



CEVAW

ARC Centre of Excellence for the
Elimination of Violence Against Women

QUEENSLAND'S REVIEW OF THE CHARTER OF VICTIMS' RIGHTS ISSUES PAPER: OFFICE OF THE VICTIMS' COMMISSIONER

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The Australian Research Council Centre of Excellence for the Elimination of Violence Against Women (CEVAW), commenced in 2024. It aims to drive innovative and applied research that drives improved solutions to gender-based violence across the Indo-Pacific. CEVAW is led by Monash University together with six universities across Australia with many partners across the region and internationally. In Queensland Griffith University Node of CEVAW is a significant member of this work.

We welcome the invitation to contribute to the Review of the Charter of Victims' Rights. Our focus is on the issue of violence against women and gender-based violence, these crimes are substantial in occurrence across Queensland and nationally. This submission is a general statement based on the documents supplied on your website for the review. We wish to make the following points:

- 1. Misidentification of the person using violence and the victim-survivor** – This issue cuts across each of the topics in the charter of rights. There are direct issues associated with victim's rights to: recognition and respect; support, advice, and advocacy; information and updates; safety; and complaints. Domestic and Family Violence (DFV) are complex and intersectional issues. Research and practice in the DFV field is increasingly recognising the importance of pattern-based understanding of abusive and violence behaviours, especially in cases of coercive control. This is particularly relevant since the introduction of coercive control legislation in Queensland. Moving away from incident-based responses to DFV is challenging in justice and service response. However, in the context of the violence in intimate and family relationships is key in appropriately responding to and supporting the victim-survivor. Recognising these challenges, it is likely that misidentification of persons using DVF and victims of DVF can occur. This has been reported by various services offering support to women in the DFV service sector. Therefore, we recommend that this issue be addressed in the charter of victim rights. This may include avenues where people can appropriately appeal or contest the identification of them as the predominant aggressor or primary person using violence by showing service system contacts and other evidence that show a pattern of behaviour against them rather the identification being tied to a single incident, so that they can be correctly identified as victim-survivors of DFV. We also recognise the complexity of this issue and acknowledge that in some situations there can be difficulty in neatly assigning single categories of victim or perpetrator. Therefore, we recommend a nuanced approach in this situation that considers the gendered nature of DFV, in the identification of the person using violence.
- 2. Identification of trauma resulting from being a victim of crimes of violence** – This issue cuts across each of the topics in the charter of rights. There is strong relevance for victims to have 'help to recover'. Crimes because of gender-based violence can have impacts throughout the life course, whether they occur in childhood or adulthood. Sometimes these crimes are difficult to process through the criminal justice system. However, the needs for recovery, support and advocacy do not diminish. Considering how victim-survivors can navigate systems within social and health services so that their experiences of the impact of trauma can be effectively acknowledged and responded to is important for broad application of the charter of rights. This also applies to victim-survivors who may choose or have the option of pursuing civil justice options, to have their needs dealt with in trauma-informed ways that uphold their safety.
- 3. Support, advice, and advocacy are critical for victim-survivors of DFV to be able to navigate complex systems** such as applying for a domestic violence order or making reports to police. This also extends to how they can best access support services such as counselling in a timely manner. The complexities of applying for a domestic violence order can be very challenging for victim-survivors who are not familiar with justice responses and are often having to navigate these systems at a traumatic time. We recommend that specialist support be given to victim-survivors who are wanting to consider or apply for an order. We note recent changes regarding police being able to make domestic violence orders without court intervention. This requires consideration of support for victim-survivors choice and preferences as well as the need for complaint and appeal in the case of misidentification of the person using violence.
- 4. Access and Equity for Indigenous and Culturally and Linguistically Diverse (CALD) victim-survivors** – Recognising that research shows that there can be barriers and risks of discrimination for Indigenous and CALD victim-survivors in accessing services in both support and justice areas requires not only acknowledgement but also culturally safe methods to facilitate that their rights are upheld as a victim. There are also similar considerations for victim-survivors with disabilities or LGBTIQ+ persons.
- 5. We note and commend that 'safety' is a key part of the charter of rights.** Rights of confidentiality and having control over their information is critical to victim-survivor empowerment. The nature of DFV often results in ongoing fear for victim-survivors and their families. This can especially occur at times when separation is being initiated, applying for domestic violence orders, criminal charges are being laid, and when help seeking. Recognising the ongoing nature of threats both direct and indirect through a variety of personal and digital methods requires attention when understanding victims' rights to safety.

We wish you well in your Review of the Charter of Victims' Rights in Queensland. Should you require any further clarifications about our five points made in our submission please do not hesitate to contact us.



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Traditional Custodians

The Australian Research Council Centre of Excellence for the Elimination of Violence Against Women acknowledges the Traditional Custodians of the lands on which our various nodes stand and whose cultures and customs have nurtured and continue to nurture these lands since the Dreamtime. We pay our respects to Elders past and present. We extend our respects to all Aboriginal, Torres Strait Islander, and other Indigenous peoples around the world.

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