



17 October 2025

Victims' Commissioner  
Office of The Queensland Victims' Commissioner  
E: [vcpolicy@victimscommissioner.qld.gov.au](mailto:vcpolicy@victimscommissioner.qld.gov.au)

Dear Victims' Commissioner

### **Submission: Charter of Victims Rights Review**

Protective Collective thanks the Qld Victims Commissioner for the opportunity to make a submission in relation to the Review of the Qld Victims Charter.

#### **Introduction**

My name is Lisa McDonald, I am an activist, advocate and Arts Psychotherapist, my interest is in the field of sexual violence, a field I have been in for over two decades. I have worked with all facets of society including First Nations community, LGBTQIA+ and people living with disabilities. family violence, perpetrator tactics and coercive control. My work includes research, education in the field including to professionals, one on one and group support, consultations with the Australian Federal Government to amend the Family Law Act 1975, and achievements such as recent shortlisting for the Qld Sexual Violence Review Board 2025.

I am founder of not for profit, Protective Collective, which is part of a worldwide movement of Family Law Reform focusing particularly on perpetrator tactics and legal systems abuse involving women and children reporting sexual violence. Particularly, violence reporting, that is responded to as the universally prohibited 'parental alienation'<sup>1</sup>, and multiple human rights violations.

I have followed closely the recent inquiries into Australian system responses to women and children reporting sexual violence, both on a National level and State level. I acknowledge the Australian Governments' commitment to end gendered violence in one generation<sup>2</sup>.

I will speak in binary in this submission, but that is due to legal acts and bias, not due to wilful exclusion of people who identify as non-binary, transgender and all genders.

It is from this framework that I make my submission.

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<sup>1</sup> <https://documents.un.org/doc/undoc/gen/g23/070/18/pdf/g2307018.pdf?OpenElement>

<sup>2</sup> <https://www.dss.gov.au/national-plan-end-gender-based-violence>

## Issues with Current Victims Charter

When one is focusing in particularly on women and children reporting sexual violence, there is an issue reporting incest and intimate partner violence of sexual violence within the context of State and Federal jurisdictions.

In the Qld Police DV Inquiry 2022,<sup>3</sup> we heard that Qld Police as a whole, are turning away women and children reporting incest and sexual violence, where that sexual violence is being reported during or post separation. Alarming, Qld Police have not, and do not, keep records of the people that they turn away from the counter.

In the work of Protective Collective, we hear from mothers who have told Qld Police (and this is occurring Australia wide in every state) of sexual violence, and those Police Officers have refused to investigate, and do not even acknowledge the Victims Charter. Claiming that people arrested of crimes are the only ones they need to answer to and have ‘rights’.

Women have been accused of parental alienation, and told or inferred that they are coaching their child, and tellingly, very often the first question asked by Police upon reporting is whether they are ‘in family court’<sup>4</sup>. The rape culture myth that women and children lie about sexual violence to gain an advantage in family court,<sup>5</sup> is seen as fact by Qld Police<sup>6</sup>. Anecdotally, any complaints made by women about the conduct of Qld Police, are subject to ‘police policing police’.

This in itself is against the Victims Charter and does not recognise the trauma, bewilderment, pain and confusion of women and children discovering and reporting incest and sexual violence. Ultimately, these women and children are sidelined and expected to pretend the offending didn’t occur and doesn’t exist. Whilst they watch on as other ‘acceptable perfect victims’, are given support, compassion and care.

