



# **Inquiry into Support provided to Victims of Crime**

**Report No. 48, 57th Parliament  
Legal Affairs and Safety Committee  
May 2023**

## **Legal Affairs and Safety Committee**

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### **Acknowledgements**

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All web address references are current at the time of publishing.

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## Abbreviations and acronyms

Abbreviation	Definition
CEO	Chief Executive Officer
CJAG	Crime and Justice Action Group
committee	Legal Affairs and Safety Committee
DVAC	Domestic Violence Action Centre
DJAG	Department of Justice and Attorney-General
GCCASV	Gold Coast Centre Against Sexual Violence Inc.
Hear her voice Report two	Hear her voice, Report two: Women and girls' experiences of the criminal justice system
knowmore	knowmore Legal Service
ODPP	Office of the Director of Public Prosecutions
QCS	Queensland Corrective Services
QHRC	Queensland Human Rights Commission
QHVSG	Queensland Homicide Victims Support Group
QIS	Queensland Intermediary Scheme
QPS	Queensland Police Service
QSAN	Queensland Sexual Assault Network
VAQ	Victim Assist Queensland
VOCA Act	<i>Victims of Crime Assistance Act 2009</i>
WSJT	Women's Safety and Justice Taskforce

## Chair's foreword

This report presents a summary of the Inquiry held by the Legal Affairs and Safety Committee. The committee's task was to inquire into and report to the Legislative Assembly on the support provided to victims of crime and to identify if there are areas where improvements could be made.

Stakeholders, victim witnesses and advocates confirmed that we can do better in this space. Some problems could be quite easily fixed, while others required complex solutions that involve multiple agencies.

It should not be forgotten that there have been several reports with recommendations that address many of the issues raised in this Inquiry. There is the Women's Safety and Justice Taskforce *Hear her voice – Report 1: Addressing coercive control and domestic and family violence in Queensland*; *Hear her Voice – Report two – Women and Girls' experience of the criminal justice system*; and the Independent Commission of Inquiry into Police Service responses to domestic and family violence.

The appointment of a victims' commissioner will go a long way to addressing many of the issues raised by our courageous witnesses during public hearings.

The committee spared no effort in raising public awareness of this relevant and important Inquiry. The committee held hearings in Brisbane, Cairns, Townsville, Rockhampton, Logan, Ipswich and the Gold Coast. These places were chosen based on submissions received, as well as people who expressed an interest in giving evidence to the committee.

We advised 360 key stakeholders and over 1,000 organisations and members of the public of the Inquiry's inception and invited them to make written submissions. The committee also contacted approximately 90 regional not-for-profit organisations, inviting them to tell of their experiences as boots-on-the-ground service providers for victims of crime. We embraced social media and made a short Facebook video raising awareness of the Inquiry and inviting submissions. Through the Parliamentary Services' media team, we sent media releases to over 175 members of the press.

While media were present at some of our hearings, we cannot control what or when they report. It is unfortunate that there wasn't more media reporting about the Inquiry in the lead up to our public hearings, especially when we had open forums for any members of the public to come forward and have their voice be heard regardless of whether they had previously made a written submission.

On behalf of the committee, I thank those individuals and organisations who made written submissions, those who made themselves available and appeared at public hearings and the regional Members of Parliament who attended and brought witnesses to the hearings. I thank you all for your contribution to our Inquiry.

I note the concerns that were raised about the timeline of this Inquiry. The key objective was to conclude the Inquiry and make recommendations to government so that changes can be made alongside those made by the Women's Safety and Justice Taskforce and the Independent Commission of Inquiry. To get an extension on our Inquiry would have only prolonged the agony for victims of crime and delayed change.

The adversarial system of justice is not an easy system for victims of crime to navigate. I practiced criminal defence law for close to 25 years. It is hard for victims to understand concepts like the jury process, or the fact that the prosecution represents the state, and not the victim. It is harder still to understand when you are grieving, suffering or living with trauma as a victim of crime.

This Inquiry highlighted that every victim is different, and every victim deals with catastrophe differently.

On 23 March 1982, the *Herbert River Express* reported on a funeral service for two victims who died in a traffic collision on Abergowrie Road. The victims were Geoffrey Robert Bonning, 23, and Joanne

Mary Russo, 21. They were killed when their vehicle collided with a four-wheel drive vehicle. A small country town, a small country road.

Joanne was my sister and our family dealt with this tragedy on our own. Mum was very religious and relied on faith to deal with her grief. Due to factors that are not relevant to this Inquiry, the driver of the other vehicle was never charged. I raise this issue because we often don't know what burdens someone has faced in life, but these burdens can bring us together to help those whose lives have been marred by tragedy.

For that reason, this Inquiry should be beyond politics.

A handwritten signature in black ink, appearing to read 'Peter Russo', with a long horizontal stroke extending to the right.

Peter Russo MP

Chair

## Recommendations

- Recommendation 1** 9
- That the Queensland Government, in line with recommendation 9 of the Women’s Safety and Justice Taskforce *Hear her voice, Report two: Women and girls’ experiences of the criminal justice system* and in consultation with people with lived experience, Aboriginal and Torres Strait Islander peoples and service and legal system stakeholders, develop a pilot victim advocate service to support victims of crime to navigate through the criminal justice system.
- Recommendation 2** 9
- That the Queensland Government review the Charter of victims’ rights in the *Victims of Crime Act 2009* and consider whether it should be expanded to include additional rights. In line with recommendation 19 from the Women’s Safety and Justice Taskforce *Hear her voice, Report two: Women and girls’ experiences of the criminal justice system*, this review should be conducted by the victims’ commissioner.
- Recommendation 3** 9
- That the Queensland Government, as part of its review of the *Human Rights Act 2019*, consider whether recognition of victims rights under the Charter of victims’ rights in the *Victims of Crime Act 2009* should be incorporated into the *Human Rights Act 2019*.
- Recommendation 4** 9
- That the Queensland Government work with the Office of the Director of Public Prosecutions to consider expanding the number of victim liaison officers and ensure the program is able to provide timely and up to date information to victims across Queensland at critical points in the criminal justice process.
- Recommendation 5** 9
- That the Queensland Government work with the Queensland Police Service and the Office of the Director of Public Prosecutions to better coordinate the management of committal hearings in Queensland to ensure information continues to flow through to victims of crime throughout the court process.
- Recommendation 6** 18
- That the Queensland Government investigate developing a consistent evidence-based and trauma-informed training framework across all government agencies interacting with victims of crime.
- Recommendation 7** 18
- That the Department of Justice and Attorney-General, the Queensland Police Service and the Office of the Director of Public Prosecutions and other relevant stakeholders review existing, and develop additional, online materials to assist victims of crime to understand their options at critical points along the criminal justice system.
- Recommendation 8** 18
- That the Queensland Police Service and other relevant stakeholders review guidelines used by investigating police officers when communicating information to victims of crime that would assist them in understanding Queensland’s criminal justice system.

