

Youth Law Australia acknowledges the Traditional Owners and Elders of the palawa people of lutruwita, the Bedegal People of the Eora Nation, the Kaurna people of the Adelaide plains, and all the other Custodians of the lands on which we work. We pay our respects to their Elders past and present and commit ourselves to the ongoing journey of Reconciliation.



31 October 2025

Ms Beck O'Connor  
Victims' Commissioner, Queensland  
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### Submission to the Review of the Queensland Charter of Victims' Rights

1. Youth Law Australia (YLA) welcomes the work of the Office of the Victims' Commissioner (OVC) in conducting this Review of the Queensland Charter of Victims' Rights (**the Review**). We thank the Commissioner and the OVC for the opportunity to make a submission to inform the development of a strong, responsive Charter of Victim's Rights (**Charter**) to support victims of crime and for the short extension of time to provide this submission.
2. We acknowledge the disproportionate, ongoing and intergenerational harm experienced by Aboriginal and Torres Strait Islander children and young people and their families and communities. We also acknowledge the many young people who have been courageous and hopeful in sharing their experiences with us.

### About Youth Law Australia

3. YLA (formerly the National Children's and Youth Law Centre) is an accredited community legal centre dedicated to helping children and young people under the age of 25 years and their supporters to understand their legal rights and find solutions to their legal problems. YLA is Australia's only national, technology-based community legal service, providing



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#### Youth Law Australia

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specialist child-safe and trauma-informed legal services and referrals through options including email, phone and live webchat.

4. We have significant experience and expertise in advising and supporting young people and their advocates on matters involving their experience of crime, including sexual assault; child sexual and physical abuse; family violence; online harm such as child sexual abuse material, grooming and sexual exploitation, image-based abuse and sextortion; and peer assault including in a bullying context.
5. We provide advice, information, advocacy, and referrals in relation to legal issues such as reporting to police, providing statements or giving evidence, navigating justice systems, obtaining records through processes like freedom of information requests, victims and injury compensation, information sharing and protecting sensitive records, dealing with the media, and defamation.
6. We work closely with the National Office for Child Safety and receive funding under the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030* via the *Enhance and Expand Legal Assistance Services for Victims and Survivors of Child Sexual Abuse* program to provide a national online legal webchat service for children and young people experiencing, or at risk of experiencing child maltreatment including sexual abuse and family and domestic violence.
7. We also provide a holistic legal practice for children and young people which means that whatever the presenting legal problem, we can also assist with any other legal problems that arise. For example, children and young people experiencing child sexual abuse may also need support to leave home; change their name or gender; obtain housing; transfer school enrolments; obtain and understand the effect of a restraining order; or (relevantly) make an application for victim support.
8. Conversely, young people seeking support for an unrelated legal issue (for example, underpayments) may in the course of their service disclose past or ongoing crimes committed against them for which they have not received advice or support. In this way, YLA often has a birds-eye view of the ripple effect experience of a crime can have on other areas of a young person's life, and the way in which the intersection of different services and systems can alienate them from seeking support.
9. As a national service, we provide advice and casework across all states and territories, but in FY25, 723 Queenslanders sought support from YLA and 63% disclosed harm during the course of their work with our service, while 35% were identified as victim-survivors.<sup>1</sup>

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<sup>1</sup> 453 and 256 respectively. It is acknowledged there may be an overlap between these figures.

## A. Introduction

10. YLA works closely with young people in the wake of their experience of the criminal justice system, or as they decide whether to involve that same system in their inherently personal traumas and experiences. Often, our clients are seeking reassurance that what they have experienced as a victim was “not OK” and that they have options. This is reassurance our solicitors are happy to provide, but their uncertainty is a symptom of how inaccessible the existing justice systems can feel to young people. This can be exacerbated for young people who have experienced trauma or re-traumatisation at the hands of the systems responsible for providing support and care during vulnerable times (such as Child Safety and the criminal justice system). Our work involves trying to bridge the gaps young people feel between themselves and justice proceedings, repairing trust and understanding in those systems. However, for lasting change this work should be done at the root.
11. While a Charter cannot – in and of itself – redefine a system, it is a foundation which can shape the expectations of our community, and the accountability of those who serve it. This Review is a powerful opportunity to reduce barriers to young people’s engagement with justice systems, not just at their first point of contact but as they grow into adults. We are grateful for the opportunity to contribute.
12. Our contribution focuses on our area of expertise: young people’s experiences as victims. To that end, and to ensure we provide information most relevant to our work, we have reviewed the questions in line with the chapters set out in the Review, broadly addressing each in respective sections of our submission:
  - The needs of children and young people as victims
  - Purpose of the Charter
  - Scope and application
  - Operation of the Charter
  - What needs to change.
13. We have not responded to every question posed by this Review. Rather, this submission focuses on questions that we have identified as most relevant to our work.
14. YLA is a national service. In our submission we have drawn predominately from examples specific to the Queensland criminal justice system, however some of our learnings derive from work in other States and Territories. We also utilise case studies inspired by amalgamations of multiple clients’ experiences and matters, not based on any one person’s story. Any resemblance to real people is coincidental. No client names are used.

## B. The needs of children and young people as victims (Q 1)

15. It is appropriate that the Review’s first question seeks perspectives about victims. Noting YLA’s specialised service, our focus will always be on the experiences of *young* victims.
16. In the context of the Charter, this cohort requires particular attention, not solely due to their vulnerability (which we discuss below) but because young people are over-represented in crime statistics. The Detailed Paper notes one in five reported victims between 2023-2024 were aged in the 20-29 bracket.<sup>2</sup> This is notable considering about 13% of Queenslanders fell into this age bracket according to 2021 census data.<sup>3</sup> Data from the Australian Bureau of Statistics deepens this story. In Queensland in 2024:<sup>4</sup>
- The most common victims of robbery were aged 10-17 years old (24%)
  - A third of sexual assault victims were aged between 10-17 years old (33%)
  - People aged 18-34 were also the most common age group to be impacted by homicide and related offences (40%), or blackmail (37%).
17. Concerningly, in 2021-22, over 40% of all reported victims of sexual assault in Queensland were children and young women aged between 10 and 19 years old,<sup>5</sup> with the number likely significantly higher for Aboriginal and Torres Strait Islander children and young women. This is a staggering statistic which serves to represent how the burden of certain types of offending may fall disproportionately on our most vulnerable community members.
18. These statistics indicate young people make up a significant portion of the victims the Charter aims to support. However, based on our conversations with clients and understanding of the systems, these numbers do not reflect the entirety of young people victimised by crime. We regularly provide advice to young people grappling with the choice of whether to report an offence to police – many decide not to pursue that path.
19. This is supported by other data. In one 2020 study of 14–25-year-old Australians, nearly 9 out of 10 young people surveyed reported an experience of victimisation, with 55% reporting they had been victimised in the 12 months prior.<sup>6</sup> More recently, the Australian Child Maltreatment Study identified that 40.2% of Australians aged 16-24 had experienced more than one type of abuse, with exposure to domestic violence reported at 43.8%.<sup>7</sup>

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<sup>2</sup> Office of the Victims’ Commissioner, *Review of the Queensland Charter of Victims’ Rights: Detailed Paper*, 2025, 2.1 at p 15.

