery. The existing framework overlooks the structural barriers and systemic discrimination these communities face when engaging with

⁵ *Victims’ Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 41. <https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2024-021> (2024).

⁶ *Victims’ Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 43. <https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2024-021> (2024).

⁷ EU Victims’ Rights Directive 2012 25. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

⁸ EU Victims’ Rights Directive 2012 3. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.



the justice system. Without mechanisms such as mandatory training, contextually sensitive protections, or binding service standards, the Charter leaves vulnerable victims exposed to inconsistent treatment and secondary victimisation. In doing so, it reinforces the very inequities it purports to address, offering principles without the procedural infrastructure necessary to uphold them in practice.

For YFS specifically, the lack of distinct considerations for the needs of victims of DFV is severely concerning. The existing Charter, in theory, both acknowledges and reflects the need for victims to receive timely disclosures to participate in the justice process through sentencing and parole proceedings. The abject failure to meet these rights is a product of insufficient operational detail, procedural inputs, enforceability, and oversight, as discussed above. However, these issues are themselves products of the omission of distinct categories of harm which are accompanied, through evidence of lived experience, by unique and specific needs.

Where victims of isolated cases of assault typically require clear, timely information about their case and respectful treatment throughout discrete justice processes (e.g. police reporting and court proceedings), victims of repeated domestic violence often need sustained engagement with justice agencies, including ongoing updates, safety planning, and recognition of complex relational dynamics. Despite these needs, DFV victims identify significant issues, including obstacles to recognition on the Victims' Register (especially if a person using violence is not sentenced) and a lack of consultation in parole processes that endanger the victim (specifically in the process of accommodation assessment and managing the proximity of offenders and victims in the community). An intentional engagement with the lived experience of victims of crime has the capacity to materialise operationally meaningful rights. Nevertheless, it is evident that these essential needs are not adequately addressed by the Queensland Charter's generalised and event-focused provisions.

Given the vulnerability of victims of DFV, the current Charter exhibits concerning negligence in failing to guarantee these rights by not distinguishing categories of harm. While the distinct needs for these specific victims are not incompatible with the existing Charter, there is a legitimate lack of detail and nuance in providing for these rights. Contrast this with the EU Directive which, firstly, includes legislation tailored to the needs of victims of certain crimes – including as of 2022 a Directive on combating violence against women and domestic violence⁹ – but also mandates an individual needs assessment which provides essential context to tailor the justice process to the needs of each individual victim.¹⁰ Where victims engaged with the Queensland justice system feel disregarded and unheard, thus inflicting further unnecessary trauma, victims subject to the EU Directive have their needs guaranteed through a legally mandated consultation process. This needs assessment provides one example of a recognition of victims' diverse needs that possesses procedural input through which to ensure (by enabling enforceability) that victims' rights are upheld.

Disregard for offenders, respondents, and accused parties

One of the most blatant omissions from the Queensland Charter are protections and frameworks to navigate the rights of offenders throughout the justice process. While the rights and needs of victims are not currently being met, the expansion of the Charter cannot come at the expense of further violations to the rights of accused, respondents, or offenders. Moreover, existing violations, such as the indiscriminate release of information related to the accused in police investigations and the disclosure of court appearances, must be reviewed to reflect an understanding of the vulnerability of these parties and the contingency of the need for such information to be made public. These rights are explicitly protected in the EU Directive.¹¹

Sections 30-32 of the *Queensland Human Rights Act 2019* (Qld) provide clear legal protections for accused persons, including humane treatment when deprived of liberty, the right to a fair trial and the presumption of innocence.¹² The current Charter directly compromises these fundamental rights, most

⁹ EU Directive on Combating Violence Against Women and Domestic Violence 2022. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0105>.

¹⁰ EU Victims' Rights Directive 2012 22. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

¹¹ EU Victims' Rights Directive 2012 1(2). <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

¹² Human Rights Act 2019 30-32. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>.



notably through a blanket approach to the release of sensitive information that invites retaliation, vigilante violence, breaches of privacy, disruption of rehabilitation and restorative justice efforts, and impositions on the possibility of a fair trial.