<b>Recommendation 9</b>	<b>18</b>
That the Queensland Government, in line with the recommendations of the Women’s Safety and Justice Taskforce, develop a sustainable long-term plan for adult restorative justice services in Queensland.	
<b>Recommendation 10</b>	<b>19</b>
That the Queensland Government, further to recommendation 89 of the Women’s Safety and Justice Taskforce <i>Hear her voice, Report two: Women and girls’ experiences of the criminal justice system</i> , review the provision of youth justice conferencing and identify opportunities to better meet the needs of victims of crime.	
<b>Recommendation 11</b>	<b>19</b>
That the Queensland Government investigate developing a ‘victim recognition statement’ or ‘victim recognition meeting’, as occurs in the Victorian victim financial assistance scheme.	
<b>Recommendation 12</b>	<b>20</b>
That the Queensland Government, in line with recommendation 32 of the Women’s Safety and Justice Taskforce <i>Hear her voice, Report two: Women and girls’ experiences of the criminal justice system</i> , develop a statewide forensic medical examination service to ensure victims have access to high quality and timely forensic medical examinations.	
<b>Recommendation 13</b>	<b>26</b>
That the Queensland Government consider waiving fees for state government issued identification documents and number plates requiring replacement by victims as a result of a crime.	
<b>Recommendation 14</b>	<b>26</b>
That the Queensland Government urgently review the financial assistance scheme including whether the original intent and objective of the scheme are being met as defined in the <i>Victims of Crime Act 2009</i> .	
<b>Recommendation 15</b>	<b>27</b>
That the Queensland Government, in its review of the financial assistance scheme under recommendation 14 of this report, look at options to reduce the administrative burden on victims of crime in submitting application for financial assistance and the requirements around supporting documentation.	
<b>Recommendation 16</b>	<b>27</b>
That the Queensland Government, in its review of the financial assistance scheme under recommendation 14 of this report, consider expanding the definition of an act of violence to include victims of property crime.	
<b>Recommendation 17</b>	<b>27</b>
That the Queensland Government, in its review of the financial assistance scheme under recommendation 14 of this report, review the 3 year time limit for making an application for financial assistance and the 6 year time limit for victims to seek amendments to their application.	
<b>Recommendation 18</b>	<b>27</b>
That the Queensland Government continue to invest in non-government victim support and legal assistance services to ensure victims of crime are supported and have access to these services.	

## Executive Summary

On 16 March 2023, the Legislative Assembly agreed to a motion that the Legal Affairs and Safety Committee (committee) inquire and report on support provided to victims of crime in Queensland.

The inquiry's terms of reference included how to achieve better coordination of services for victims, ensuring victims were heard and included during the criminal justice process, the functions and effectiveness of the *Victims of Crime Assistance Act 2009* and the impacts of any recommendations.<sup>1</sup>

### Summary of the inquiry

The inquiry's broad terms of reference allowed the committee considerable range in examining the legislative structures, organisational networks and support systems that interact with victims of crime.

The committee held public hearings across metropolitan and regional Queensland, receiving input from a variety of stakeholders, including non-government organisations, support service providers, community groups and members of the public. Hearings were held in Brisbane, Cairns, Townsville, Rockhampton, Logan, Ipswich and the Gold Coast.

### Key issues examined

The key issues raised during the committee's Inquiry included:

- existing government frameworks for victims of crime, including legislative rights of victims
- the roles and relationships of the various entities that make up the criminal justice system, such as the Queensland Police Service, the Office of the Director of Public Prosecutions, the court system and Queensland Corrective Services
- creating a single point of contact for victims throughout the criminal justice process
- a victims' commissioner to advocate for victims, along with statewide victim support services
- communication and access to information for victims
- the availability of forensic examination services, especially in regional and remote areas
- access to financial assistance and investigating waiving fees for state government issued identification documents and number plates requiring replacement by victims as a result of a crime
- trauma-informed approaches for services for victims of crime
- victim impact statements and victim recognition statements
- media reporting on crime and victims of crime
- the Queensland Intermediary Scheme.

### Conclusion

The committee has made 18 recommendations for government, including reviews of victims' rights, improved coordination of services, increasing access to information, trauma-informed training, investing in victim support services and improving access to restorative justice and youth justice conferencing.

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<sup>1</sup> Record of Proceedings, 16 March 2023, p 589.

## 1 Introduction

### 1.1 Inquiry referral and terms of reference

On 16 March 2023, the House agreed:

[t]hat the Legal Affairs and Safety Committee (committee) inquire into and report to the Legislative Assembly by 19 May 2023 on support provided to victims of crime and consider:

1. better coordination of the service system to ensure trauma informed, victim-centric and timely support for victims from the time of incident and throughout any investigation and prosecution, including:
  - (a) how the justice system, including the Queensland Police Service, the Office of the Director of Public Prosecutions, and any services provided through court processes, supports victims;
  - (b) ensuring victims can be heard and included in an appropriate and timely way throughout any investigation and prosecution;
2. for victims of violence, the operation and effectiveness of the *Victims of Crime Assistance Act 2009* (the act), including:
  - (a) enhancements to provide better, trauma informed and more timely assistance and support to victims;
  - (b) mapping victims' experiences under the act to identify ways to reduce the burden on applicants;
  - (c) the Charter of Victims' Rights and complaints made by victims, to identify common themes to inform future training,
  - (d) existing government initiatives in relation to the act's operation and effectiveness; and
3. the benefits, disadvantages and resourcing impacts of any recommendations.<sup>2</sup>

### 1.2 Inquiry process

On 23 March 2023, the committee invited stakeholders and subscribers to make written submissions on the inquiry. Fifty-eight submissions were received. The Department of Justice and Attorney-General (DJAG), the Queensland Police Service (QPS) and the Office of the Director of Public Prosecutions (ODPP) responded to submissions on 21 April 2023. See **Appendix A** for a list of submitters.