<sup>3</sup> The Australian Bureau of Statistics, *2021 Queensland Census All Persons: Quick Stats*, accessed 23/10/2025, at: [2021 Queensland, Census All persons QuickStats | Australian Bureau of Statistics](#)

<sup>4</sup> Australian Bureau of Statistics, *Recorded Crime – Victims 2024*, accessed 27/10/2025 at [Recorded Crime - Victims, 2024 | Australian Bureau of Statistics](#)

<sup>5</sup> Queensland Crime Report, as referenced in Queensland Family and Child Commission (2023) “Queensland Child Right’s Report” p 68. Accessed at: [2023 Child Rights Report | Queensland Family and Child Commission](#).

<sup>6</sup> Note - ‘victimisation’ included robbery, assault, theft, hate speech, hate violence, cyber-bullying, parental violence and parental mistreatment.’ Higgins, Angela; Morgan, Matthew (2020) ‘Australian Youth Safety Survey 2020: Technical Report’ accessed at: [HIGGINSON-Research-Report-2020.pdf](#) at 1.6, p 3.

<sup>7</sup> Haslam D, Mathews B, Pacella R, Scott JG, Finkelhor D, Higgins DJ, Meinck F, Erskine HE, Thomas HJ, Lawrence D, Malacova E. (2023), The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report, Australian Child Maltreatment Study, Queensland University of Technology, accessed at: [http://www.acms.au/wp-content/uploads/2023/04/ACMS\\_BriefReport.pdf](http://www.acms.au/wp-content/uploads/2023/04/ACMS_BriefReport.pdf), p 16.

20. In this section, we explore the barriers we are aware of through our client work, and our reflections on addressing them. Many of these needs are not unique to young people, though their impacts may be compounded.

### *Who is a victim*

21. In our submission, we have utilised a broad definition of ‘victim’ noting the impact to which a person may be impacted by a crime will differ based on their general experience and personal characteristics. In some cases, people may suffer significant distress and trauma from non-violent crimes. These people are entitled to care and consideration, and to be a part of any discussion of how these should be provided to victims. Relevantly, and as noted in the Detailed Paper, Queensland appears to be the only jurisdiction who does not enshrine rights for the victims of non-violent crime.

### *Already mistrustful: negative experiences with systems*

22. There are many young people who have developed a mistrust of systems which prevents them engaging as victims, including:

- **Aboriginal and Torres Strait Islander Children and Young People:** In Australia, young Aboriginal and Torres Strait Islander people have grown up in a society built on systemic injustices, which have harmed generations before them, and impact them from an early age. First Nations young people are far more likely than their peers to have contact with police in their childhood – as a victim or an offender – with young Aboriginal men more than twice as likely than their non-Indigenous peers.<sup>8</sup> The tensions and distress this can cause were discussed in the 2023 *Yarning for Change* report.<sup>9</sup>
- **Children and young people in care** have had more exposure to government systems than their peers, often in complex and traumatic circumstances. They may mistrust institutions as a result, and their lives and support structures do not fit the mould imposed by many systems.<sup>10</sup> This experience may be particularly heightened for dual-involved young people – simultaneously experiencing the youth justice and Child Safety systems. It has been posited that this cohort may also face harsher treatment when they come into contact with the youth justice system.<sup>11</sup>

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<sup>8</sup> 35% of young Aboriginal Men, versus 15.4% of non-Indigenous men, Queensland Government Statistician’s Office (2023) “The victim-offender overlap among young people in Queensland” accessed at: [The victim-offender overlap among young people in Queensland](#) at 4.1.3

<sup>9</sup> Queensland Family and Child Commissioner (2023) “Yarning for Change” accessed at: [Queensland Family and Child Commission // Yarning for Change: Listen to my voice](#)

<sup>10</sup> As a particular example relevant to this review, these young people may have grown up removed from traditional understandings of ‘family’ but may nonetheless have developed significant and strong family-like bonds with persons to whom they share no legal connection. These are not fully encompassed by the relevant definition of family member, as considered in question 6.

<sup>11</sup> Queensland Family and Child Commission (2023) “Queensland Child Rights Report 2023” accessed at [Queensland Family & Child Commission :: Queensland Child Rights Report 2023 :: Spotlight: Youth Justice in Queensland](#)

- **Children and young people from refugee and migrant backgrounds** may have poor experiences with police and simultaneously could be impacted by their own refugee trauma and by intergenerational trauma. This creates significant barriers to help seeking, particularly when combined with concerns of racial profiling and exposure to discrimination.
- **Children and young people with mental illness and disability.** 16% of our Queensland clients in FY25 disclosed having a disability,<sup>12</sup> but living with disability and mental illness is not uncommon for young people. Young people under the age of 25 are more likely to identify as experiencing a mental illness (42.9% compared to 20% overall for people aged 18-85).<sup>13</sup> Access to support when living as a young person with mental health needs can be inconsistent – 2024 data indicates 68% of relevant persons surveyed experienced barriers accessing youth mental health services.<sup>14</sup>
- **LGBTQIA+ Children and young people:** in 2020, 24% of young Queenslanders who participated in a survey identified as LGBTQIA,<sup>15</sup> however other research suggests this may be higher. It is well understood this community has experienced significant harm and discrimination at the hands of the police and other institutions which could deter them from seeking help.

23. It is important to acknowledge that these identities and experiences are not mutually exclusive, and a young person's identity may include an intersection of several of these attributes.

### *Children growing up in households where family violence is used*

24. Family violence is a significant concern for young Queenslanders. In FY25, 15% of the advice we provided across our service related to family and domestic violence.<sup>16</sup> This is echoed across other services - Kids Helpline consistently reports child abuse and family violence as a prevalent issue (in 2024, particularly for 10-14 year old children).<sup>17</sup>
25. There is growing recognition of the impact of exposure to family violence on children and young people. While services and Governments acknowledge the significance of this impact, they are less likely to acknowledge young people's autonomy in this space. Young people under 18 rarely have control of system responses, and are still reliant on their parents' care, which restricts their options to seek support on their terms. In fact, in Queensland there are significant limitations on how autonomous a young person can be in this space.

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<sup>12</sup> 115 – noting this is based on the client's voluntary disclosure, and is likely higher

<sup>13</sup> [National Study of Mental Health and Wellbeing, 2020-2022 | Australian Bureau of Statistics](#) but quoted in [Full article: Police and procedural justice: perceptions of young people with mental illness](#)

<sup>14</sup> Queensland Family and Child Commission (2024) "Community Perceptions Report 2024" accessed at: [Community Perceptions Survey research report - 2024.pdf](#) at p 51.

<sup>15</sup> Queensland Family & Child Commission, *Voices of Hope: Growing Up In Queensland*, 2010 at p 11.

<sup>16</sup> 14.6%

<sup>17</sup> Kids Helpline (2024) "Impact Report 2024" p 11, accessed at: [61b0c5d568434b1a9fa9881bc4a12884](#)

26. This cohort may have an incredibly active role in protecting their family, including managing the perpetrator for the protection of their victim-parent, and protective strategies to remove younger siblings from dangerous situations. However, depending on age these young people may not be viewed as direct victims in need of protection, rather, they are treated as witnesses or secondary victims perceived as one step removed, and whose interests are sufficiently represented by victim-parents or police.

**CASE STUDY: Maya**

Maya\* is only 16, but she has been managing violence in her home for years. She wants to move out soon, but she's worried about her little brother. She knows when she is gone, it'll be harder for him. She is collecting evidence of the family violence, and even told an adult she trusts about it, but it doesn't seem like Child Safety or Police are going to get involved. She wants to know if she can adopt her brother once she turns 18, so he'll be safe.

