

# COMMUNITY SAFETY AND LEGAL AFFAIRS COMMITTEE

## Report No. 9

### Victims' Commissioner and Sexual Violence Review Board Bill 2024

#### QUEENSLAND GOVERNMENT RESPONSE

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#### INTRODUCTION

On 6 March 2024, the Victims' Commissioner and Sexual Violence Review Board Bill 2024 (the Bill) was introduced to Parliament.

The Bill was referred to the Community Safety and Legal Affairs Committee (the Committee) for detailed consideration.

On 19 April 2024, the Committee tabled its report, *Report No. 9, 57th Parliament – Victims' Commissioner and Sexual Violence Review Board Bill 2024* (the Report), following its inquiries and further consideration of the Bill.

The Queensland Government response to the Committee's recommendations in the Report is provided below.

#### RESPONSE TO RECOMMENDATIONS:

##### Recommendation 1 -

The Committee recommends the Victims' Commissioner and Sexual Violence Review Board Bill 2024 be passed.

##### Queensland Government response:

The Queensland Government thanks the Committee for its consideration of the Bill and appreciates the Committee's recommendation that the Bill be passed.

##### Recommendation 2 -

The Committee recommends that consideration be given to whether the complaints mechanism in the Bill is sufficient in relation to the ability of children to make a complaint where they lack an advocate or willing adult to make a complaint on their behalf.

##### Queensland Government response:

The Queensland Government supports the recommendation and its intent to ensure that children are empowered to make complaints about alleged contraventions of the *Charter of Victims' Rights*.

The Queensland Government notes that several parts of the Bill seek to support children who are victims of crime, including clause 11 of the Bill which requires the Victims' Commissioner when exercising their functions and powers to have specific regard to the vulnerability of children as they may have characteristics that make them particularly vulnerable to harm.

The Bill provides for a child, who meets the criteria of an *affected victim* under clause 38 of the Bill, to make a complaint about an alleged contravention of the *Charter of Victims' Rights*. A person acting with the consent of the child or as an agent of the child may also make a complaint on the child's behalf.

In the process of making a complaint, clause 47(2) of the Bill requires that the Victims' Commissioner provide reasonable assistance to a complainant who needs help (this could be a child without an advocate or willing adult), to put the complaint into a written form so that appropriate action can be taken to resolve the complaint.

The Bill does not prevent the Victims' Commissioner, when exercising their complaint functions, to ask or advise the complainant about a matter relating to the complaint in an appropriate way and does not prescribe that advice must be provided through a formal written notice. This approach is intended to enable the Victims' Commissioner to advise the complainant in an appropriate and trauma-informed way based on their individual needs. Where advice is provided, or a request made, to a complainant other than in writing, clause 58 of the Bill requires the Victims' Commissioner to keep adequate records of these interactions to ensure appropriate record-keeping about the management of the complaint and the advice provided to the complainant.