



Queensland Victims' Charter Review Survey – Stage One

Western Australia Office of the Commissioner for Victims of Crime Response

1. Are there any victims you think are not included or protected in the Charter of Victims' Rights?

Yes.

The current Charter focuses only on victims of violent crime, meaning victims of non-violent offences (such as property crime, fraud, cybercrime or other criminal offences) are not covered. In our view, this omits a significant group. WA's experience is that victims of all crime types can suffer harm and may need to seek support – for example, some burglary victims may feel more unsafe and violated than assault victims, and would benefit from the same support, information, and rights as any other victim. Additionally, offences relating to cybercrime and online abuse are often more difficult to prosecute and may be treated less seriously, leaving victims without adequate recognition and support.

If they do not currently fall within the scope, witnesses (to an extent) and family members and kinship networks of victims who have died or sustained severe, life-altering injuries as the result of an offence, should be included.

We suggest making the Charter more inclusive so that victims of all forms are acknowledged and protected (perhaps to varying amounts, particularly in relation to compensation). This could involve broadening the definition of "victim" in the Charter (we note in the *Victims of Crime Act 1994* (WA), "victim means — (a) a person who has suffered injury, loss or damage as a direct result of an offence, whether or not that injury, loss or damage was reasonably foreseeable by the offender; or (b) where an offence results in a death, any member of the immediate family of the deceased" (which effectively includes victims of all categories). Expanding coverage would ensure victims are not excluded simply due to crime type.

2. Do you think all government services and community organisations should be required to uphold the Charter when supporting victims?

Yes

All agencies and organisations that interact with victims should uphold the Charter. Consistency is paramount; a victim's experience can span multiple services, departments and agencies (police, hospitals, courts, support services,

psychologists/counsellors, NGOs, etc), and every touchpoint should be obligated by the same principles and commitments.

In WA, the *Victims of Crime Act 1994* (WA) Guidelines apply to all government departments and contracted service providers dealing with victims. While our Guidelines currently lack enforceability and are not legally binding, we have found that the comprehensive approach to include agencies is important, so that no matter where a victim has to engage, they can expect courtesy, respect, information, and assistance. If only some agencies had to follow the Charter, victims may fall through the cracks. Obligating all relevant agencies also creates shared responsibility for victim care and should help reinforce a culture of victim-centric practices.

We also suggest aligning the Charter to any agreed upon principles for trauma-informed care. Where possible, the core principles should extend to anyone who is engaging with a victim of crime.

Consideration also should be given workforce development, with targeted training in the provision of trauma-informed care where services either regularly support victims (e.g., frontline service providers), or that may come into contact with victims because of their experiences (e.g., staff responsible for administering a complaints process).

3. Do you think services currently treat victims according to these rights?

N/A to WA.

It is difficult for OCVoC as a WA agency to provide comment specifically about Queensland services' current performance. From our experience we have found that many service providers strive to treat victims in line with their rights. For example, police and courts usually intend to be respectful and keep victims informed; however, in our experience there can be gaps between this and the reality. We understand that time pressures, high caseloads, or a lack of training and resources can result in victims not being kept informed, or treated as respectfully/sensitively as Charters/Guidelines promise. From a WA perspective, we have seen improvements over time as awareness of victims' rights and trauma-informed principles grow, but also many shortfalls (e.g., a victim not being updated about outcomes, or feeling like they are not being listened to).

Generally speaking, it is our view that Charters/Rights/Guidelines are generally embraced, but consistency is an issue. Not all victims receive the full measure of support, information, and respect they are entitled to, sometimes due to system constraints and scope of service, rather than ill will. This probably more highlights the importance of workforce development, training, oversight and resourcing for agencies responsible for assisting victims.

4. What does being treated with respect and recognition look like to you as a supporter of victims?

Generally speaking, treating individuals with respect and recognition means following the principles of trauma-informed practice when engaging with or case managing victims.