This dynamic is occurring with Qld Child Safety as well. With Qld Child Safety refusing to initiate investigations into incest and naming the Woman a ‘protective parent’ where policy is

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<sup>3</sup> <https://www.qpsdfvinquiry.qld.gov.au/about/report.aspx>

<sup>4</sup> “Therein lays a dangerous belief, permeating through child protection authorities, specifically police, that mothers make up allegations of child sexual abuse to gain full custody in family courts. – Kerrie Thompson” <https://www.parliament.nsw.gov.au/ladocs/transcripts/2998/Transcript%20of%20evidence%20-%2012%20August%202022%20-%20Committee%20on%20Children%20and%20Young%20People.pdf>

<sup>5</sup> “The Commission also heard that police sometimes refuse to act when there are concurrent family law proceedings or child custody issues,<sup>170</sup> telling victim-survivors that they believed they were making reports as leverage for family law matters,<sup>171</sup> or to limit men’s access to their children. “p53 <https://www.qpsdfvinquiry.qld.gov.au/about/assets/commission-of-inquiry-dpsdfv-report.pdf>

<sup>6</sup> <https://www.qpsdfvinquiry.qld.gov.au/about/report.aspx>

that if there is a parent willing to protect, they do not get involved<sup>7</sup>. Should that woman not protect her children, she will be subject to offences of failure to protect and child removal. Not only is this an optic that gets exploited and deliberately misconstrued in Family Court to imply that there is no substantiation of child abuse, Qld Child Safety employees, who are not legal professionals, inform women they need to go to ‘Family Court’ to sort out custody – removing the work from their own desks onto the women they have deemed ‘protective’.

In Abigail Boyds MLC report of 2022,<sup>8</sup> <sup>9</sup>she heard from sisters-in-law project the following:

*It's common knowledge, through our professionals who work in the industry, that if a mother reports allegations that her child has been sexually violated by their father that she will lose custody. Solicitors in our region know that, so they advise women not to disclose allegations of sexual violence, because they will lose their children. – Kerri Thompson*

This cohort of women and children, who are just like any other woman and child reporting the very serious crime of incest and sexual violence to the proper authorities - as they are repeatedly told to do by State and Federal governments by way of media - are rendered invisible and without support or respect by any of the services covered by the Qld Victims Charter once they are corralled by these services into the Family Court system. The Family Court system is wholly inappropriate to address the crime and protect their children. Statistically, these women and children will be subjected to gender bias, rape culture myth, lack of protection, legal systems abuse, lack of robust legal representation – if any – and be framed as ‘liars’, ‘alienators’ and coaches of children<sup>10</sup>.

Having to navigate this line between State and Federal, when attempting to rectify the situation after finding themselves labelled as perpetrators for simply reporting child sexual abuse and supporting their children, these women and children are completely unable to find support from the Qld Police and Qld Child Safety, who are now firmly on the side of the reported perpetrator, who has secured a ‘Family Court Order’ and now has sole custody of the children. Qld Police and Qld Child Safety, having in their possession a Family Court Order, will then refuse to act on a State level, in breach of legislation and law, and fully take on board what is essentially a civil ‘private’ court order. What these public servants have done, is successfully taken work from their desk and provided a systemic shortcut for themselves, whilst they can scapegoat the true persons subjected to sexual violence unendingly with Police and Child Safety claiming they cannot act against Family Court Orders. It is wholly incorrect that Qld Police and Qld Child Safety are bound by Federal Court Orders. (S68 FLA 1975), yet it used as an excuse time and again to not act.

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<sup>7</sup> <https://www.families.qld.gov.au/our-work/child-safety/protecting-children/report-child-abuse/what-happens-when-report-made>

<sup>8</sup> <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2620#tab-reportsandgovernmentresponses>

<sup>9</sup> <https://www.parliament.nsw.gov.au/ladocs/transcripts/2998/Transcript%20of%20evidence%20-%202012%20August%202022%20-%20Committee%20on%20Children%20and%20Young%20People.pdf>

<sup>10</sup> <https://www.tandfonline.com/doi/full/10.1080/09649069.2024.2382501?src=recsys>

Qld Police and Qld Child Safety claim that the ‘balance of probabilities’ only is applied in a civil Family Court case, being a lower threshold of proof, and therefore, that means that if the reported perpetrator of incest and IPV was found by the Family Court to be ‘innocent’ and the reporters ‘alienators, liars and coached’, then that is what happened.