The committee held public hearings in Brisbane, Cairns, Townsville, Rockhampton, Logan, Ipswich and the Gold Coast from 17 April 2023 to 4 May 2023. The committee also held public briefings on 31 March 2023 and 5 May 2023 that were attended by DJAG, the ODPP, the QPS and Queensland Corrective Services (QCS). See **Appendix B and Appendix C** for a list of witnesses.

The submissions, transcripts of the hearings and transcripts of the briefings are available on the committee's webpage.

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<sup>2</sup> Record of Proceedings, 16 March 2023, p 589.

## 2 Inquiry into support for victims of crime

### 2.1 Support for victims of crime, including the establishment of a victims' commissioner

#### 2.1.1 Background

It is undeniable that crime creates victims. These victims range from those who have experienced property crimes (such as burglary) to violent crime (such as assault) and those who are relatives of a victim of homicide. While no two victims are the same and each victim requires a different level of support, many victims will be in a state of emotional and mental distress after the crime.<sup>3</sup>

Victims, and in the case of homicide a victim's family, must then proceed through the criminal justice system, which involves multiple government and non-government agencies working in varying legislative frameworks, such as DJAG, the QPS, the ODPP and QCS. Victims often have limited knowledge or insight into the criminal justice system and the journey can be confusing, especially when trying to understand why particular things happen or why certain decisions are made.

Queensland governments have progressed the rights and interests of victims of crime, resulting in a service landscape that is generally responsive to the needs of victims of crime.

The Queensland Government provides the following support framework to victims of crime through the *Victims of Crime Assistance Act 2009* (VOCA Act), which:

- includes the Charter of victims' rights and a mechanism for making complaints about conduct inconsistent with the rights
- establishes a scheme to give financial assistance to certain victims of acts of violence.<sup>4</sup>

The Charter of victims' rights is set out in Schedule 1AA of the VOCA Act and includes:

- general rights, for example:
  - to 'be treated with courtesy, compassion, respect and dignity, taking into account the victim's needs'
- rights relating to the criminal justice system, for example:
  - a victim will be informed about the progress of the investigation of the crime
  - a victim will be informed of each major decision (including the reasons for the decision) made about the prosecution of a person accused of committing the crime
  - if a victim is a witness at the accused's trial, the victim will be informed about the trial process and the victim's role as a witness
- the ability to make a complaint about a contravention of victim rights under the Charter of victims' rights<sup>5</sup>
- rights of eligible persons, including:<sup>6</sup>
  - to be kept informed of an offender's period of imprisonment, transfer to another facility or escape from custody

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<sup>3</sup> N Bluett-Boyd and B Fileborn, *Victim/survivor-focused justice responses and reforms to criminal court practice: Implementation, current practice and future directions*, research report no. 27, Australian Institute of Family Studies, April 2014, p ix.

<sup>4</sup> VOCA Act, s 3.

<sup>5</sup> See VOCA Act, ss 19-20A.

<sup>6</sup> Eligible person is defined in the *Corrective Services Act 2006* and the *Youth Justice Act 1992*: VOCA Act, Schedule 3.

- to make written submissions to the parole board about granting parole to the offender.

The VOCA Act states that the rights included in the Charter of victims' rights are not legally enforceable.<sup>7</sup>

The VOCA Act establishes the victims financial assistance scheme, administered by Victim Assist Queensland (VAQ).<sup>8</sup> For further information in relation to the financial assistance scheme, see part 2.6 below.

It must be noted that victims of crime are not formal parties to court proceedings in Queensland's adversarial criminal justice system. The prosecutor represents the state and broader community in criminal cases, meaning victims play a reduced role in the criminal justice system and rely on the prosecutor to represent their interests. This reduced role may lead to victims experiencing a 'second victimisation' during court proceedings or not reporting crime in the first instance.<sup>9</sup>

#### 2.1.1.1 Women's Safety and Justice Taskforce

The Women's Safety and Justice Taskforce (WSJT) was established by the Queensland Government in 2021 to examine the experience of women across the criminal justice system.<sup>10</sup> This included the experience of women as victims of crime.<sup>11</sup>

The WSJT's *Hear her voice, Report two: Women and girls' experiences of the criminal justice system* (Hear her voice Report two), which focussed on women and girls who experience the criminal justice system as victim-survivors of sexual violence, was published in 2022.<sup>12</sup>

Recommendations 18 and 19 of Hear her voice Report two are relevant to the committee's Inquiry into the support provided to victims of crime:

18. The Queensland Government establish a victims' commission as an independent statutory office to promote and protect the needs of victims of all violent offences. The functions of the commission should include:

- identifying systemic trends and issues including in relation to policy, legislation, practice or procedure and potential responses to address these issues – assisting victims in their dealings with government agencies across the criminal justice system, including through oversight of how agencies respond to complaints
- monitoring and reviewing the effect of the law, policy and practice that impact victims of crime.

The commissioner will be authorised to exercise the rights of victims, upon their request and with consent, including in relation to their interactions with police, other government agencies and the courts (similar to the model in South Australia).

The commissioner will have a specific and dedicated focus on victims of domestic, family and sexual violence and First Nations victim-survivors, given their particular vulnerability. This focus may be through the establishment of a deputy commissioner role, or similar.

19. The Queensland Government review the Charter of victims' rights in the *Victims of Crime Assistance Act 2009* and consider whether additional rights should be recognised or if existing rights should be

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<sup>7</sup> VOCA Act, s 7.