More specifically, from our perspective, respect and recognition means:

- Using empathetic and compassionate communication - speaking to victims in a patient and compassionate manner, which includes active, non-judgemental listening, acknowledgment of their experiences and feelings, and avoiding pity, blame and scepticism.
- Validating victims and recognising they are the experts of their own experiences.
- Having individualised and tailored support – recognising that each victim's experience and their response to trauma is unique. Services should take into account a victim's intersectionalities, including their cultural background, language, gender, age, identity, and any special needs. This could include providing an interpreter or adjusting practices to be culturally safe.
- Providing a voice and choices – ensuring victims have a voice and are kept informed. Being treated with respect includes explaining their rights and the justice process in plain language, keeping them updated and informed on developments, and allowing them input and choices where possible (e.g., Victim Impact Statements, restorative justice practices, parole/release submissions, etc).
- Maintaining dignity and confidentiality - protecting their privacy and safety and minimising re-traumatisation via the system (including by being exposed to the accused/offender unnecessarily, limiting retelling of sharing through information sharing protocols, etc).
- Using timely and transparent communications and actions – respect can be shown by keeping victims informed in a timely manner. For example, promptly returning phone calls, providing information when we have said we would, and being honest about decisions is very important. Treating the victim with respect is especially important in difficult situations (e.g., not proceeding with charges, short sentences, parole eligibility, etc), and might include speaking with them compassionately and explaining reasons for decisions.

5. Victims can make a complaint if they feel their rights under the Charter were not respected—but many find this hard. They can make a complaint to the

service who they felt didn't respect their rights or to the Victims' Commissioner. If you were a victim, and felt your victims' rights have not been respected, did you/ would you think about making a complaint?

In our experience, many victims are hesitant to make a formal complaint. This may be because they are afraid they won't be believed or taken seriously, they feel it will be too onerous, might negatively impact their case/matter, they might have mistrust in the agency (particularly if they are investigating their own staff), or are confused about which agency to complain to. We also understand that many victims are not aware of their rights under relevant charters/Acts and may not be aware of their relevant complaint mechanism.

As mentioned in response to question 3, it is our understanding that many gaps exist within the criminal justice process that may lead to victims feeling mistreated. However, the OCVoC receives very few formal 'Breach of Victim Guidelines' complaints each year compared to the number of victims we imagine have been left feeling disheartened, disappointed and frustrated by the system. Because our current complaints mechanism lacks enforceability, we encourage victims to lodge a complaint with the relevant agency in the first instance, which may explain our small numbers. However, it is also likely that many victims have too much mistrust in the system, are too exhausted or too traumatised to pursue a formal complaint, or they may simply not be aware of the process. In our experience, those victims who do proceed to a complaint typically want to prevent the same thing happening to someone else, seek an apology and/or an explanation.

Having a mechanism for victims to make a complaint and have it investigated is a valuable option that may provide acknowledgement and a sense of justice. We advocate for a process that is accessible, and that removes unnecessary barriers (e.g., allowing multiple reporting options, capacity for information with other agencies to limit resharing of information, etc.).

6. Do you think the rights in the Charter meet victims' needs?

Yes and no.

Partly yes, but there are gaps. While the existing Charter rights appear to cover many core needs (respect, privacy, information, and support), the Charter is narrow in its treatment of "victim voice", limiting the right to participation to victim impact statements during sentencing (Schedule 1, clause 7). It does not provide avenues for victims to express their views at other key decision points, including release considerations. We

understand from victims that having input into decision making can be incredibly empowering.

The Charter also does not provide a right to protection from further harm (including intimidation and retaliation) or from further trauma. While it is noted that victims can make submissions about parole conditions through victims' registers, there is no explicit right to protection (or the consideration of protective conditions).

The Charter could also do more to limit retraumatisation. It could address repeated disclosure by introducing a right to coordinated service delivery, and by creating a positive obligation on relevant agencies to share relevant victim information.