27. Relevantly, the *Domestic and Family Violence Protection Act 2012* (QLD) prevents young people under 18 from initiating an application for a domestic violence order against their own parents<sup>18</sup> significantly reducing their ability to take charge or draw attention to violence in the home *if police have not agreed to support them*. The protections available under law are not as easily accessible to these young people.
28. This creates complex dynamics: if a child cannot guarantee that speaking to a support service would result in the removal (or management) of a violent parent, then they must consider potential ramifications from an *unsuccessful* attempt to involve services, such as the involvement of Child Safety and consequences from their parents (both victim and perpetrator). If the victim-parent is not aligned with their desire for help, this can add another dimension. Intertwining the choice to seek system-support with these questions sets a negative precedent for future engagement with systems.
29. Additionally, when a child or young person is not identified by the police as a direct victim in need of protection, the evidence required to support an application for financial assistance as a victim of violence is also not generated.

**Victims who use offending behaviours**

30. Queensland is experiencing high numbers of young people engaged in offending behaviour – a focus in Government action and rhetoric in recent years. Recent data indicated about 1 in 9 young people in Queensland had a recorded offence by the time they turned 18.<sup>19</sup> This is relevant to the Charter for obvious reasons, but we emphasise that while victims are often conceived of as an entirely separate category to 'offenders', there is overlap in many contexts. A significant proportion of young offenders (16% of a surveyed cohort per 2023

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<sup>18</sup> s 20, 22(2) *Domestic and Family Violence Protection Act QLD 2012*

<sup>19</sup> Queensland Government Statistician's Office (2023) "The victim-offender overlap among young people in Queensland" accessed at: [The victim-offender overlap among young people in Queensland](#) p 11, 4.1.2.

QLD research) are victim-offenders. This figure is higher for Aboriginal young people, at more than one in four (26.3%).<sup>20</sup>

31. Notably, this research only considered *recorded* incidents of interaction with police as an alleged victim or offender, and only between the ages of 6 and 17. This excludes a significant proportion of young people, particularly any who experienced victimisation in early childhood. As discussed above, there are barriers to young people's engagement with police. Relevantly, 39.2% of young people had their first interaction with police as an offender – potentially disincentivising future contact.<sup>21</sup> It is reasonable to assume the proportion of victim-offender young people is significantly higher.
32. Recent language used by media and Government to describe young offenders, while capturing public frustrations, has been one-dimensional, and does not always hold space for the vulnerabilities and needs of this cohort. Youth crime is a key issue and anxiety for many Queenslanders. This deserves attention, but the current rhetoric, which reduces young offenders to “criminals”<sup>22</sup> does not invite victim-offenders to seek support. The dehumanisation of these young people is clearest in the 2023 decision to override the application of the *Human Rights Act* to certain youth justice laws considered incompatible with human rights.<sup>23</sup> This decision is relevant as we consider the strength of the Charter.
33. For these young people, police and the justice system may not be a safe place to turn to, regardless of what other threat or abuse they face. The treatment of an accused person does not show a young person a compassionate side of the criminal justice system, and young people are aware that their own history may be a barrier to being believed or taken seriously by authorities. This may particularly be the case for young people who have been misidentified as a person using violence in family or peer violence incidents, as is not uncommon when a young person has a lived experience of violence or when police privilege the account of what happened given by an adult over that described by a young person.
34. Relevantly, the strain on existing systems, struggling to cope with the increase in young people exhibiting offending behaviour, means that young offenders may have less supportive experiences in the criminal justice system. Negative experiences like overcrowded youth detention centres, reliance on adult watch-houses, and slow court processes have impacted the youth justice system.<sup>24</sup> These formative experiences of the

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<sup>20</sup> Queensland Government Statistician's Office (2023) “The victim-offender overlap among young people in Queensland” accessed at: [The victim-offender overlap among young people in Queensland](#) p 15, 4.3.1.

<sup>21</sup> Queensland Government Statistician's Office (2023) “The victim-offender overlap among young people in Queensland” accessed at: [The victim-offender overlap among young people in Queensland](#) p 18 4.3.3.

<sup>22</sup> As an example, see Hon David Crisafulli; Hon Dan Purdie (5 May 2025) *Media Statement: Young Criminals arrested during crime crackdown to start the year.* [media statement] accessed at: [MEDIA STATEMENT: Young criminals arrested during crime crackdown to start the year - Ministerial Media Statements](#)

<sup>23</sup> Queensland Human Rights Commission (21 February 2023) *Commissioner Alarmed at Rush to Pass Harsher Youth Justice Laws*, [press release] accessed: [2023.02.21-Media-statement-Rush-to-pass-youth-justice-laws.pdf](#)

<sup>24</sup> Queensland Audit Office, *Performance Audit Report: Reducing serious youth crime, report 15 2023-2024*, 2024, at p 13; accessed at: [Reducing serious youth crime \(Report 15: 2023–24\)](#)

criminal justice system may not only shape the perceptions of those caught up as offenders, but any friends, peers, or siblings who witness them.

35. The Charter is aimed at providing support and care and recognising the obligation towards those impacted by crime, but this does not negate or reduce our responsibility to those who have committed crimes. While criminal offending has lasting impacts on victims, our justice system recognises the myriad personal and societal factors that may shape offending. Our community can honour its obligation to those who suffer due to crime, without bolstering it against the vilification of those who have perpetrated it.

### *Gatekeepers: barriers to reporting, and trust in police*

36. The most identifiable representatives of the court and justice systems young people will interact with are police, and in Queensland one in six young people will have some form of contact with police by the time they are 17, whether as a victim or an offender.<sup>25</sup> This is an incredibly complex dual role for police to manage, where they are expected to enforce the law, and be compassionate recipients of requests for help.

37. In recent years, global events, increased awareness of our own deaths in custody, and increase of police powers during pandemic lockdowns have challenged the historically solid Australian perception of police – one study reported a 25% decline in ratings of police ethics and honesty between 2017 and 2021.<sup>26</sup> Importantly, these numbers reflect the general public, and may be differ for communities with harmful histories with police (including Aboriginal and Torres Strait Islander people, migrant communities and the LGBTIQ+ community).

38. These perceptions seem to begin young. The Australian Youth Safety Survey reported that despite 65% of participants (aged 14-25) reporting broad trust in the police, the majority *also* reported that, when working with young people, police *sometimes or almost never*<sup>27</sup>

- treat young people with respect (59%)
- make fair decisions with young people (54%)
- explain their decisions and actions to young people (59%)
- listen to young people (71%).