<sup>8</sup> VOCA Act, chapter 3.

<sup>9</sup> S Garkawe, 'The role of the victim during criminal court proceedings', *UNSW Law Journal*, vol 17(2), pp 595-616.

<sup>10</sup> WSJT, *About the Women's Safety and Justice Taskforce*, <https://www.womenstaskforce.qld.gov.au/about-us>.

<sup>11</sup> WSJT, *Hear her voice Report two*, volume two, 2022, Appendix 18, pp 799-800.

<sup>12</sup> WSJT, *Hear her voice Report two*, volume one, 2022, p 3.

expanded. Ideally, this review would be undertaken by the victims' commissioner (recommendation 18).<sup>13</sup>

### 2.1.2 Stakeholder views

Several stakeholders commented on the difficulty for a victim navigating the current system and that there is a lack of integrated services for victims as they move through the criminal justice system.

Ms Amie Carrington of the Domestic Violence Action Centre (DVAC) stated that the needs of victims can only be met within an integrated system that puts victims at the centre, and that the 'current system requires comprehensive review to ensure this is able to be achieved'. DVAC stated its support for the establishment of a victims' commissioner who could help victims who are bringing complaints to navigate complex and convoluted systems, in addition to systemic work.<sup>14</sup>

Dr Kelly Dingli of DVConnect stated that 'the justice system, as we know, is complex and overwhelming and it is unjust for an everyday person to have to navigate it after becoming a victim of crime'.<sup>15</sup>

The Queensland Human Rights Commission (QHRC) stated in its submission that it supports the 'the establishment of a dedicated victims' commissioner whose functions include advancing systemic issues for victim-survivors and facilitating collaboration between relevant agencies'.<sup>16</sup>

Dr Robyn Holder of the Griffith Criminology Institute also supported the recommendation for an independent victims' commissioner, submitting that it be established within the QHRC, but that it have powers for effective enforcement, including the authority to intervene in proceedings.<sup>17</sup>

The Women's Legal Service Queensland supported amendments to the *Human Rights Act 2019* to recognise the inherent interests of victims in the criminal justice process, including 'the right to be acknowledged as participants and to be treated with respect and afforded protection during the court process'.<sup>18</sup>

knowmore Legal Service (knowmore) supported the position of the Women's Legal Service Queensland and stated that 'victims' rights, as articulated in the Charter of victims' rights, should be made into legally enforceable rights as part of the *Human Rights Act 2019*'. They stated that this was consistent with recommendation 20 of the Hear her voice Report two.<sup>19</sup>

This was also supported by a number of other submitters, including the Gold Coast Centre Against Sexual Violence Inc. (GCCASV), Full Stop Australia and the Queensland Indigenous Family Violence Legal Service.<sup>20</sup>

### 2.1.3 Department response

DJAG submitted that while the victim assist system is complex, it is also trying to meet the needs of different victims.<sup>21</sup> DJAG stated in its response to submissions that the WSJT discovered that victim-survivors of sexual violence need more support to navigate the criminal justice system, and that the

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<sup>13</sup> WSJT, *Hear her voice Report two*, volume one, 2022, p 14.

<sup>14</sup> Public hearing transcript, Ipswich, 3 May 2023, p 15.

<sup>15</sup> Public hearing transcript, Logan, 2 May 2023, p 1.

<sup>16</sup> QHRC, submission 38, p 2.

<sup>17</sup> Dr Robyn Holder, submission 22, p 5.

<sup>18</sup> Women's Legal Service Queensland, submission 32, p 2.

<sup>19</sup> knowmore Legal Service, submission 28, p 8.

<sup>20</sup> See submissions 35, 40 and 51; QSAN, public hearing transcript, Brisbane, 17 April 2023, p 2; Queensland Indigenous Family Violence Legal Service, public hearing transcript, Cairns, 26 April 2023, p 23; North Queensland Women's Legal Service, public hearing transcript, Townsville, 27 April 2023, p 12; GCCASV, public hearing transcript, Southport, 2 May 2023, p 13.

<sup>21</sup> Public briefing transcript, Brisbane, 31 March 2023, p 3.

Queensland Government supports or supports-in-principle a range of recommendations from the Hear her voice Report two. These include:

- recognising the need for advocacy
- evaluating the proposed victim advocate model
- considering victim-survivor representation when legislative reforms from the WSJT are reviewed
- working with trauma-informed service delivery experts to establish a cohesive and consistent inter-agency response for victim-survivors.<sup>22</sup>

The QPS stated in its response to submissions that all police offices undertake victim-centric and scenario-based training that has been co-designed with professional coronial counsellors, and that this training enhances approaches by first responders.<sup>23</sup>

The ODPP stated in its response to submissions that it has a victim liaison service, with Victim Liaison Officers providing updates to victims after all significant or milestone court events and approximately every 3 to 4 months. The ODPP has committed to explore 'options for continuity of engagement with Victim Liaison Officers'.<sup>24</sup>

## 2.2 A 'one-stop-shop' for victims of crime

### 2.2.1 Background

In 2017, the One-Stop Shop Strategy and Implementation Office, in partnership with VAQ, the QPS, Queensland Health and other departments, conducted extensive, broad-based research into the victim experience and made recommendations for the design of future solutions. These included a victim portal to give all victims access to information and services across the criminal justice process.<sup>25</sup>

Recommendation 9 of Hear her voice Report two provides:

The Queensland Government, in consultation with people with lived experience, Aboriginal and Torres Strait Islander peoples and service and legal system stakeholders, develop, fund and implement a statewide model for the delivery of a professional victim advocate service. Victim advocates will provide individualised, culturally safe, trauma-informed support to victims of sexual violence to help them navigate through the service and criminal justice systems and beyond. The role of victim advocates will include:

- providing impartial information to victim-survivors about the criminal justice and service systems and options available to them
- supporting victim-survivors to understand and exercise their rights
- identifying and assisting victim-survivors to address their individual needs including through referrals to services
- liaise across the service and criminal justice systems on behalf of victim-survivors, and be the consistent point of contact for victim survivors throughout their criminal justice system journey

The model of victim advocates will:

- aim to empower those experiencing sexual violence
- enable advocates to provide holistic, individualised and specialised support, including specialised expertise and understanding of working with children and young people

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<sup>22</sup> DJAG, correspondence, 24 April 2023, p 5.