In reality, the Family Court applies a standard higher than the balance of probabilities (being 50% plus one), being the Briginshaw standard from circa 1930. This standard includes an inherent ‘unlikelihood’ that a crime occurred and allows the Judges their own personal view and ‘discretion’ and even ‘intuition’ to unilaterally decide whether they believe sexual violence occurred and this is then overlaid with ‘innocent until proven guilty’. All of this combined creates a standard that is so high, it is far beyond criminal standard to unachievable to prove child sexual abuse or sexual violence at all. In fact, there has never been a Judge of the Australian Family Court or the UK Family Court<sup>11</sup> that has found fact - without consent orders or criminal conviction – of child sexual abuse<sup>1213</sup>. The juxtaposition of the fact that incest and child sexual abuse in general is prolific in Australia, should give the reader exceptional cause for concern as to what is occurring in the Family Courts<sup>1415</sup>.

### **ALRC 2025 Failure to Consult and Research**

In the ALRC 2025 section 19 Further Reform: Family Law System<sup>16</sup> they have only consulted with employees of the Family Court and the Family Law Council – again, employees and those that hold power in the Family Court - whilst completely failing to speak to even one Mother and Child subjected to sexual violence responses by the Australian Family Court. What has resulted is, in my opinion, a completely romanticised idea of sexual violence responses in the Australian Family Court.

With all due respect, it highlights a great need for the silenced voices of women and children I speak of in this submission to be heard, and I would urge the Qld Victims Commissioner to completely disregard the entire section of the ALRC 2025 sections regarding sexual violence responses and Family Court. It is promoting an entirely dangerous idea with respectfully, an ignorance of the systemic criminalisation, weaponisation and harms that these women and children are being subjected to after being forced to disclose sexual violence to the Family Court of Australia<sup>17</sup>.

To be clear, in my expert opinion, the only place that sexual violence crimes should be vetted is either by consent of the person subjected to the sexual violence not at all; or consent to alternative resolution by the those subjected to sexual violence where they are in complete control; or by way of the criminal courts. It is the duty and responsibility of Police to record,

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<sup>11</sup> <https://drcharlotteproudman.substack.com/p/child-sexual-abuse-and-family-court>

<sup>12</sup> <https://www.ag.gov.au/families-and-marriage/publications/protecting-victims-family-violence-including-children-family-law-system-disincentives-disclosing-family-violence-and-child-abuse-and-responding-systems-abuse-terms-1a-and-1b-2024>

<sup>13</sup> <https://www.abc.net.au/news/2022-12-16/nsw-inquiry-into-family-law-child-protection-findings/101777328>

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<https://www.humanrights.unsw.edu.au/sites/default/files/documents/Identifying%20and%20understanding%20child%20sexual%20offending%20behaviour%20and%20attitudes%20among%20Australian%20men.pdf>

<sup>15</sup> <https://www.aic.gov.au/media-centre/news/new-study-reveals-patterns-parents-who-produce-child-sexual-abuse-material>

<sup>16</sup> <https://www.alrc.gov.au/wp-content/uploads/2025/02/JRSV-Final-Report-Book-for-Web-final-20250211.pdf>  
p600

<sup>17</sup> <https://onlinelibrary.wiley.com/doi/full/10.1002/ajs4.171>

gather evidence and prosecute, and it is the right of persons subjected to sexual violence to have that matter heard before a jury of their peers and/or a criminal judiciary. Civil claims **should not include the Family Court of Australia.**

**Recommendation: Qld Police and criminal courts be compelled to bring all reports of sexual violence to a prosecutorial proceeding.**

Due to being forced to report to the Family Court, women lose custody of their children, and are criminalised after having their disclosures and lawful reports of violence unilaterally disbelieved by a Family Court Judges sole discretion against the backdrop of a legal abuse tactic of 'parental alienation'. Parental Alienation is a well known legal abuse tactic/defence and lucrative business model that thrives in the Family Court seeing worldwide and that would not be accepted in a criminal court.<sup>18</sup> In fact is a Qld Criminal Offence not to report sexual violence against child and:

***SECT 229BC Failure to report belief of child sexual offence committed in relation to child***

*(5) An adult who, in good faith, discloses information mentioned in subsection (1) (a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.*<sup>19</sup>

But yet they are 'civilly' in the Family Court of Australia. Clearly, the reality is that Women and children subjected to sexual violence are being completely abandoned and are in a position of '*damned if you do, damned if you don't*' on a State and Federal level. This is despite the fact that the domestic violence field, womens legal services, and the legal profession knowing about this for decades<sup>20</sup>. So far there has been no remedy or support for these women and children.