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<sup>25</sup> Queensland Government Statistician's Office (2023) "The victim-offender overlap among young people in Queensland" accessed at: [The victim-offender overlap among young people in Queensland](#) at p12, 4.1.3

<sup>26</sup> Morgan, cited in Rogers, A., Hine, K., & Prenzler, T. (2024). Understanding the decline: a procedural justice approach to the key factors behind the downward shift in opinions of police. *Criminal Justice Studies*, 37(2), 147–170. accessed at" [Full article: Understanding the decline: a procedural justice approach to the key factors behind the downward shift in opinions of police](#)

<sup>27</sup> Higgins, A; Morgan, M (2020) 'Australian Youth Safety Survey 2020: Technical Report' accessed at: [HIGGINSON-Research-Report-2020.pdf](#) p 21, 6.1,

39. These statistics line up with perceptions voiced by our clients, who report low levels of satisfaction with, or trust in police. This is a significant issue for young people wanting to report a crime or seek support in an unsafe situation. The current pathway available to them is through police, meaning young victims *must* be prepared to interact with them. This is not a casual interaction – when reporting a crime, a young person may need to enter a station and speak to an officer (likely in uniform). They will need to be prepared to explain the details of their concern, which may still feel intimate or shameful. This experience can be distressing, and in some circumstances retraumatising.
40. For Aboriginal and Torres Strait Islander young people, these existing tensions are likely to be exacerbated.
41. We have found that young people are often cautious when initially seeking support from our service. Many young people provide only limited identifying information or fake details until they feel reassured that they can trust us, that we will not breach their confidence, and that we will help. We see this with our online webchat, where young people and their advocates can chat with a solicitor and get help while only being expected to provide very general information. This provides an important opportunity to build rapport and trust before a young person is required to share more private or intimate information.
42. There is no equivalent option for young people gain familiarity with police prior to choosing to make a report. In the past, trust in the institution may have eased this process. However as noted above, trust in police is waning across age groups. Reporting a crime is therefore a daunting prospect for a young person who may not have a positive impression of police.
43. Where young people do engage, there is a risk they will not adequately explain their situation if they do not feel comfortable. This could lead to self-perpetuating perceptions that police will not believe or help them if they report a crime.

**CASE STUDY: Lee**

Lee\* is 19 years old and has a disability that sometimes means they struggle to communicate with people. When their girlfriend starts to get abusive, they don't know what to do at first, or if anybody can help them. One day it escalates, and Lee's girlfriend assaults them and damages their property. They leave and call the police, but when police arrive, it's clear they assume Lee is the problem. Lee struggles to explain what happened and feels intimidated. They wonder if police will listen if they try to get help in the future.

***Laws are inconsistent***

44. Engaging with the law is not an intuitive process. As they progress from childhood, to adolescence, to young adulthood, young people experience inconsistent applications of the law and perceptions of their own ability to move within it.

45. This can be seen most clearly when comparing how the law may apply to a child between the ages of 10 and 18. In Queensland, at 10 years old, a child can be held criminally responsible and sentenced to time in a detention facility, but is *not* be considered legally old enough to do a local paper run (under supervision) for money until they turn 11.<sup>28</sup> They are not old enough to leave school,<sup>29</sup> or learn how to drive until they turn 16 a few years later. And they cannot vote, buy cigarettes, or drink alcohol until they turn 18. While a child's negative behaviour may render them an adult in the eyes of the law (consider 'adult crime, adult time') the same flexibility is not applied to granting them adult privileges at younger ages.

**CASE STUDY: Max**

Police and child protection know that Max\* isn't living with his parents anymore. It isn't safe. But there's no orders in place to protect him – he just stays with friends, and he gets independent youth allowance. This is OK with Max, he is used to looking after himself, but he wants to change his name now. He can't ask his parents – they aren't safe, but the law says he isn't old enough to do it himself. This doesn't make sense to Max – police, Centrelink and child protection all know he can't be around his parents, why does he still need their permission?

46. As a society we are used to the concept of age-dependant responsibilities and entitlements, but when considered chronologically it is clear that the line for what is considered 'old enough' differs significantly based on context. Relevantly, it may vary within the same system – consider the idea of "adult crime, adult time," described as "making Queensland safer," and used to charge 2,986 Queensland children in less than 12 months.<sup>30</sup>

47. While inconsistency across legislation or systems is confusing enough, it is important to remember some of these laws are significantly at odds with young people's lived experience. Young people who are living independently or are carers for parents or siblings will experience frustration when advised that despite their responsibilities, they are still considered children by decision-makers. This can lead to beliefs that the laws, and those who uphold them fundamentally do not understand or consider their lives.

48. Because there are so many restrictions on young people's behaviour, there are more opportunities to break these laws, even inadvertently. We note some obvious examples of this include the lack of a similar age defence in Queensland age of consent laws, and the potential impact of the new coercive control laws. The way laws fluctuate in both scope and application can also significantly impact their perceived effect. It has been acknowledged

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<sup>28</sup> Section 4(1), *Child Employment Regulations 2016* (Queensland), per s 9(1) *Child Employment Act 2006* (Queensland)

<sup>29</sup> Unless they have completed year 10 earlier, per s 9, *Education (General Provisions) Act Queensland 2006*

<sup>30</sup> Queensland Government Premier David Crisafulli, "Fewer victims of crime as 2,986 youths charged under Adult Crime, Adult Time," 9/10/2025, accessed on 30/10/2025, at: [News and updates](#)

the increase in youth crime may be due in part to changes in policing strategies, new youth justice laws and societal pressure, rather than solely due to young people's behaviours.<sup>31</sup>

### *Autonomy and recognition: victims under the age of 18*

49. The above issues are compounded for victims under the age of 18. As noted above, this is not an insignificant number, and 45% of our Queensland clients also fell into this category.<sup>32</sup> Regardless of their individual capacity, young people under 18 can often only engage with these systems through, or with the support of, a proxy adult.
50. Though some young people under 18 – particularly survivors of family violence – may have been responsible for their own wellbeing and care for years, their autonomy is not consistently recognised by the systems around them. In and of itself this can create a sense of disconnect and frustration, but when it comes to contact with the criminal justice system, it can be a significant barrier.
51. Generally, systems still presuppose the traditional family unit is a safe space, and that parents should be involved as a matter of practice. Even without considering parental violence and the possibility of guardians as perpetrators, mandatory involvement of parents is one disincentive for young people disclosing or pursuing prosecution of a crime or engaging with victim support services. Sexual offences, offences perpetrated by peers or persons known to the family, and offences which occur while a young person is engaging in risk-taking behaviour may carry an element of shame or apprehension of parents or guardians' potential reactions.
52. For a young person under the age of 18, the criminal justice system is fraught with moments which require (or risk) the involvement of their guardians. These include:
- seeking medical attention after an assault
  - reporting a crime to police
  - attending court, as a state witness or to follow the justice process
  - seeking support from trusted adults, like teachers or counsellors
  - accessing compensation as a victim of crime.
53. The most basic example of this is that, as reported by our clients, young people often do not have any initial opportunity to talk to police without justified concerns that their parents will be told. Our clients have spoken to us about the unintended consequences of reporting in particular sexual offences, including loss of home and family, loss of respect, disruption to

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<sup>31</sup> Queensland Audit Office, *Performance Audit Report: Reducing serious youth crime, report 15 2023-2024*, 2024, at p 7; accessed at: [Reducing serious youth crime \(Report 15: 2023–24\)](#).

<sup>32</sup> 327.

their education, and punishment. Even where parents are supportive, we have been told anxiety about the risk of community or peer awareness of the incident will endure.

54. Young people must weigh their desire to proceed with seeking 'justice' for a wrong perpetrated against them, against any reluctance to involve parents. This is particularly difficult for young people living autonomously due to family conflict but not recognised as such by the law. For these young, vulnerable people, seeking justice could come at the expense of being forced back into connection with family they consider unsafe.

**CASE STUDY: Jacob**

Jacob\* is 17 and wants to leave home as soon as possible. His dad isn't safe for him to be around, but it's expensive to live alone and he needs funds. When he tries to access compensation held on trust for a crime committed against him by another person, he is told he needs parental support to make a request for funds from the Public Trustee. He can't ask his dad – his dad is the reason he needs the money quickly – and his mum has never been in the picture. He'll need to wait.