<sup>23</sup> QPS, correspondence, 21 April 2023, p 5.

<sup>24</sup> ODPP, correspondence, 24 April 2023, p 5.

<sup>25</sup> DJAG, correspondence, 30 March 2023, p 8.

- provide support regardless of whether a person chooses to engage with the criminal justice system
- give priority to people who are under-served and/or who face the most complex interactions between services and systems.<sup>26</sup>

The WSJT stated, in Hear her voice Report two, that:

A model of independent, consistent victim-survivor advocacy throughout the victim's contact with the service and criminal justice systems has received broad support across submissions to the Taskforce from service system, academic and government stakeholders. ... This role should not replace existing supports and services or become a substitute for engagement directly with a victim. Rather, it would empower victim-survivors to access the right service to meet their needs at the right time. Advocates would provide culturally safe, trauma-informed and individually tailored responses.<sup>27</sup>

The Queensland Government, in its response to Hear her voice Report two, stated that it supports recommendation 9:

The Queensland Government will consult with people with lived experience, Aboriginal and Torres Strait Islander peoples and service and legal system stakeholders to develop and pilot the most appropriate statewide professional victim advocate service for Queensland.<sup>28</sup>

### 2.2.2 Stakeholder views

The public submissions revealed the need for a simpler and more accessible victim support system in Queensland.

The Queensland Family and Child Commission referred to the need for:

[T]he system being proactive in providing information, help, support and programs to support victims, and the challenges for victims to navigate a complex system and to know what to ask for when they typically have limited experience and knowledge of the criminal justice system[.]<sup>29</sup>

The Queensland Homicide Victims Support Group (QHVSOG) stated in its submission that there are referrals going to multiple agencies for the same next of kin of a homicide victim, with bereaved family members having to describe the situation multiple times. The QHVSOG recommended that it be the first and only referral for homicide matters so its team can 'commence our support with less disruption'.<sup>30</sup>

A number of stakeholders supported the establishment of a 'one-stop-shop' for support services for victims of crime.<sup>31</sup>

Dr Robyn Holder submitted that 'no single agency has primary responsibility to inform, assist, guide, and manage a victim's journey through the entire criminal justice process' and that 'many if not most

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<sup>26</sup> WSJT, *Hear her voice Report two*, volume one, 2022, pp 11-12.

<sup>27</sup> WSJT, *Hear her voice Report two*, volume one, 2022, p 125.

<sup>28</sup> *Queensland Government response to the report of the Queensland Women's Safety and Justice Taskforce, Hear Her Voice, Report two: Women and girls' experiences across the criminal justice system*, November 2022, p 11.

<sup>29</sup> Submission 55, p 3.

<sup>30</sup> Submission 53, p 5.

<sup>31</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 3; QSAN, submission 20, p 4; Queensland Indigenous Family Violence Legal Service, submission 40, p 2; S Cuthbert, public hearing transcript, Cairns, 26 April 2023, p 20; R Iloste, public hearing transcript, Cairns, 26 April 2023, p 29; P Conti, public hearing transcript, Cairns, 26 April 2023, p 45; North Queensland Women's Legal Service, public hearing transcript, Townsville, 27 April 2023, p 13; DVConnect, public hearing transcript, Logan, 2 May 2023, p 7.

victims fall through the cracks between organisations’. Dr Holder stated that it is time for a single responsible case managing organisation for victims in criminal justice.<sup>32</sup>

DVAC stated:

Victim Assist Queensland operates a victim coordination program that can support a victim-survivor from the time of an act of violence occurring or at any time throughout the court process. Further services provide a volunteer model of court related support. These models effectively deliver a one-stop shop for victims of crime. Outcomes for victims of crime who have accessed this level and duration of support have been noted in studies mapping victim experiences as positive.

A one-stop-shop model should report to the victims commissioner, providing information about gaps, barriers and issues adversely impacting the rights of victims of crime. The Office of the Director of Public Prosecutions does provide information about any significant movement in a matter and has a dedicated victim liaison officer. There are often lapses of months before this may occur and often no update at all when a matter is at a Magistrates Court level. Victims are not routinely advised how they can access updates about a court mention or that a court date can, in some instances, be publicly available information. Often when victims have a support worker that person may also not have justice process expertise and be unclear about how to obtain updates or monitor the progress of a matter. This is an issue of significant concern.<sup>33</sup>

Mr Shane Cuthbert submitted that communication between the victim and the police or prosecutors needs to be facilitated to prevent the victim reliving their trauma. Mr Cuthbert submitted that the ideal scenario was a ‘one-stop-shop’ where the victim deals with and builds a relationship with a single person. Mr Cuthbert added that ‘having to relive your trauma over and over again with 15 different people is difficult’.<sup>34</sup>

Act for Kids warned that a one-stop support service could be ‘ineffectual’, stating:

I think if you go down that route there should be standards of training and very clear guidelines in terms of who is doing what so that people who are funded to do therapy can do therapy and people who are funded to provide that one-stop support service can do that.<sup>35</sup>

The Cairns Sexual Assault Network stated:

...it would need to be something where it is not just one place. I think it would need to be a network. It would need to be something we would see not just in the metro areas but also across rural, remote and regional areas of Queensland. I see there being potentially different hubs that work in with the police, that work in with the stakeholders, that work in with the hospital services—making sure the forensic staff are understanding of not just their role but the other roles of that particular client’s journey. I think it is an extremely complex consideration, but I do see it as something that we would need to make sure has a network. We know that if we just pop one in Brisbane, for example, with a number—that is great, but our regional folk need support too. It is about having that availability and that visual context of having somewhere in their vicinity where they can go.<sup>36</sup>

### 2.2.3 Department response

In its response to submissions, DJAG stated that the Queensland Government will consult with people with lived experience, First Nations peoples and service and legal system stakeholders to develop and pilot the most appropriate state-wide professional victim advocate service for Queensland. DJAG noted that the Queensland Government will work with experts in trauma-informed service delivery to

<sup>32</sup> Dr Robyn Holder, submission 22, p 5.

