

17 October 2025

Victims Commissioner

By Online Lodgement

Dear Victims Commissioner,

Review of the Queensland Charter of Victims' Rights

Thank you for the opportunity to provide input into the Review of the Queensland Charter of Victims' Rights.

About Caxton Community Legal Centre

Caxton Community Legal Centre (Caxton) is Queensland's largest generalist community legal centre. We are an independent, non-profit organisation providing free legal advice, social work support, information, and referrals to people experiencing disadvantage or on low incomes.

Caxton works closely with victims of crime who face intersecting forms of disadvantage, including poverty, disability, racism, homelessness, and gendered violence. Annexure A to this submission provides further detail on Caxton's programs supporting victims of crime.

Through both direct legal assistance and systemic advocacy, Caxton helps victims understand and assert their rights, identify when those rights are not upheld, and seek accountability from justice and government agencies.

Key issues for Caxton's clients

From our work, the following priority issues emerge for our clients in relation to the current *Charter of Victims' Rights*.

1. Reframing Victims' Rights through a Human Rights Lens

The current *Charter of Victims' Rights* provides that an affected victim will be treated with courtesy, compassion, respect and dignity, taking into account the victim's needs (part 1, division 1, 1). While this is an important foundation, it can be strengthened by adopting a clearer human rights-based approach consistent with the principles in the *Human Rights Act 2019*.

A human rights framing recognises that every person has inherent dignity and equal worth, and that State agencies have positive obligations to act compatibly with, and give proper consideration to, human rights in their decision-making. Applying this approach would ensure the Charter more explicitly reflects victims' entitlement to respect, fairness, and equality in their interactions with government and non-government entities.

While the Charter currently provides that victims are entitled to be treated with dignity and respect, it does not explain what they mean in practice. This limits the Charter's effectiveness in guiding consistent, safe, and respectful engagement with victims across government and community services.

All responses to victims should be trauma-informed, culturally safe, accessible, and responsive to the individual circumstances and intersecting needs of each victim. Embedding these principles in the Charter would align Queensland's framework with its broader human rights obligations and ensure that the Charter operates as a genuine statement of victims' rights.

The express requirement that services be trauma-informed and culturally safe would reflect contemporary best practice and align the Charter with the principles of the *Human Rights Act 2019*, which requires public entities to act compatibly with human rights. It would also acknowledge that victims' experiences of violence, loss, and systemic interaction can be profoundly shaped by trauma, culture, and identity.

Proposed revised right:

An affected victim will be treated with dignity, humanity, courtesy, compassion, and respect, without discrimination of any kind, and in a trauma-informed and culturally safe manner.

In giving effect to this right, particular regard must be had to the need to overcome rights-limiting barriers faced by victims in vulnerable or marginalised groups, including but not limited to First Nations peoples, older persons, children and young people, people with disability, people from culturally and linguistically diverse backgrounds, LGBTIQ+ communities, and those living in regional and remote areas.

To ensure these rights are meaningful and implementable, the Charter should also include plain language explanations or definitions of what trauma-informed and culturally safe practice mean in this context. These should be developed with a rights-based approach in partnership with First Nations peoples, culturally and linguistically diverse communities, people with disability, and victim-survivor advocates to ensure they are relevant, inclusive, and grounded in lived experience.

2. Introduce new general right to safety planning

Although a person becomes an ‘affected victim’ following an offence committed at a point in time, for many victims there is clear ongoing risk of further victimisation and harm. The need for safety planning is well recognised in the domestic and family violence sector and increasingly in other scenarios, such as sexual harassment in the workplace. Best practice requires safety planning whenever a person is at risk.

Where a government or non-government entity delivering a service to a victim becomes aware of a risk of further victimisation and harm, the entity should be required to assist the victim to prepare a safety plan and to liaise with other relevant entities as necessary.

Proposed new right under *Charter of victims’ rights* part 1, division 1:

An affected victim who is at risk of further harm will be assisted to develop an appropriate safety plan.