55. These measures aim to protect young people in a system where they are vulnerable. However, the line between protection and subjugation is fine here. Importantly, this could create a divide, where a young person might feel their rights have been breached *by* the involvement of their parents. We discuss this further below.
56. There are some options for young people to progress a matter without their parents' knowledge or approval. However, an experience to the contrary – especially at early stages of taking action – can deter young people from engaging with the criminal justice system, distorting their understanding of how empowering the process *could* be.

***Expectations versus reality – encountering the system for the first time***

57. For children and young adults who have not previously encountered the criminal justice system, understanding of its function will be shaped by its representation in the media (as noted in the Detailed Paper) and in the education system, where young people may experience mandated programs about respectful relationships, consent, and criminal law. YLA has developed and supported delivery of many of these programs over the course of our service's history and strongly advocates for the continued development of young people's ability to identify legal issues.
58. However, the criminal justice system is more complex than simply identifying criminal behaviour and obtaining 'justice.' The intricacies of how this system works – hemmed in by processes, procedures, and legislative thresholds or tests – are inaccessible to an average member of the public, and particularly for children and young people. Misunderstandings our clients have encountered include:

- **Limitation dates:** understanding that a behaviour may have been a crime, but if it is a summary offence, there is a time limit on when their police report will be actioned. The concept that something could *cease* to be a crime is at odds with general understandings of justice.
- **'Pressing charges':** few young people realise that police choose whether to charge a person with a crime and may act against the victim's wishes – whether to proceed with charges or determine there is no case to pursue.
- **Options outside court:** sometimes young people want specific action following a crime (confirmation an ex has deleted a nude, support getting belongings from a violent parent's house) but not want criminal or court-related consequences for the perpetrator. The idea that it may not be possible to separate the practical outcome they are seeking from criminal charges can be frustrating and distressing.
- **Downgraded charges:** conversely, sometimes young people seek support in the desperate hope they will see a person punished for actions against them. It can be extremely distressing to find out instead a plea to a lesser charge (which may not reflect their own understanding of what occurred) is accepted.
- **Bail:** similarly young people may be distressed when, after a period in custody, a perpetrator is released on bail. This is particularly the case when they feel police have not understood the level of risk they believe the perpetrator poses to them or when police assume that there are other safe and trusted adults available to be provide protection and support.

**CASE STUDY: Amara**

It took a while for Amara\* to decide she wanted to do press charges against the person who sexually assaulted her. She's 22 now, but she is glad she told her story. She felt listened to. But when the police let her know that the person who hurt her has pled guilty to a lesser charge when what he did was so much worse, she is confused and angry. Does this mean they didn't believe her after all? She leaves a few voicemails, but no one gets back to her to explain the decision.

59. While many of the regulations and practices which shape our justice systems are essential to protect defendants' rights and the integrity of our courts, they may not align with the simple logic of TV programs, or what young people are taught in school. This can create a disconnect for young people reporting crimes, and progressing through the system, where they feel continuously let down by the services they expected to be 'on their side'.
60. Through our work, we have seen repeatedly that children and young people will try to self-help by searching for relevant information and services online, prior to making a report. Unfortunately, as we explored in our submission to the *Consultation on the Scoping the development of specialised and trauma-informed legal services for victims and survivors of*

*sexual assault*,<sup>33</sup> there is limited publicly available information about many aspects of reporting and prosecuting violence - especially for children and young people. Some of the gaps we often note include details about police processes, what legal steps young people can take, being a witness and what to expect when the matter goes to court, what evidence is needed for a conviction, and why certain decisions (including proceeding with charges or withdrawing) have been made.

61. This can exacerbate the disconnect young people feel between what they expected when first reporting a crime, and the reality of a complicated process. This may further distress and disincentivise young people, especially when considering that in our experience many young people do not enter this process supported by a strong and stable adult to guide them. As noted in the Detailed Paper, victims who are not supported may be more likely to withdraw from the criminal justice process.<sup>34</sup>
62. These experiences can significantly impact and shape a young person, and their understanding of the criminal justice system moving forward. It is so important to ensure that young people's early experiences do not shape them into adults mistrustful of and alienated from systems which aim to support them.

### C. Purpose of the Charter (Qs 2-3)

63. In the Detailed Paper, the OVC has identified several powerful community expectations, strongly reminiscent of sentiments expressed by the young people we work with. We highlight in particular:
  - the criminal justice system should recognise the harm done to victims and understand its ongoing impact in their interaction with victims
  - victims' interactions with the criminal justice system should not cause further harm
  - victims should not have to navigate the criminal justice system alone
  - agencies/people who do not uphold the rights of victims should be held accountable.<sup>35</sup>
64. Technically, these identified expectations could be read into the current purpose at s 42(a) *Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld) (VCSVRB Act)*, however that primarily asserts a need to *state* and *inform* – not to uphold rights. This is unlikely to resonate with young victims seeking reassurance and support.

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<sup>33</sup> Youth Law Australia (2023) *Consultation on the Scoping the development of specialised and trauma-informed legal services for victims and survivors of sexual assault: Discussion Paper*, accessed at: [Youth-Law-Australia-submission-2023.pdf](#)

<sup>34</sup> Office of the Victims' Commissioner, *Review of the Queensland Charter of Victims' Rights: Detailed Paper*, 2025 p 17, 2.2.4

<sup>35</sup> We have not included the 3<sup>rd</sup> recorded community expectation – regarding victims not being responsible for ensuring the different parts of the system communicate, as we consider this a basic expectation for the system. Office of the Victims' Commissioner, *Review of the Queensland Charter of Victims' Rights: Detailed Paper*, 2025, p 21.

65. The Charter should be an authority victims can turn to for assurance there are practical steps they can take, and for conviction that they can hold institutions to account. In this way, we consider the intention or purpose of the Charter could be distilled to building awareness of the rights victims have, acknowledging the harm they have suffered, providing direction for victims, and holding the services supporting them accountable.
66. When considering the specific wording, we note for the purpose to have any effect, it must be accessible to both victims and prescribed persons. Therefore, as much as possible the Charter should prioritise clarity and accessibility, not only through language but provision of appropriate supporting materials and resources to aid interpretation.
67. Accessibility may also be aided by introductory language. If consistent with the Charter, such statements can provide an overall tone and tenor confirming the government's commitment to victims. For those who do not read the detail of the legislation, this may reassure them of the intention of prescribed persons and the Charter. Reference to community commitment to supporting those who suffer due to crime is valid – the example provided from the Canadian provinces of Newfoundland and Labrador seems appropriate.<sup>36</sup> However, this framing should centre victim experience first. Balance must be struck between identifying broad community or public interests, and the individual application of the Charter.
68. In this discussion, it must also be acknowledged that in its current form, the Charter is not enforceable, and it confers no legal rights on those it purports to protect.<sup>37</sup> This is a significant barrier to the Charter's capacity to live up to any purpose stronger than its current one and reduces capacity to meet community expectations. Enshrining a purpose which the Charter cannot functionally uphold would be symbolic only, and may reduce victim's faith in their rights, and consequently the system.

#### D. Scope and application (Qs 14-43)

69. This Review considers a broad range of potential improvements and extensions to the existing Charter – an impressive aim. As noted above, we have not engaged with every question posed by the Detailed Paper. We have reviewed the Charter with regard to select questions regarding strengthening of existing rights, and the introduction of new rights.
70. We have taken the broad view that the Charter should not function as an exhaustive list of all the entitlements and rights victims have. Rather, it should prioritise key rights, supported by information and resources to direct victims to other potential supports. The reason for this approach is to maintain the clarity of the document – ensuring it supports, rather than overwhelms victims.