<sup>33</sup> Public hearing transcript, Ipswich, 3 May 2023, p 17.

<sup>34</sup> Public hearing transcript, Cairns, 26 April 2023, p 20.

<sup>35</sup> Public hearing transcript, Southport, 2 May 2023, p 10.

<sup>36</sup> Public hearing transcript, Brisbane, 4 May 2023, p 4.

develop and embed a system of safe pathways and establish a cohesive and consistent inter-agency response for victim-survivors.<sup>37</sup>

DJAG stated that:

Victim Assist in many senses is the point of coordination, so in that sense it coordinates responses. What is important to note or acknowledge is that victims are not all the same. There are specialist services that need to be provided. For example, domestic and family violence victims need specialist services to respond to their immediate needs, and that is through the domestic and family violence service sector and DVConnect. We also fund VictimConnect. VictimConnect assists all victims with 24-hour, seven-days-a-week support for victims of crime, providing access to telephone support, therapeutic counselling and support, and it can help them with financial assistance applications and victim impact statements as well. The service system is complex in some respects, but ... it is also about trying to meet the needs of different victims who have different needs.<sup>38</sup>

### **Committee comment**

The committee notes that multiple entities make up the criminal justice system and that each entity has its own governing legislation and objectives. The committee notes that many of these entities are required to consider the interests and rights of victims, but that victim's interests are often subordinate to other functions, such as investigating an offence, prosecuting an alleged offender or proceeding over a trial.

The committee heard many victims are unaware of their rights, and experience difficulty when looking for answers and advocates in the criminal justice system. Victims are often unaware of what treatment to expect from investigating or prosecuting agencies.

The committee notes a common theme from submitters and witnesses was the need for victims to have an increased role in the criminal justice system. The committee recognises this was a significant theme throughout the WSJT inquiries and *A call for change: Commission of Inquiry into Queensland Police Service responses to domestic and family violence*.

The committee is pleased to note that the Queensland Government has committed to the appointment of a victims' commissioner and a statewide victims advocacy service for victims of sexual violence in accordance with recommendations 9 and 18 of the WSJT's *Hear her voice Report two*.<sup>39</sup>

The committee supports the establishment of a victims' commissioner and associated advocacy services. It is also of the view that the Queensland Government should consider how victims of crime can be directed to an initial point of co-ordination. The committee also recommends that the Queensland Government examine how such services can be expanded to all victims of crime, so that all victims may have their interests and rights represented throughout investigation process and criminal justice system and that the victims' commissioner has a broad scope when investigating systemic issues relating to victims of crime.

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<sup>37</sup> DJAG, correspondence, 24 April 2023, p 5.

<sup>38</sup> Public briefing transcript, Brisbane, 31 March 2023, p 3.

<sup>39</sup> Hon A Palaszczuk MP, Premier and Minister for the Olympics, and Hon S Fentiman, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, 'Action for victim-survivors of sexual violence', media release, 21 November 2022; WSJT, *Hear her voice Report two*, volume one, 2022, pp 11-12 and 14.

### **Recommendation 1**

That the Queensland Government, in line with recommendation 9 of the Women’s Safety and Justice Taskforce *Hear her voice, Report two: Women and girls’ experiences of the criminal justice system* and in consultation with people with lived experience, Aboriginal and Torres Strait Islander peoples and service and legal system stakeholders, develop a pilot victim advocate service to support victims of crime to navigate through the criminal justice system.

### **Recommendation 2**

That the Queensland Government review the Charter of victims’ rights in the *Victims of Crime Act 2009* and consider whether it should be expanded to include additional rights. In line with recommendation 19 from the Women’s Safety and Justice Taskforce *Hear her voice, Report two: Women and girls’ experiences of the criminal justice system*, this review should be conducted by the victims’ commissioner.

### **Recommendation 3**

That the Queensland Government, as part of its review of the *Human Rights Act 2019*, consider whether recognition of victims rights under the Charter of victims’ rights in the *Victims of Crime Act 2009* should be incorporated into the *Human Rights Act 2019*.

### **Recommendation 4**

That the Queensland Government work with the Office of the Director of Public Prosecutions to consider expanding the number of victim liaison officers and ensure the program is able to provide timely and up to date information to victims across Queensland at critical points in the criminal justice process.

### **Recommendation 5**

That the Queensland Government work with the Queensland Police Service and the Office of the Director of Public Prosecutions to better coordinate the management of committal hearings in Queensland to ensure information continues to flow through to victims of crime throughout the court process.

## **2.3 Communication with victims**

### **2.3.1 Background**

The victim journey starts when a complaint is first made to the QPS and ends when the matter is resolved.<sup>40</sup> During this journey, victims often seek information about charging and prosecution. Even when the journey is finished, victims will seek updates on an offender’s imprisonment and parole decisions, if applicable.

<sup>40</sup> QPS, public briefing transcript, Brisbane, 31 March 2023, p 8.

Inclusion in the criminal justice process can lead to positive outcomes, such as the victim being able to publicly express their experience through a restorative justice process. Conversely, a lack of information can lead to victims feeling underrepresented or sidelined from the criminal justice process.<sup>41</sup>

### 2.3.2 Stakeholder views

knowmore submitted that victims currently experience frustration when trying to obtain information about the progress of a police investigation; or about decisions to charge, particularly decisions to downgrade, withdraw or discontinue charges. knowmore added that victims also have difficulties understanding processes and reasons for decisions, with victims feeling that they have little power to ask questions and get meaningful responses.<sup>42</sup>

Ms Perri Conti submitted that it should not be the responsibility of victims to keep ‘chasing information that affects people and their daily lives’, adding ‘[t]hat is all we are asking for: we want to know what is going on’.<sup>43</sup>

Mrs Linda Watson said that there was a breakdown in communicating to her that, as a victim, she had to do certain things to ensure the flow of information, such as checking whether she was registered to receive updates from QCS regarding the status of an offender’s incarceration and parole timeframe.<sup>44</sup>

Several submitters commented that key details of a matter or event were reported by the media before they heard about it from police. Mrs Leanne Pullen submitted that ‘all significant information was delivered to us by the media before the police had contacted us’.<sup>45</sup> Mr Darren O’Brien stated ‘the coroner’s report was in the media before I even received it’.<sup>46</sup> Mr Brett Thompson, Chief Executive Officer (CEO) of the QHVSG, stated:

I do not know how many times the people we represent and support are traumatised by a headline in the paper—disgraceful, abhorrent. I am wasting my time doing it each time, but if I write to that agency—it is self-regulated—quite often it comes back, ‘That’s in the public interest.’<sup>47</sup>

For further information in relation to media reporting, see part 2.7.1 below.