Embedding this right would strengthen the Charter’s preventative and trauma-informed focus, ensuring entities have a clear obligation to collaborate with victims in developing tailored safety strategies that address their unique circumstances and risks.

We anticipate that most Government departments and non-government organisations delivering services to victims will already be providing appropriate assistance in these circumstances¹, and that the inclusion of this express new right will therefore have minimal resourcing implications.

3. Broaden the meaning of ‘Victim’ for purpose of Charter of Victims’ Rights

Through our specialist work in the Queensland Coronial Legal Service, which provides legal representation and advocacy for families engaged in the coronial jurisdiction, Caxton has observed that many bereaved families fall outside the current definition of an *affected victim* under the *Charter of Victims’ Rights*, despite experiencing profound loss, trauma, and engagement with the justice system following a loved one’s death.

The Charter’s definition of *affected victim* is too narrow to reflect the realities of how harm and loss occur. It primarily covers people who have directly experienced a criminal offence or domestic violence, and, in limited circumstances, their immediate family members. This framing excludes many families who have lost a loved one who has been a victim of domestic and family violence, but where there is not positive evidence of a link between the violence and the death.

These families often experience significant trauma and uncertainty while navigating complex systems such as police investigations and coronial processes and being told that unless they

¹ See, for example, <https://www.police.qld.gov.au/safety-and-preventing-crime/personal-safety> and <https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/need-to-know/how-can-i-stay-safe/practical-steps-to-stay-safe/making-a-safety-plan>

themselves can establish the link, they will not be recognised as *affected victims* under the Charter. As a result, they are often denied access to information, updates, and support, even where there is a clear history of domestic violence preceding the death.

The Charter should adopt a broader and more inclusive definition of *affected victim* to capture family members or next of kin of a person who has died following experiences of alleged or suspected domestic, family, or sexual violence, regardless of whether that violence has been established as the cause of death or resulted in criminal charges.

Expanding the definition in this way would ensure that bereaved families are treated with dignity, compassion, and respect; kept informed about investigations and proceedings; and supported through trauma-informed, culturally safe communication.

4. Definition of Family Member

The current statutory definition of *family member* under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* does not adequately reflect the diversity of family structures and relationships in Queensland. It recognises only a spouse, child, parent, sibling, or stepsibling, and equivalent relationships recognised under Aboriginal tradition or Island custom. While these categories are important, they do not encompass the full range of people who may experience grief, trauma, and disruption following a person's death.

In many circumstances, extended family members, kinship carers, and close friends play central roles in a person's life and are profoundly affected by their death. This is particularly true in Aboriginal, Torres Strait Islander and culturally and linguistically diverse communities, where family networks are often broad and multi-generational, and where community or cultural leaders may assume key responsibilities in the aftermath of a death. These individuals may provide emotional support, organise cultural or religious mourning practices, and liaise with authorities yet they are not consistently recognised under the current definition of *family member*.

A broader and more inclusive definition of *family member* that ensures all people significantly impacted by crime or a person's death are treated fairly and compassionately should be adopted. This could include:

- recognising extended family, kinship carers, and culturally recognised family structures, including those within culturally and linguistically diverse communities; and
- enabling consideration of other close personal or caregiving relationships where the person is directly affected by the death.

Expanding the definition in this way would ensure that everyone who bears the emotional, cultural, or practical consequences of a loved one's death is treated with dignity, provided with timely information, and supported in accordance with the Charter's objectives.

5. Definition of 'Government Entity'

The current definition of *government entity* under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* is too narrow and fails to capture all of the public agencies that victims and their families routinely engage with. As a result, many people who experience violence, trauma, or loss, particularly bereaved families involved in coronial processes interact with State institutions that are not clearly subject to Charter obligations.