The current Charter rights cover a good foundation, but it needs to evolve to better meet victims' needs. We also suggest possibly incorporating rights around restitution and individualised support that can evolve over time and through the criminal justice process (i.e., what a victim needs at sentencing might differ to what they need during parole).

7. Should victims have the right to be informed and consulted before key decisions are made in their case, for example if a charge or charges are dropped?

Yes, but only to an extent, and consideration needs to be given about the use of the word 'consultation'.

Victims should have the opportunity to be consulted, heard and informed before key prosecutorial or release decisions are made. Criminal offences can profoundly affect victims' lives, so they deserve the courtesy of being kept informed about key decisions, as well having their perspectives validated and acknowledged. Formalising this as a right in the Charter would standardise this across agencies and may help to ensure that victims don't feel blindsided by decisions.

However, this should not mean that a victim's input is a determining factor. In many cases input should not determine whether charges proceed, but rather ensure victims are provided with a clear explanation of their role in the criminal justice process, have their views heard, and receive timely and transparent explanations for decisions, particularly when outcomes are unexpected or perceived as unfavourable. We understand from victims that consistent communication and clarification about decision making can enhance their experiences, increase their sense of 'justice', reduce distress, and can assist with acceptance of outcomes. These considerations are also linked to the principles of trauma-informed practice.

8. Victims may face extra stress through delays, being contacted by offenders, or having their privacy invaded. They can also face financial costs when attending court or seeking help. How could the Charter better protect victims from further harm—like long delays or loss of privacy?

Victims can experience further harm through delays in proceedings, unnecessary contact with the accused, and breaches of privacy. These experiences often compound the original trauma, increase fear and anxiety, and undermine confidence in the justice system. Strengthening the Charter to explicitly recognise a right to protection from further harm would set clearer expectations for agencies and likely improve safety and wellbeing.

This could include structured measures to reduce or prevent contact with offenders (e.g., through 'protective conditions' during bail or release considerations), and stronger privacy safeguards. This may also help minimise the need for victims to repeatedly retell their stories across agencies, which is a common cause of re-traumatisation. Establishing this as a Charter right would support more consistent and coordinated agency responses.

We note that trying to address lengthy delays within the Charter may create an expectation that there will be no delays. Unfortunately, under an adversarial system, victims are considered 'witnesses', not parties to a matter, which considerably limits their ability to participate. This means that these delays are often outside of their control. Because of this, the harm this causes may be better addressed through a clear explanation of their role, and ensuring the Charter creates a right to receive timely updates and information.

9. Should victims have a clear right to be reimbursed for costs related to attending court or seeking help (e.g. travel, time off work)?

Yes.

Victims often incur financial costs when participating in justice processes, including travel, accommodation, childcare, lost wages, etc. In WA, these expenses are largely only covered up front if the victim is also listed as a witness, is required to give evidence in a trial, and if they need to travel significant distances to participate. We understand that for the majority of victims, these costs create additional stress and deter participation in the justice process.

Recognising a right to reimbursement of reasonable justice-related expenses would help remove financial barriers and support more equitable engagement. However, this

should be supported by a clear and accessible funding/claims mechanism, rather than ad hoc arrangements.

10. Would you like to tell us anything else about the Charter or victims' rights in Queensland?

The current Charter provides a strong foundation but could better reflect modern victim-centred approaches. Key opportunities include broadening its coverage beyond violent crime, strengthening participation and protection rights, and improving agency information sharing, accountability and coordination.

As we understand from our experiences, a legislative framework is important, but implementation is paramount. Clear communication and awareness campaigns, workforce development and training for frontline and justice-related staff, and consistent monitoring of compliance will be essential to ensuring victims can meaningfully exercise their rights. Strengthening inter-agency information sharing and complaints pathways should also help to reduce retraumatisation and build trust in the justice system.