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<sup>36</sup> "The hardships created by an offence against the laws of society should be shared by society as a whole, and victims should be helped in addressing their particular needs and concerns."

<sup>37</sup> *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (VCSVRB Act) s 43 (1).

71. With this priority in mind, we often concluded the wording and strength of existing rights was appropriate, and where rights were captured in other legislation we often took the view this was sufficient. Both these approaches are contingent on the availability of appropriate resources to guide victims to these other entitlements.<sup>38</sup>

72. Similarly, in some cases when considering including new rights, we have noted that *broadening* of existing rights may be sufficient so long as prescribed persons are adequately prepared to inform victims and support them to enforce their rights.<sup>39</sup>

73. However, all the commentary we have provided is based on four key understandings, which are essential to acknowledge when addressing changes of the scope considered by this Review:

- The ***Convention on the Rights of the Child*** states that children have the right to freely give their opinion on issues that affect them.<sup>40</sup>
- **Enforcement and implementation of the Charter will have more impact than specific wording:** Often, rights are phrased in a way which allows breadth of interpretation – this gives scope for powerful advocacy but also leaves room for services to fall short of the intended right. In this way, supporting development of a pro-rights culture within organisations may do more for victims than wording changes. We acknowledge that this will be part of the consultation in January 2026 and forms the basis of some of our submissions below at part E relating to the operation of the Charter.
- **The Rights must be known to have power:** Rights only retain power when they are both known and believed. Education and awareness are key to this Charter holding authority over prescribed persons/agencies. As contemplated at question 28, we consider a positive obligation on agencies to provide victims information about their Charter rights is key. This will be particularly important should the Charter indeed introduce new rights.
- **There must be capacity to live up to any new or strengthened rights:**<sup>41</sup> A common theme we encountered when discussing strengthening the existing rights, was services' capacity to ensure they were upheld. This came up, for example, when considering a right to access appropriate services, strengthening information provision, and protection from further victimisation<sup>42</sup>. We have proceeded on the understanding there is capacity to deliver a Charter of this strength. But we note if these rights are not upheld or enforceable, the Charter will lack credibility, which could lead to more mistrust.

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<sup>38</sup>Relevant, for example, to question 35.

<sup>39</sup> Consider question 43 (potentially falling within VCSVRB Act, Charter: Sch 1, Part 1, Div 2, 2-3); question 30 (potentially falling within VCSVRB Act, Charter: Sch 1, Part 1, Div 2, 6).

<sup>40</sup> United Nations, *Convention on the Rights of the Child*, 20 November 1989, article 12.

<sup>41</sup> We acknowledge this is a question considered by the OVC in discussion of expansion of the definition of 'victim' in the Detailed Paper

<sup>42</sup> Questions 16, 20, 21 and 30.

### *Framing and phrasing: general reflections*

74. Legislation is often inaccessible to a casual reader, particularly for children and young people who may be less familiar with processing such information. We acknowledge victims are more likely to be directed to the plain-language Charter set out at the OVC's website.<sup>43</sup> It is possible that the legislative version will rarely be referred to. Despite this, it is important that where a victim wishes to engage with their rights at the origin point, they can do so. If this instrument is designed for them, they should be able to understand it. As discussed, this requires clarity of purpose and of wording and wherever possible co-design with young victims.

75. In our assessment of the Charter, we have not engaged extensively with the specific wording, but on occasion we have considered the impact of particular words, as relates to both clarity and impact. Often, when considering potential changes to wording, we have agreed with the observations made by the OVC in the Detailed Paper. Generally, we note:

- **Victim-centred and clearly defined time frames:** Timeframes are not consistently included in existing Charter Rights, which limits their utility. Even where timeframes are contemplated, these may not be victim centred,<sup>44</sup> and there is also no obligation to communicate the reason for any delay to victims. Overall, we consider strengthening these timeframes and using victim-centred language would be a significant improvement.<sup>45</sup>
- **Appropriate guidance and resources:** In multiple cases, while the wording of a right may be strong enough, additional resources and guidelines about what a victim should expect would ensure they (and prescribed persons) can fully understand and apply said right.<sup>46</sup> In this way, application of the right could be strengthened significantly.
- **Victim-centred language framing:** More broadly, we were interested in other jurisdictions' structuring of rights, for example, stating a victim 'has the right' (in contrast to the Charter's current structure, which asserts outcomes – i.e. victims 'will be informed,'). This centres victims, and utilising the language of rights could strengthen interpretation of the Charter. From a victim-perspective, it also emphasises that these rights are not an inconvenience or unreasonable – rather, they are entitlements. It should be noted, however, that this phrase may unintentionally place the onus for action onto victims. 'Rights' are enforceable, but inherent is the option *not* to seek their enforcement. If this wording is selected, it must be clear in supporting policy that

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<sup>43</sup> Office of the Victims' Commissioner, *Know Your Rights*, accessed 27/10/2025, at [Know your rights | The Office of the Victims' Commissioner](#)

<sup>44</sup> Relevant particularly to question 17, when considering the timeframe of 'earliest practicable opportunity' we note this phrase appears to centre services' capacity, over the victim's needs. A more appropriate phrase would leave scope for consideration of the victim's needs and circumstances, as well as service capacity.

<sup>45</sup> Relevant particularly to questions 25, but also to any questions regarding informing victims of developments. Discussed further below.

<sup>46</sup> This relates specifically to questions 23 and 24.

establishes that prescribed persons are still responsible for offering the right and responding to requests for its enforcement.

### *Protection of identity and freedom from discrimination*

76. This Review has considered, in multiple ways, potential protections for those victims who may face further risk of discrimination or exclusion based on personal attributes. We endorse any efforts made to impose a positive obligation on services to accommodate and support *all* victims in a way that considers their particular needs. This is at the heart of much of our discussion, earlier in this submission, of barriers to victims' participation.
77. As considered by question 14, we agree the Right to be treated with courtesy and compassion should reference certain personal characteristics and non-discriminatory treatment, in line with other jurisdictions. Theoretically, these protections could be considered as implied in the current wording. However, linking this right not just to "needs" but identity, characteristics and attributes significantly strengthens it, and adds protection for groups who are disproportionately impacted by crime, and historically have not had the support of the justice system.
78. Acknowledging (and accommodating) victims' personal attributes will clarify the responsibility of prescribed persons when providing them support. This is also relevant to proposed new rights considered by this Review, including:
- **The right to translation (Q 32):** A person cannot access Charter rights if they cannot understand them. In a proudly multi-cultural society with a commitment to being disability aware, accommodating different languages and communication options is essential to facilitate understanding. This would require appropriate resourcing, including existing translations of the Charter and associated materials being prepared in advance (acknowledging the OVC currently offer the easy-read Charter in 8 languages) and referral pathways to interpreters to support prescribed persons to answer questions.
  - **Right to request an interviewer of a particular gender (Q 33):** this Right would maximise comfortability of victims. We note the examples provided were specific to sexual assault, but preferring or requiring an interview to be conducted by an official of a certain gender could equally be based in cultural or religious reasons.<sup>47</sup>
79. There is potential to further this work which has not been considered – for example, the current definition of 'family member' (considered at question 6) seems to exclude many non-traditional family options. While provision for Aboriginal and Island culture is positive, family connection is different across multiple cultures and backgrounds. Noting the

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<sup>47</sup> In terms of when this request could be reasonably denied, again policy would need to be developed. However, it would be reasonable for factors including urgency, remoteness and capacity to be considered. These should be put to the victim ahead of any request being denied.

multicultural nature of Australia, the concept of family should not be narrowly conceived. A definition which leaves room for relationships which *should* be considered familial would be appropriate.