### 2.3.3 Department response

In response to submissions, DJAG stated that the Queensland Government has committed to review the role and operation of the ODPP Victim Liaison Officers to ensure that timely and correct information is provided at critical points of the criminal justice system.<sup>48</sup>

The QPS advised that police officers are required by their Operational Procedures Manual to keep victims of crime informed throughout the investigation until the matter is finalised. The QPS has a memorandum of understanding with the ODPP outlining the communication process with victims throughout the investigation and the prosecution process.<sup>49</sup>

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<sup>41</sup> N Bluett-Boyd and B Fileborn, *Victim/survivor-focused justice responses and reforms to criminal court practice: Implementation, current practice and future directions*, research report no. 27, Australian Institute of Family Studies, April 2014, p xiii.

<sup>42</sup> Public hearing transcript, Brisbane, 17 April 2023, p 23.

<sup>43</sup> Public hearing transcript, Cairns, 26 April 2023, p 46.

<sup>44</sup> Public hearing transcript, Rockhampton, 28 April 2023, p 1.

<sup>45</sup> Submission 46, p 1.

<sup>46</sup> Public hearing transcript, Logan, 2 May 2023, p 15.

<sup>47</sup> Public hearing transcript, Brisbane, 17 April 2023, p 17.

<sup>48</sup> DJAG, correspondence, 24 April 2023, p 24.

<sup>49</sup> Public briefing transcript, Brisbane, 31 March 2023, p 8.

The QPS, in partnership with the University of Queensland, has developed 'Victim Information and Support' documents for victims of break and enter, sexual assault, unlawful entry and/or use of a motor vehicle crimes. The QPS Victim Response Framework provides standardised and consistent information that can be provided to victims of high volume crime types (for example, property offences). This information includes crime prevention advice, support, and referral options.<sup>50</sup>

The ODPP states that it is part of a working group that looks at ways in which the experience of victims can be bettered within the current legislative framework. Other members in the working group include the Office of the Chief Psychiatrist and Queensland Health Victim Support Service.<sup>51</sup>

## 2.4 Trauma-informed approaches for victims of crime

### 2.4.1 Background

There is an overarching concern with ensuring that statewide services providing support to victims of crime are trauma-informed.

The WSJT states that trauma-informed responses involve 'understanding what trauma is and how it can affect the people who experience it'.<sup>52</sup> The WSJT further explains:

Trauma-informed approaches incorporate an understanding of the widespread impact of trauma and the potential paths for recovery. They also enable practitioners to recognise the signs and symptoms of trauma in clients, families, staff, and others they work with so that they can provide responses that integrate knowledge about trauma in policies, procedures, practices, and service delivery. Most importantly, any trauma-informed practice seeks to resist re-traumatization.

For Aboriginal and Torres Strait Islander peoples, trauma-informed practice incorporates understanding the ongoing impacts of colonisation and the nature and ongoing impact of intergenerational trauma. For example, a child whose parent was traumatised as part of the stolen generation is likely to be traumatised by the parent's trauma. This intergenerational trauma can trace back to the devastating effects of colonisation on First Nations people.

A trauma-informed practice is based on a set of core principles that include basic knowledge of the impacts of stress on the brain and body. It places the emphasis on safety, trustworthiness, choice, collaboration, and empowerment. This is often described as doing things with a client rather than for or to them. Principles also include an emphasis on the way services are provided and the context of their delivery rather than just what the service is.

Trauma-informed principles focus on what has happened to a person rather than what is wrong with the person. They recognise that behaviours may be the product of coping mechanisms a person has developed to keep themselves safe in stressful circumstances in the past. They also focus on strengths-based approaches that acknowledge a person's skills despite the experiences they have had.<sup>53</sup>

Recommendations 89 and 90 of Hear her voice Report two provide:

89. The Minister for Children and Youth Justice and Minister for Multicultural Affairs undertake an independent review of the use of youth justice conferencing in cases involving sexual offences, with a particular focus on the experience and justice outcomes achieved for victim-survivors. The review will identify any opportunities for improvement to better meet the needs of victims and child offenders, including in relation to sexual offences.

<sup>50</sup> QPS, correspondence, 21 April 2023, pp 4-5.

<sup>51</sup> ODPP, correspondence, 24 April 2023, p 4.

<sup>52</sup> WSJT, *Hear her voice, Report one: Addressing coercive control and domestic and family violence in Queensland*, volume 3, 2021, p 609.

<sup>53</sup> WSJT, *Hear her voice, Report one: Addressing coercive control and domestic and family violence in Queensland*, volume 3, 2021, p 610.

90. The Queensland Government, led by the Department of Justice and Attorney-General, develop a sustainable long-term plan for the expansion of adult restorative justice in Queensland and appropriately fund that plan for victim-survivors to access this option throughout the state.<sup>54</sup>

The Queensland Government supported recommendation 89, stating:

The Queensland Government will undertake an independent review of the use of youth justice conferencing in cases involving sexual offences. The review will focus on the experience and the outcomes for victim-survivors and identify opportunities to better meet the needs of victims and child offenders, including sexual offending.<sup>55</sup>

Recommendation 90 was supported in principle, with the Queensland Government stating:

The Queensland Government will explore options for a sustainable long-term plan for the expansion of adult restorative justice services in Queensland.<sup>56</sup>

#### 2.4.1.1 *Other jurisdictions*

The committee considered developments in other Australian jurisdictions, particularly Victoria.