This is where the Qld Victims Commission needs to come in and clearly address support for these women and children.

*"There's no single point of leadership within the government for the domestic and family violence system, and without government stewardship or an accountability mechanism, no-one is held responsible for when services fail people or fail to support victim-survivors."*<sup>21</sup> - Ms Stott Despoja

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[https://www.researchgate.net/publication/271939517\\_Madness\\_in\\_Family\\_Law\\_Mothers'\\_Mental\\_Health\\_in\\_the\\_Australian\\_Family\\_Law\\_System](https://www.researchgate.net/publication/271939517_Madness_in_Family_Law_Mothers'_Mental_Health_in_the_Australian_Family_Law_System)

<sup>19</sup> [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/qld/consol\\_act/cc189994/s229bc.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/qld/consol_act/cc189994/s229bc.html)

<sup>20</sup> <https://www.theguardian.com/society/article/2024/aug/23/domestic-family-violence-parliamentary-inquiry-women-safety-ntwnfb> ; <https://www.abc.net.au/news/2024-09-07/family-court-custody-domestic-violence-abuse-parenting/104256832> ;

<https://www.tandfonline.com/doi/full/10.1080/13218719.2023.2214927?src=recsys> ;

[https://www.alrc.gov.au/wp-content/uploads/2019/08/alrc\\_report\\_135\\_final\\_report\\_web-min\\_12\\_optimized\\_1-1.pdf](https://www.alrc.gov.au/wp-content/uploads/2019/08/alrc_report_135_final_report_web-min_12_optimized_1-1.pdf)

<sup>21</sup> <https://www.msn.com/en-au/crime/general/royal-commission-releasing-findings-into-domestic-family-and-sexual-violence/ar-AA1KLA9l>

What these services have effectively done, and it is a systemic issue, is to hand to vulnerable persons the responsibility of conducting their own, essentially illegally held, ‘child sexual abuse trial’ and attempting to obtain protection of their children via a Family Law system, of which they are largely unsuccessful.

Family Court is a place that is completely without the criminal court protections and procedural ‘fairness’, to conduct this type of trial – something that legal representatives and child sexual offenders, are acutely aware of.<sup>22</sup>

It is, surely a profound injustice and abdication of responsibility to expect and place onto largely self represented women (who are being subjected to post separation abuse and legal systems abuse) to ‘gain a conviction’ in Family Court, where government services (public service employees) that have forced women into that position, can barely achieve convictions themselves – even with the entirety of the Qld Police Force and Public Prosecutions at their disposal. This is a severe, chronic and serious failure.

**Recommendation: This cohort requires the full and robust support of the Victims Charter and Qld Victims Commissioner to highlight this failing, and make very public examples of the government services, as a deterrent, and to enforce proper robust investigations and protections of women and children subjected to and reporting sexual violence. Bringing it into line of what the public expects and believes these services are doing.**

In short, they are absolving themselves fully and completely from the Victims Charter and responsibilities, and failing women and children subjected to sexual violence in hidden spectacular fashion. I say hidden, because once engaging with the Australian Family Court, these women and children are gagged by the Evidence Act 1996 and can and are being imprisoned for talking about their matter and how their reports of sexual violence and incest were dealt with in the Family Court of Australia.

All of the recommendations made by the ALRC 2025 report<sup>23</sup>, aligns wonderfully for people reporting sexual violence to the criminal system, pre-recorded evidence, trauma informed system, a victims advocate supporting them through the legal system, as an example, none of this was recommended for or is available for women and children reporting sexual violence to the Family Court of Australia – thereby segregating and creating a separate, silent and invisible class of women and children subjected primarily to incest and intimate partner violence.

