

SUBMISSION TO THE VICTIM'S COMMISSIONER

CHARTER OF RIGHTS

BY

VICTIMS 1st

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VICTIMS 1st is at the coalface on a daily basis: escalating applications for Victim Assist, liaising with victims ascertaining their immediate needs, liaising with QPS, ODPP, clinicians, attending court appearances and informing victims of updates.

The observations following, relate to failings in the *Charter of Rights* observed by **VICTIMS 1st** ambassadors, Lyndy and George Atkinson, after assisting 170 victims of violent crime.

VICTIMS NEED TO BE PLACED BEFORE OFFENDERS

- For too long the rights of offenders in Queensland have been placed above those of the victims of violent youth and adult crime – this must change as a matter of urgency
- Victims need immediate assistance – a one stop station via a liaison officer - they feel alone – leading a blissful life one minute to have their lives upturned in an instant – forever
- Every victim deserves an equal and fair say. Upholding the *Charter of Rights* removes the possibility of omitting or delivering critical information
- The loopholes start when QPS has the responsibility to submit a referral on behalf of the victim to *Victim Assist* for assistance – there is often failures here – even if QPS puts in a referral it apparently can sit in the Inbox of Victim Assist for a protracted period of time, with QPS not receiving feedback at all
- Without this referral, how do victims of violent crime know that financial, counselling assistance and security is available to them? More advertising is required
- This loophole continues when victims are left in the dark by QPS regarding whether the offender has been found, charged, on remand, bailed etc with many police officers failing to keep victims updated

HOW CAN VICTIMS BE PLACED BEFORE OFFENDERS AND BE ON AN EQUAL PLAYING FIELD?

- Have a wrap-around service for them immediately a violent crime occurs – be informed by first responders where support can be found
- QPS has a number to call immediately for this to occur with victim's details
- When *Victim Assist* becomes involved, they need to have bring-ups in their system for follow-ups – months can go by when a victim is not contacted after an initial connection – more staff need to be involved in this

- Victims need to feel as though they are understood, respected and cared for
- Victims advise that QPS fails to inform them if an offender is caught, charged, when they go to court, charges varied, or even dropped. This is huge loophole in the system and needs addressing urgently. Similar comments can be made post sentencing, ie upcoming bail hearings, granting of bail, parole and release. This is important when the offence involves the home of the victim as the offender knows where to find the victim if they harbor any retribution feelings
- Many victims feel too traumatised to participate in Restorative Justice – more representative third parties, ie advocates, need to be utilised more for victims to facilitate Restorative Justice sessions
- Unless a quantitative measure is agreed upon (volunteer work) in a Restorative Justice conference/agreement, the agreement finishes at midnight – making the victim/support person feel as though the conference/agreement is a waste of time, with the offender's rights being upheld
- QPS regularly fail to follow procedures fully under the *Charter of Rights*, namely:
 - Not informing the victim of the person charged with the offence
 - If QPS charge the person
 - What crimes the police charge the person with, and why
 - If police decide not to charge the person and why
 - Changing or dropping of charges without informing victims
 - Incomplete statements from victims when they are severely traumatised can miss important details profoundly changing the course of proceedings and the outcomes
 - Some police officers advising the victims they are unsure of court updates, but to check with VICTIMS 1st, a volunteer group, as it would have court updates.
- Possible lack of QPS time and QPS awareness of rights of victims to meet these requirements

VICTIMS CAN'T BE LEFT IN THE DARK

- Victims are unaware of the *Victims Commissioner's* existence and role – more advertising is required so that awareness is achieved
- This lack of awareness means that victims may not know about the *Victims Charters of Rights*, the *Victims' Commissioner* and their "right" to make a complaint. Mostly, victims do not wish to extend their trauma or re-traumatise themselves
- How do victims get help as the offender does? Good question. The offender gets immediate legal representation, knows when the court mentions are, what their rights are – the framework is set for them
- The impacts of a crime often last a lifetime with victims needing to be consulted as part of the decision-making process
- Recognising and acknowledging the victim as a person with rights not just as an item of evidence. Offenders have multiple layers of support, guidance, welfare and often free legal service. By contrast, victims are often left on their own, struggling to get current and timely information on the process. The information provided to the victims should contain all the relevant information as per the *Charter of Victims Rights*
- *The Charter* needs to include that threats are real and come in many forms. A gun or a knife is readily accepted as a weapon. A 2m plus juvenile offender present in a victim's house is the weapon. A victim whose personal space has been invaded and significant property damaged or stolen is currently not covered, despite the lifetime impacts these have on the victim

- Victim Assist assessors need to be able to answer why Notices of Decision are declined when QPS reports are very clear

VIOLENT CRIME versus PROPERTY CRIME – WHAT IS THE DIFFERENCE?