Although YFS recognises the urgent needs of victims of crime, specifically of DFV, and their rights to information and supports to effectively plan for their future and safety, the justice system cannot guarantee these rights at the expense of the safety, wellbeing and human rights of offenders and respondents. As explained above, the needs of victims of crime are diverse and contextual and there must be a recognition of the need to balance these rights with those of offenders and respondents who are also at risk of harm and further marginalisation. The deprivation or disregard of such rights reflects an ideologically punitive approach to justice that compounds existing issues contributing to offending.

The current blanket approach to rights to information and disclosures creates undue risk and routinely causes harm to offenders, respondents, and their counsel. A more contextually sensitive and tailored approach, such as the implementation of individual needs assessments, promises to both uphold the rights of victims to communication and participation throughout the justice process, and protect offenders and respondents from unconsidered and negligent measures present under the current Charter. Importantly, these individual assessments divert energy and funding from unsustainable punitive justice measures toward restorative principles which aim to balance the needs of all parties involved and deliver long-standing solutions to violence.

Recommendations

YFS acknowledges that the second stage of this review lends itself more directly to practicable recommendations regarding enforceability, accessibility and accountability, which logically follow the concerns laid out in this submission. Nevertheless, we propose the following changes:

1. Targeted reform of the existing 'blanket approach' to victims' rights

The Charter should recognise the breadth of diverse victims' rights within its scope and implement a structure that is reflexive to the contextual dependence of rights, particularly on the crime committed, the rights of the accused, and any vulnerable peoples involved.

2. Inclusion of explicit protections for offenders, accused persons, and respondents

The Charter must recognise the essential interdependence between victims' and offenders' rights. Protections should be extended to offenders alongside the provision of victims' rights, particularly in cases of misidentification and where offenders' own experiences as victims of crime increase their vulnerability. A framework that carefully navigates and balances these rights is needed to ensure fairness and support for all parties involved.

3. Establishment of an individual needs-based rights framework

In accordance with Recommendations 1 and 2, the Charter ought to establish a justice framework that acknowledges the specific rights of individual victims of crime, maximises accessibility according to these circumstances, and facilitates tailored responses that balance the needs of all parties. The Department of Youth Justice and Victim Support is currently considering the implementation of a Victims Advocate Service that has the potential to fulfill some of these requirements, if delivered in collaboration with community legal centres to ensure cultural and community safety and accessibility.

4. Targeted reform to increase the degree of operational detail in victims' rights

The Charter must articulate operationally enforceable rights to ensure that these rights are consistently upheld, and all parties are protected when engaged with the justice system.



5. Development of legislated rules for upholding the rights of vulnerable groups and victims of particular crimes

The Charter must reflect an awareness of the increased vulnerability of victims of certain crimes (e.g. DFV victims) and historically marginalised groups (e.g. First Nations peoples) and create distinct structures and systems to prevent further harm and entrenchment throughout the justice process.

6. Establishment of an independent complaints and oversight body

To monitor and hold accountable the institutions responsible for upholding victims' rights, a new body should be established with the authority to investigate, intervene, and compel agencies to act in accordance with the Charter. This body must operate independently of government departments and service providers and be led by, or in partnership with, First Nations organisations to ensure cultural safety and community trust.

7. Extension of victims' rights charter to victims of non-violent crime

The Charter must apply to victims of non-violent crime who are also at risk of various forms of harm, and ought to have opportunities to participate meaningfully in the justice process.

We urge the Office of the Victims' Commissioner to consider these recommendations and would welcome the opportunity to further discuss how Queensland's Charter can be strengthened to better protect and empower all victims of crime.

Thank you for considering this submission.

Yours Sincerely,

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Christopher John
Chief Executive Officer- YFS

A black rectangular box redacting the signature of the Principal Solicitor.

Principal Solicitor-YFS Legal
Kamilaroi Woman

A black rectangular box redacting the signature of the Client Service Manager.

Client Service Manager
DFV Programs