This systemic exclusion constitutes a clear breach of the Queensland Victims Charter, which enshrines the rights of all victims to be treated with respect, dignity, and protection. By failing to extend these safeguards to women and children reporting sexual violence in the Family Court, the system effectively denies them the rights and recognition afforded to other victims of crime.

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<sup>22</sup> <https://www.parliament.nsw.gov.au/ladocs/transcripts/2998/Transcript%20of%20evidence%20-%202012%20August%202022%20-%20Committee%20on%20Children%20and%20Young%20People.pdf>

<sup>23</sup> <https://www.alrc.gov.au/publication/jrsv-report-143/>

No reasonable lay person, would find it acceptable, that such a large and vulnerable portion of the Australian population is being wholly denied justice, and being criminalised, to allow perpetrators of serious sexual offences to walk free thereby allowing space on the desks of Qld Child Safety and Qld Police.

**My recommendation in this regard, is that this is an issue that requires fulsome canvassing and inclusion in the Qld Victims Charter.**

### **Cross Reference of Victims Charter and Reality**

The Qld Victims Charter provides the following<sup>24</sup> under the heading “Your rights to be treated appropriately”:

- You have the right to be treated with courtesy, compassion, respect, and dignity, taking your needs into account.
- You have the right to have your privacy protected.
- You have the right to be provided information about services and remedies which can support you.

In the context of the cohort I have been discussing in this submission, (whilst acknowledging the further oppression of intersectional cohorts within this population and outside of it), there is on the whole a distinct lack of adherence to the Victims Charter by Qld Police and Qld Child Safety, along with the Courts and Family Courts of Australia.

Privacy is often not protected after failed reporting to the Qld Police and Qld Child Safety as it is then automatically under S67 FLA 1975, given to the Family Court of Australia where it is included into child custody proceedings and scrutinised – to the detriment of reporters of sexual violence.

No forewarning with the information, or automatic rights to see such information shared or protections are afforded to these women and children interfacing with the Family Courts. Legal professionals and representatives of perpetrators of sexual violence and incest, are often given this information by their legal representatives, and this is where it is weaponised against the women and children reporting in the context of Family Court. It does not give those reporters a choice for privacy and leaves them open to harsh retaliation via legal systems.

**Recommendation: Forewarning and allowance to vet sexual violence reports made to Qld Child Safety and Qld Police must be given to reporters and those subjected to that sexual violence prior to release of information via S67 FLA1975; privacy rights under retaliation be afforded and safety of children; Full and immediate access to information provided to the Family Court under S67 FLA1975 be given to reporters of said sexual violence. This should be a power given to the reporters of said violence and Victims Commissioner to enact.**

**Recommendation: Persons subject to the Victims Charter needs to extend to Judges, Magistrates and Legal Professionals as a whole.**

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<sup>24</sup> <https://www.victimskommissioner.qld.gov.au/support/know-your-rights>

Something that the Victims Commissioner may not be aware of, is, in my opinion, a nonsensical gap: that Queensland lawyers are now exempt from reporting suspected or actual Child Sexual Abuse<sup>25</sup>. Legal professionals are already required to inform the Court where it is being misled, this exemption must be reversed or amended to specify that legal professional practising family law in particular, are not exempt. This exemption is paramount to perverting the course of justice. This is because the best interests of the Child are paramount and no person over the age of 18years old should be exempt.

**Qld Legal Professionals need to be inquired into as to their actions in conducting Family Law in Australia. Their exemption to mandatorily report child sexual abuse to be recinded.**

It is incredibly rare, for women and children who report incest and IPV and not believed and via Family Court and legal practitioners and even community legal services and womens' legal service – to be given information about places that can support them.

Secondly, women and children of this cohort rarely get past the first part of the Victims Charter to commence onto any other, but the following could apply: Rights during a Police Investigation need to also extend to Child Safety departments and any entity that is involved with the Victim or the Charter:

- the name of the person charged with an offence.
- if police charge the person.
- what crimes police charge the person with and why.
- if police decide not to charge the person and why.