While the *Public Sector Act 2022* includes a registry or other administrative office of a court or tribunal of the State as a public sector entity, there is ambiguity in how this applies to the Coroners Court of Queensland and its staff when exercising non-judicial functions. The Coroners Court provides critical administrative and investigative functions that directly affect victims' families, including directing investigations, communicating about inquests, managing evidence, and liaising with police and forensic services. Families often experience these interactions as part of their justice journey following the death of a loved one. However, in practice, families report inconsistent communication, lack of empathy, and limited access to information.

This gap leaves bereaved families without the same level of recognition, dignity, and procedural fairness that the Charter seeks to guarantee. The exclusion is particularly significant given that coronial investigations always follow death violent and unnatural deaths often caused by a criminal offence or domestic and family violence. These are precisely the contexts in which victims' families need compassionate communication, timely information, and trauma-informed practice.

There is also broader uncertainty about which other public agencies have obligations under the Charter, including entities such as the Office of the Work Health and Safety Prosecutor and Hospital and Health Services, which deal with victims or families following deaths. Victims should not need to understand administrative classifications within the Queensland public sector to determine whether they are entitled to fair treatment and information.

The Charter should be amended to provide greater clarity and consistency regarding which entities have obligations to uphold victims' rights.

Development of plain-language guidance outlining which agencies are covered by the Charter and in what contexts, so victims and their advocates can clearly understand their rights and pathways for complaint or review.

Government entities with obligations under the Charter should also be required to proactively inform victims of those obligations and what to do if they feel that their rights are not being met.

This submission was prepared by [REDACTED], Legal Practice Director and [REDACTED], Legal Practice Director. Please contact [REDACTED] by email to [REDACTED] or by telephone to [REDACTED] if we can be of further assistance in relation to the review.

Yours faithfully

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Legal Practice Director

Victims of Crime Programs

Victims of Crime

- Legal advice (advice, casework, representation)
- Social work support (short-term counselling, case management, referrals)
- Financial counselling
- Victims assist applications
- Greater Brisbane Region

Victims of Domestic and Family Violence

- Legal advice (advice, casework, representation)
- Social work support (short-term counselling, case management, referrals)
- Financial counselling
- Victims assist applications
- Greater Brisbane Region

Victims of Domestic and Family Violence with Family Law Issues (specialist service – Family, Advocacy & Support Service)

- Legal assistance (advice, casework)
- Duty lawyer assistance before and during family court proceedings
- Social work support (safety planning, short-term counselling, case management, referrals)
- Court-based social work supports and mental health supports during family court proceedings
- Financial counselling
- Statewide (at most family court/circuit locations) for court-based services

Victims of Sexual Assault (specialist service – Qld Workplace Sexual Harassment and Discrimination Service)

- Legal assistance (advice, casework, representation, pro bono counsel)
- Social work support (safety planning, short-term counselling, case management, referrals)
- Financial counselling
- Greater Brisbane Region

Bereaved Families (specialist service – Queensland Coronial Legal Service)

- Legal advice (advice, casework, representation, pro bono counsel)
- Social work support (short-term counselling, case management, referrals)
- State-wide service

Victims of elder abuse (specialist service – Seniors Legal and Support Service)

- Psychosocial assessment and case planning
- Home visits/aged care outreach
- Hospital based lawyers (health justice partnership) throughout Metro South and Metro North
- Social work support (safety planning, short-term counselling, case management, referrals)
- Legal assistance (advice, casework, representation, mediation)
- Financial counselling
- Greater Brisbane Region

Witnesses

- Legal advice (advice, casework, representation)
- Social work support (short-term counselling, case management, referrals)
- Financial counselling
- Victims assist applications
- Greater Brisbane Region

Users of Violence

- Domestic and Family Violence Duty Lawyer for Respondents – Brisbane Magistrates Court
- Men's Bail Support Program (currently defunded)
- Court Plus 4 Men (social support case management to address behaviours and comply with Domestic Violence Orders)
- Duty Lawyer and Men's Support Worker (social support court-based intervention for men in family court proceedings affected by DFV)