



## Submission to the Review of Queensland's Charter of Victims' Rights

### Submitted by: Voice for Victims Foundation

The Voice for Victims Foundation welcomes the opportunity to contribute to the review of Queensland's Charter of Victims' Rights under the *Victims' Commissioner and Sexual Violence Review Board Act 2024*. As a victim-led charity, we provide peer support, justice navigation, and policy advocacy for victims of crime across Queensland. Our submission is informed by lived experience, frontline engagement, and systemic analysis of justice responses as reported by those whom we represent in this submission.

We support the review as a critical opportunity to transform the Charter from a symbolic statement into a legally meaningful, enforceable framework that reflects victims' expectations and rights under the law.

Under Section 9 of the Act, the Victims' Commissioner is empowered to:

- Identify and review systemic issues relating to victims.
- Consult with victims and stakeholders.
- Deal with complaints about contraventions of the Charter.
- Promote and advocate for victims' rights.
- Advise the Minister on improvements to policy and systems.

The Charter of Victims' Rights, declared under Part 3 of the Act, outlines rights for "affected victims" and requires entities to act consistently with those rights. However, Section 45 clarifies that the Charter does not create enforceable legal rights, which is a central concern of this submission.

The Terms of Reference for the review include:

- Purpose, scope, and application of the Charter.
- Operation in practice.
- Enforceability and complaints mechanisms.
- Accountability and accessibility.
- Jurisdictional comparisons and innovation.

This submission addresses all these areas and responds directly to Recommendations 19 and 20 of the *Hear Her Voice – Report 2*.

### Key Issues and Recommendations

#### **Purpose of the Charter**

The current purpose (Section 42) is limited to "outlining" rights. This passive framing fails to reflect victims' expectations of dignity, recognition, and accountability and minimises the work of the Commissioner and their office to understand and make recommendations regarding failures to uphold rights.

#### **Recommendation:**

Amend Section 42 to establish the Charter as a framework for minimum enforceable rights, improved outcomes, and require agency accountability.

#### **Enforceability and Accountability**

The Charter lacks enforcement. Victims cannot compel compliance, and agencies face no consequences for breaches, especially those which may have been identified as being systemic.

#### **Recommendations:**

- Empower the Commissioner to issue binding recommendations.
- Introduce statutory penalties for serious or repeated breaches.
- Require public compliance reporting and performance audits.
- Enable escalation to the Queensland Ombudsman or CCC for integrity and systemic failures.

### **Complaints Mechanisms**

Under Part 4, victims may lodge complaints, but due to the nature and need to collect information from various agencies the process can become fragmented, drawn out and may be retraumatizing due to the length in the nature of the investigation.

#### **Recommendations:**

- Create a single independent complaints pathway via the Commissioner.
- Mandate agency reporting of breaches and resolutions.
- Publish an annual Victims' Rights Compliance Report.

### **Awareness and Accessibility**

Victims are often unaware of the Charter or believe it is symbolic. The Act requires entities to act consistently with the Charter but does not mandate proactive notification.

#### **Recommendations:**

- Introduce a statutory duty to inform victims of their rights at first contact.
- Ensure the Charter is available in Easy English, translated formats, and trauma-informed language.

### **Scope and Application**

The Act defines "affected victims" and "prescribed persons," but many victims (e.g., property crime, cybercrime) are excluded.

#### **Recommendations:**

- Expand definitions to include broader victim cohorts.
- Clarify and broaden the list of obligated entities.
- Ensure alignment with other legislation (e.g., Youth Justice, DFV Acts).

### **Diversity and Inclusion**

The Act and Terms of Reference require attention to diverse groups, including First Nations peoples, Culturally and Linguistically diverse communities, and vulnerable populations.

#### **Recommendations:**

- Require culturally safe and inclusive practices across all agencies.
- Conduct targeted audits to ensure Charter uptake in underserved populations.

### **Innovation and Jurisdictional Comparison**

The Act encourages comparison with other jurisdictions. Queensland should learn from models with enforceable victim rights frameworks.

#### **Recommendations:**

- Benchmark against best-practice jurisdictions (e.g., Victoria, Canada).
- Pilot independent victim review boards or ombudsman oversight.

### **Conclusion and Call to Action**

The work of the Victims Commissioner and their office is one which Voice for Victims wholly supports, having directly supported victims through this process and we thank the Commissioner and their office for the detailed and compassionate approach which they take to each and every matter.

The opportunity to take part in this review is an exceptionally important opportunity to transform the Charter into a living, enforceable framework that genuinely protects victims and supports the incredible work of the Victims Commissioners Office.



The Voice for Victims Foundation respectfully requests the Office of the Victims' Commissioner to consider the following in the scope of this review through advocacy to the Government and in support of victims across Queensland:

- 1.** Propose legislative amendments for enforcement and penalties of agencies who consistently demonstrate an inability to uphold victims' rights; and for those agencies who have had recommendations, that make no measured changes to address issues.
- 2.** Introduce robust accountability mechanisms through enforcement and responsive reporting on recommendations made by the Commissioner's office to the relevant agencies.
- 3.** Review the design of complaints pathways to ensure they are trauma-informed along the full journey of reporting to closure.
- 4.** Expand the Charter's scope and inclusivity to any victim of crime within Queensland.
- 5.** Embed support systems, either in house or outsourced to assist victims from their first contact with the Commissioner's office to ensure that appropriate steps are taken to reduce and limit the possibility of re-traumatisation through reporting.