- Property crime should be included in the *Charter of Rights* not just violent crime – these victims are no less traumatised

DPP PROCESSING FAILINGS UNDER THE CHARTER OF RIGHTS

- There are failings under the *Charter of Rights* where the prosecution changes the charges against the offender, and why
- If the offender pleads guilty to a lesser charge
- The date of court hearings and when the victim may attend court
- If the offender applies for bail and is granted bail
- If the offender could attend a diversionary program

VICTIMS REGISTER FAILINGS

- A victim needs to be made aware of an opt-in contact list that provides information about the offender's sentence including release dates, including if the offender is transferred to another facility and applies for parole

COURT PROCEDURES FAILINGS under the CHARTER OF RIGHTS

- Court appearance scheduling has evolved into a very complex scenario with multiple "mentions" and other layers of hearings and the detailed process often not explained and communicated to the victims. This can result in taking time off work and other expenses to attend a court hearing that lasts only a few minutes but unfortunately buried in a schedule guide of several hours. Offenders and their often free legal counsel have a very good idea of the schedule, and appear just as their hearing is happening, whereas victims can wait all day without assistance or information
- Court hearings should be heard by the victims – on any given day, the acoustics in some courts do not permit the voices of defence counsel, crown prosecutors and even magistrates and judges to be heard clearly in the gallery
- Victim Impact Statements can be an important part of the healing process and at times, with little respect provided by the magistrate, to push forward a hearing for the courts convenience by a day, thereby preventing the opportunity for a victim to have his/her say
- On any given day in the *Childrens Court*, there is multiple representation for the offender, namely, *Child Safety, Youth Justice, Not for Profits such as Anglicare* providing food packages for the offender
- Who is there for the victim? Generally, **VICTIMS 1st**, when the victims are either too traumatised or too injured to attend
- No one asks the representatives of the offender why they are there, whereas the victims/victim advocates have to provide written consent and point out the legislation by which they can attend
- Changes up or down, even removal of charges, and the reasons why, are not always communicated to victims. The humiliation felt in a Magistrates Court in 2025 in a case where a victim nearly lost their life at the hands of an offender, the magistrate left the bench, sat facing the dock centimetres from the offender, stating she was disappointed in the offender, acting like a mother, not a magistrate, telling the young adult he won't be in jail for long, and out [REDACTED] soon. The

negative impact on the victim, senior QPS prosecutor reduced them to tears, forcing them to leave court. No acknowledgment of the victim's presence or respect to the victim was shown at all

- The legal system has evolved into a system of the lawyers, by the lawyers, for the lawyers. It is our observation that the victims are often not considered beyond the fact that they are an item of evidence rather than a victim that deserves to be on at least the same level as the offender. It appears that the best intentions of the Charter seem to be only applied when convenient, with offender's rights appearing to outweigh the victim's rights
- In court, victims need to be separated from offenders and their families. Also arriving and leaving court, as per the *Charter of Rights*, the victims need to be treated with courtesy and respect.
- Magistrates in Childrens Court not following Childrens Court Act 1992 (Current as at 26May2025) Specifically "Part 4, 20 *Who may be present at a proceeding*
 (c) (iii) *a person who is a representative of a victim, or of a relative of a deceased victim, of the offence committed by the child; or*
Examples for subparagraph (iii)—
 - *a person who provides support or assistance to a victim, or a relative of a deceased victim, in relation to the proceeding*
 - *a member of an organisation that is providing support or assistance to a victim, or a relative of a deceased victim, in relation to the proceeding."*
- Victims and victim support agencies can be humiliated and re-traumatised when needing to cite this information to the Magistrate
- Junior legal aid defence counsel not being aware of the current Act as above
- Victim Assist, VictimConnect and VOCCR despite being under the same government department, appear to operate independently in their own silos, (without effectively communicating with each other)
- Victims can feel abandoned with protracted delays and responses due to VoCCR and other agencies failure to update victims re their matters in a timely manner.
- When victims are referred to VictimConnect for counselling, there is a three month wait for telehealth counselling.

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