### *The right to be informed*

80. The Review examines the existing right to be provided information about the investigation and prosecution. While appropriately worded, in its current form this right has no associated timeframe – it lacks even the requirement for the information at the ‘earliest practicable opportunity’ which shapes Right 3. For young people experiencing the criminal justice system, regular and reassuring updates are key. These updates can act as confirmation of their safety (for example, following a bail application), reassurance that prosecutors and police have their interests at heart, and validation they have made a good choice in pursuing the matter. In the absence of updates, young people may fill the gaps themselves or withdraw completely. This right could be significantly strengthened by including a need to ensure communication is *timely and regular*.
81. The Review goes further by considering the ability of victims to *contribute* to these major decisions, either by being provided notice in advance or being consulted. This change would help victims to feel like participants, not spectators, in the justice process. As contemplated by the Detailed Paper, parameters would still be required – currently, the relevant Right sets out three examples of major decisions which victims can expect to be updated on: charges brought; decision not to bring charges, or to substantially change charges;<sup>48</sup> and accepting a plea of guilty to a lesser charge.<sup>49</sup>
82. It would be appropriate to include notification of significant breach of bail (particularly when there is an identified risk to the victim) to this list for affected victims, per the existing Charter right.<sup>50</sup> Our clients worry about the movements of persons not in custody (for example, on home detention bail) and notification of such breaches might increase protections for vulnerable victims. This concern is relevant to questions 27 and 40.
83. Agencies like the Police should also be required to establish ‘Victim Liaison Officers’ who could be a point of contact if a victim has been unable to reach an officer with carriage of the matter. One of the most regular complaints that we receive from young people in relation to criminal investigations and prosecutions is that they are unable to get in contact with the police officer assigned to their matter as they are not in the station or not on shift and their requests for a return call or an update by email go unanswered. We also regularly experience this in our advocacy for information on behalf of children and young people.

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<sup>48</sup> Note the wording of ‘substantial changes’ may require a definition or common understanding to be workable. What may seem like a minor change to a seasoned informant or prosecutor may seem major to a victim.

<sup>49</sup> VCSVRB Act, Charter: Sch 1, Part 1, Div 2, 2.

<sup>50</sup> VCSVRB Act, Charter: Sch 1, Part 1, Div 2, 4.

### *The right to make a complaint*

84. As noted in the Detailed Paper, and explored in question 26, it is important that victims can make a complaint to an independent organisation, and that they can do so without first needing to approach whichever agency they are concerned about. That the OVC is considering whether this right can be strengthened is particularly important noting that due to a lack of broader enforceability, complaints are a victim's strongest weapon against agencies which negatively impact them. It would be appropriate to ensure that this process is as accessible as possible to young victims. In considering this, we note:

- the details of the option to complain aren't encompassed in the specific Charter Right, but this can be addressed by development of sufficient guidance to direct and inform a victim seeking review.
- though complaints can be made, the rights remain unenforceable. In our experience, young people want to understand the outcome of a procedure at the point of commencing it. Any resources developed should prioritise clarity about the *impact* of the complaint process, and potential outcomes.
- young people are the experts on their own situations and may be best placed to support the development of resources, and complaints processes appropriate to their needs.

85. As applies to the entirety of the Charter, appropriate resources would further bolster this right, as would a positive obligation on prescribed persons to advise victims of their right to make a complaint (per question 28).

### *The right to review*

86. We welcome potential rights increasing victims' participation in criminal proceedings, considered in three questions, which ask whether the Charter should:

- reflect existing ODPP policy on victim's right to review (Q 37)
- include a right to review police investigative decisions (Q 38)
- include a right to request the ODPP consider an appeal (Q 39).

87. These proposed rights are a substantial increase on the existing right to be informed of major decisions in the progression of a case.<sup>21</sup> Further, they are revolutionary across Australia, noting no jurisdiction currently enshrines a right to review of police or prosecution decision in their Charter.

88. As discussed above at part B, a sense of involvement or control is extremely important to the young people we work with, to prevent the experience of engaging with the criminal justice system becoming disempowering or retraumatising. In that context, and when

considering the proposed community expectations of accountability and avoiding causing further harm, these three rights are incredibly powerful. These rights, if included, may:

- provide victims opportunities to seek clarity and probe decisions which otherwise seem inaccessible
- allow greater transparency, through building in the potential for independent review of case decisions
- incentivise police and prosecution to use a more trauma-informed and victim centred engagement with victims throughout the criminal justice process, to explain the decisions they have made
- increase a young person's sense of collaboration, empowerment and informed choice – important principles for trauma-informed service delivery
- enshrine rights already existing in policies, to provide a stronger foundation less vulnerable to change.

89. All three rights could be incorporated through the introduction of a broad right to review of major decisions (similar in format to the wording of Division 2, Right 1 under the Charter). As has been noted previously this would require relevant agencies (including Queensland Police and the ODPP) to have strong supporting policies, which carefully consider time limits, scope of review, and notification options to avoid prejudicing defendants.

### E. Operation of the Charter (Qs 44-45)

#### *Upholding the Charter*

90. There is a practical disconnect between the rights as they are conceived, and the implementation we witness in our work (see questions 14, 23, 39). We have discussed how young people's particular vulnerabilities can significantly impact how they *experience* a matter, and therefore whether they consider their rights can have been met. This renders consideration of the Charter's operation inherently subjective, based on each person's understanding of their experience.

91. This is a complex issue to consider – particularly for young people under 18. A matter may be technically acceptable in how it was progressed by police, prosecution and services, without a young person feeling empowered or supported by the experience. They may have had their guardians involved against their wishes, been denied access to services without parental consent, or provided updates that they did not understand and felt unable to influence. In these cases, were their rights upheld? Or did the agency think it was sufficient to satisfy the needs of a parent without consideration that these needs may not be the same as those for the young person. It may not be possible to fully answer this but reviewing the pressure points in the current application of the Charter, may help to reduce the divide between appropriate practice and a young person's experience.

*Being treated with courtesy and respect*

92. As an effect of factors discussed in part B including negative past experiences with law enforcement, and incorrect expectations of the criminal justice systems, young people may find their initial contact with police disempowering. This is a significant issue, as (noted in the Detailed Paper) a sense of safety is incredibly important to victims. Generally, our clients commonly report feeling that police will not be able to support them.
93. Part of this may be due to standard practices in police work – for example, involving parents or guardians may be the correct procedure when speaking to a child victim, but to that child this may feel like an extreme disrespect despite the officer’s intention. The lack of recognition of the autonomy of young people under 18, as we discussed earlier in this submission, inherently disregards their lived experience and capabilities, which will feel to them like a breach of the Charter and their right to respect and dignity.
94. In other cases, however, the issue rests with the capacity of individual officers to respond to young people. Young people may not be as skilled at self-advocacy as older victims and may be less capable of regulating their emotional responses. This can put them at risk of misidentification in family violence situations, but it may also make it more difficult for them to express their concerns to police. This requires skill on the part of officers, to put young people at ease and support them to tell their stories. Unfortunately, this is time consuming and young people often report what feel like are blunt or dismissive responses.
95. Young people’s perception of disrespect and a lack of compassion may not reflect deliberately *negative* treatment by police, but instead treatment inconsiderate of their needs. This includes the need for reassurance. Trauma informed practice is essential to enable young people to seek support from police. Many of our clients are hyper-aware of the reactions of those they are seeking support from, which means small gestures of impatience, disinterest, confusion, or disbelief will be identified swiftly.