I have found in my research and anecdotally, that not only police but Courts, are failing to ensure that persons who have reported sexual violence and family violence, are having investigations and interviews s93a conducted or moved along in a timely manner, or being told any information at all. And that Qld Police have failed to even contact people back when they are called, and fail to understand that they are bound by the Victims Charter. Care in the Victims Charter needs to extend to DNA evidence and the timing, chain of handling and outcomes.

**Recommendation: Victims Charter needs to extend to chain of evidence and DNA**

There is a distinct lack of awareness of the existence of the Victims Charter and the Offices of the Victims Commissioner and its role and scope as a whole.

If you are a witness at the accused's trial, you have the right to:

- be given information about what will happen in court and what you will need to do.
- be protected from unnecessary contact with the person, their family and their friends.

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<sup>25</sup> <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report>

In Family Court, women and children are rarely supported robustly, are often self represented and unprotected. This is pertinent due to the fact, that if the crime of sexual violence was being properly believed and investigated in the first place, women would not be having to interface with the Australian Family Court at all. Their right of refusal is not given to them.

Any business that deals with crime against persons and is allowed and able to bring forward prosecutions, must adhere to the Victims Charter

**Recommendation: Need to extend to criminal investigations being run by City Councils where domestic violence is present, no matter the proceeding.**

### **Expansion of Powers & Jobs/Entities that Must Adhere to the Charter**

Currently, Judges and Magistrates are not included, and it is my recommendation that they must be. And that patterns in their rulings need to be recorded and monitored by the Victim Commissioner.

### **Issue - Qld Victims Commissioner: “No Teeth”**

Whilst I acknowledge that the Qld Victims Commissioner may be able to receive complaints and conduct cursory investigations and in the past broker mediation and remedy, it seems as though these powers have been reduced to merely receiving complaints to then essentially on report to other services – reducing a person accessing the Qld Victims Commissioner to re-traumatisation in providing the Qld Victims Commissioner with the injustices they have been subjected to and are living with – without proper remedy. With all due respect, reduces the Qld Victims Commissioner to act as little more than a vanity project that is window dressing for public services and does little for the actual Victims it purports to support.

Unless actual powers are granted to the Qld Victims Commissioner to create justice and hold bad actors accountable, simply reviewing and reporting is not enough and ultimately fails Victims. And winds up harming the very people the public service claims to be assisting.

**Recommendation: The Qld Victims Commissioner be afforded powers to enact Justice; and award penalty to those who breach the Victims Charter and who fail to Mandatorily Report thereby Perverting the Course of Justice**

### **Conclusion**

I strongly recommend that the Queensland Victims Charter be reviewed and amended to explicitly include women and children living in Queensland and reporting sexual violence within the Family Court context, and that mechanisms be put in place to ensure meaningful accountability for the public services and servants involved.

Ultimately, it is the explicit responsibility of Qld Police and Qld Child Safety — as agents of the Queensland Government — to uphold the law, protect victims, and provide real, actionable support and legal representation to women and children bravely disclosing sexual violence<sup>26</sup> - which they are unendingly urged to do by Government both State and Federal -

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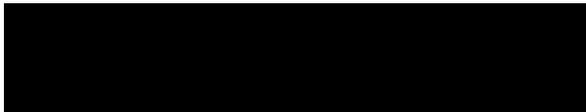
<sup>26</sup> <https://www.families.qld.gov.au/our-work/child-safety/about-child-protection/mandatory-reporting>

rather than abandoning them to a Family Court system that was never designed to deliver justice in these cases.

To further support this submission, I would welcome the opportunity to meet with the Commissioner in person, along with women who have lived experience of these systemic failures. This would provide direct insight into the human impact of the gaps identified, and allow for a collaborative discussion on practical, effective solutions to ensure these victims are no longer abandoned by the system.

Thank you for considering my submission and the work that you are undertaking.

Regards



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