**CASE STUDY: Jamie**

It took Jamie\* years to get a DVO to protect him from his mum. He moved out of home as soon as he could, but with a DVO he thought he could also make the threats stop, prevent her from contacting his work and his friends and driving them away from him. But though he has reported every breach of the DVO, nothing has happened. They say he doesn’t have “proof”, but he doesn’t know what proof they need. It feels like they don’t believe him.

96. We acknowledge the pressure points, where police must communicate on behalf of an inaccessible and complex legal system which young people are not well supported to understand. This can make decisions made by police, especially when communicated without care, seem arbitrary and cruel. If this differs from the treatment or information they have previously received, this can also make police seem unreliable. This undermines trauma-informed principles, especially trustworthiness.

97. An Australian Youth Safety Survey in 2020 found that over half of participants believed police don't treat people of different races, ethnic groups, or genders and sexualities equally.<sup>51</sup> Young people with these attributes may feel further alienated by police and justice processes. For a victim-centred approach to genuinely take a victim's needs into account it must incorporate knowledge of intersectional attributes and principles of cultural safety.
98. Wherever possible Gillick<sup>52</sup> competent young people should also be consulted and supported to participate and make independent decisions. This would significantly improve current practices and is likely to build trust and reduce disengagement. All organisations that provide services to children and young people under the Charter must also be committed to a child safe culture, including implementing the National Principles for Child Safe Organisations as referred to in question 58. Consideration must be given as to whether children are participating in a meaningful way if the agencies are engaging with parents or other adults on behalf of the child.

### *Provision of information*

99. In its current form, the Charter enshrines the right of victims to be informed of the progress of their matter, including relevant court processes, bail applications, and outcomes.<sup>53</sup> This is incredibly important. However, as noted above in relation to the right to be informed, the Charter establishes no parameters in which this information must be provided.
100. Common barriers to young people feeling adequately informed include:
- **Infrequency:** a young person, particularly one with a limited support network, may require additional reassurance. While a police officer may have dozens of matters they are responsible for, a victim's matter will loom incredibly large in their life. With no alternative way to reassure themselves of a matter's progress, or developments in a case, victims rely entirely on police and prosecutors, whose timelines may differ significantly from theirs.
  - **Practical police barriers:** As outlined above it is common for victims to be unable to reach the police officer involved in their matter or they their contact person will change without them being advised, which may be de-stabilising.
  - **Lack of trauma-informed engagement:** compounding the above, communication may not be sufficiently mindful of the trauma young people are experiencing, as

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<sup>51</sup> 62% and 51% respectively, per Higgins, A; Morgan, M (2020) 'Australian Youth Safety Survey 2020: Technical Report', 6.1 (p21) accessed at: [HIGGINSON-Research-Report-2020.pdf](#)

<sup>52</sup> *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112 ("Gillick").

<sup>53</sup> VCSVRB Act, Sch 1, part 1, div 2 ss 1;3(b)-(e), 4.

survivors of crime, while they navigate complex systems and the varied ways that complex trauma can impact the victim's presentation and communication style.

101. It is also relevant that what feels like enough communication could vary significantly for victims. People's experiences of crime and the criminal justice system may differ depending on their past trauma, nature of the crime and characteristics of the victim. A subjective assessment of how much communication should be sufficient may seem reasonable but may not be reassuring for a particular victim.

**CASE STUDY: Phoebe**

When Phoebe's ex-partner was arrested, she thought she would be relieved, but she still felt scared. She knows he's dangerous, but she doesn't know how seriously police are taking it, even if he is in custody (for now). It felt too risky to wait for them to call her – safer to go to court whenever she could, waiting all day for his matter to be called and heard. At least that way she knows she will hear straight away if he gets out.

**Privacy and control**

102. Tied to the above, young victims' right to privacy of their information<sup>54</sup> is significantly limited by the caveat that privacy is protected unless authorised by law.<sup>55</sup> The combined effect of mandatory reporting requirements, concealing child abuse offences and failure to assess Gillick competency to facilitate independent engagement with service providers puts young people at risk of having their information shared without their knowledge.
103. This can be a significant deterrent for young people. The lack of control over their personal information, particularly if they hold fear about who the information may be shared with can be silencing and very frightening. Concerns may relate to a family member, or agencies like Child Safety.
104. The impact of this may not end once a child grows into adulthood. We have clients who remain deeply scarred by the experience of, from their perspective, a breach of trust through sharing of private information. That this may be required by law (for example – mandatory reporting) does not reduce this sense of vulnerability, and young people may remain mistrustful of authorities as a result.
105. We do not contend that mandatory reporting and notification of parents are not appropriate, but the impact of these processes on a young person's engagement needs to be acknowledged, as does the fact that they mean a young person can never be fully

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<sup>54</sup> Per question 15, we note for our clients, use of social media and other technology to communicate is constantly increasing. It would be appropriate to broaden this right to reflect changes in technology – we would recommend wording like "address or *other contact information*" which could include social media handles, email, and phone, rather than be limited to emails. This also has the scope to broaden in application alongside future technological developments.

<sup>55</sup> VCSVRB Act, Sch 1, part 1, div 1, s 2

assured of their privacy in the justice system. Systems need to consider how to mitigate these potential breaches of trust – for example, by implementing policy change and assessments of Gillick competencies for young people, and prioritising trauma-informed and open communication when rights will be breached.<sup>56</sup>

## F. What needs to change

106. Throughout our submission we have explored the way that the Charter (currently and in its potential future form) could support young people. We commend the Commissioner’s commitment that the “review will not be quick or shallow” and we look forward to the recommendations and actions that will see government make positive changes for all victims and especially young victims.

107. We also encourage the Commissioner to consider these five specific recommendations to support young victims.

### Recommendation 1

The Charter include a commitment to an approach affirming the rights of children and young people as set out in the Convention on the Rights of the Child to ensure meaningful participation, preventing discrimination and placing the best interests of children at the centre of legislation, policy and practice.

### Recommendation 2

Guidelines, with reference to Gillick competence, be developed for agencies working with young victims to assess their capacity to participate as individuals without requiring the involvement of parents, guardians or carers, particularly if this is requested by the young person.

### Recommendation 3

Co-design child friendly Charter materials, child and youth engagement guidelines for key agencies and complaint mechanisms, with children and young people and their advocates.

### Recommendation 4

Appoint a young person with lived experience of violence as a Victims’ Commissioner for Young Victims.

### Recommendation 5

Encourage agencies like the Police, ODPP and Child Safety to establish Victim Liaison Officers within their organisations who can assist with access to timely updates and support when frontline workers are not available to engage directly with the victim.

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<sup>56</sup> United Nations, *Convention on the Rights of the Child*, 20 November 1989, article 16 also states that children have the right to privacy.

**Youth Law Australia**

We look forward to receiving the Commissioner's recommendations and to engaging in further consultation opportunities, such as the listening forums, to provide guidance about the rights and needs of young victims in Queensland.

Please contact us via [REDACTED] or [REDACTED] if additional comments or information would be of assistance.

Yours faithfully,  
**Youth Law Australia**

[REDACTED]  
**Principal Solicitor (Harm Practice)**

[REDACTED]  
**Senior Solicitor (Harm Practice)**