The Victorian Law Reform Commission conducted a review of the *Victims of Crime Assistance Act 1996* (Vic), which was tabled in Victorian Parliament in 2018.<sup>57</sup> The recommendations included:

- victims being entitled to receive a recognition statement ‘which acknowledges the effects of the criminal act on the victim and expresses the state’s condolences’<sup>58</sup>
- private victims conferences to be conducted in a trauma-informed way with the purpose ‘to provide a respectful forum for victims to be acknowledged and heard, and for the impacts of the criminal act on the victim to be properly acknowledged by the scheme decision maker on behalf of the state’.<sup>59</sup>

The recommendations were accepted by the Victorian Government and implemented via the *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic). Section 40 provides for victim recognition statements:

If the scheme decision maker decides to pay assistance to a victim under this Act, the scheme decision maker must, at the victim's request, give the victim a statement (victim recognition statement) on behalf of the State acknowledging the effects of the act of violence on the victim and expressing the State's condolences.

Section 41(1) provides for victim recognition conferences:

If the scheme decision maker decides to pay assistance to a victim under this Act, the scheme decision maker may, at the victim's request, hold a meeting with the victim (victim recognition meeting) to acknowledge the effects of the act of violence on the victim and express the State's condolences.

The *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) was passed by the Victorian Parliament in 2022 but the provisions in relation to victim recognition statements and victim recognition conferences have not yet commenced.

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<sup>54</sup> WSJT, *Hear her voice: Report two*, volume one, 2022, p 25.

<sup>55</sup> *Queensland Government response to the report of the Queensland Women’s Safety and Justice Taskforce, Hear Her Voice – Report two Women and girls’ experiences across the criminal justice system*, November 2022, p 29.

<sup>56</sup> *Queensland Government response to the report of the Queensland Women’s Safety and Justice Taskforce, Hear Her Voice – Report two Women and girls’ experiences across the criminal justice system*, November 2022, p 29.

<sup>57</sup> Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996 Report* (VLRC report), July 2018.

<sup>58</sup> VLRC report, recommendation 11, p xxx.

<sup>59</sup> VLRC report, recommendation 14, p xxi.

The Victorian Government stated:

How the victim recognition statements will look and what they will say is being developed in consultation with relevant people and organisations. People's lived experience, language and cultural needs are being considered as a part of this process.

...

Victim recognition meetings represent an Australian-first in responding to the needs of victims. The meetings will provide a private, respectful forum for the State to acknowledge victims and for victims to be heard about the impacts of the criminal act on them.

Meetings must be conducted in an inclusive and culturally safe way. Victim needs, safety and wellbeing will be prioritised to protect from undue trauma, intimidation and distress. The format of these meetings is flexible so they can be conducted in a way that meets the individual needs of a victim.

Victim recognition meetings will consider the needs and views of the victim and aim to give victims a voice in this decision-making. Importantly, a decision on whether to grant a request for a victim recognition meeting does not depend on legal proceedings, including criminal prosecutions.

The Financial Assistance Scheme is developing clear guidelines outlining when the scheme would hold victim recognition meetings. The Department of Justice and Community Safety will consult with relevant people and organisations, including victims with lived experience.<sup>60</sup>

#### 2.4.2 Stakeholder views

Submitters stated that there was a lack of trauma-informed responses by all agencies who interact with victims of crime.<sup>61</sup> This is particularly the case for victim-survivors of sexual violence.<sup>62</sup>

Ms Patricia Pendrey stated that 'the process of seeking justice was just as traumatic, if not more so, as the initial crime.'<sup>63</sup>

Submitters gave the examples of approaches which were not trauma-informed, including:

- police officers appearing not to believe the victim<sup>64</sup>
- police officers unwilling to file reports, particularly in relation to domestic and family violence<sup>65</sup>
- inappropriate responses to male victims of sexual violence<sup>66</sup>
- police refusing to allow a support person in an interview<sup>67</sup>
- police referring victims to VAQ at the point they report.<sup>68</sup>

<sup>60</sup> Victorian Government, *Victims of Crime Financial Assistance Scheme*, <https://www.vic.gov.au/victims-crime-financial-assistance-scheme>.

<sup>61</sup> QSAN, submission 20, p 2; GCCASV, submission 35, p 2.

<sup>62</sup> QSAN, submission 20, p 2.

<sup>63</sup> Public hearing transcript, Ipswich, 3 May 2023, p 5. See also Women's Centre and Sexual Assault Support Service, public hearing transcript, Townsville, 27 April 2023, p 7.

<sup>64</sup> DV Connect, submission 37, p 6

<sup>65</sup> T Class-Auliff, public hearing transcript, Ipswich, 3 May 2023, p 8; S Cuthbert, public hearing transcript, Cairns, 26 April 2023, p 19.

<sup>66</sup> QSAN, submission 20, p 2; D Harris, public hearing transcript, Southport, 2 May 2023, p 6.

<sup>67</sup> Act for Kids, public hearing transcript, Southport, 2 May 2023, p 8.

<sup>68</sup> GCCASV, submission 35, p 5.

Some submitters suggested that improvements could be made by ‘engaging in little more than courteous communication and engagement. Courteous interactions should be an expected standard of practice with government agencies’.<sup>69</sup>

Others suggested that improved communication which was trauma-informed should be developed to better meet the needs of victims of crime. This includes communication that is easy to understand, written in plain English and translated into community languages.<sup>70</sup>

Ms Di Macleod, Director of the GCCASV, stated:

... we need to be looking at what is safe, what is timely, what is ethical. If it is safe, timely and ethical then it will be trauma informed but if it is not safe, timely and ethical then we run the risk of those systems doing real harm. Those systems are put in place to support victims, but often we hear about the secondary victimisation that people encounter when they engage with those systems. That was not the intent of the legislation or the intent of those systems, but it has kind of become a by-product. We hear so many people saying that they felt traumatised by engaging with the various systems, whether it be police or whether it be the criminal justice system.

...

Applying for victim assistance is not timely so that is not trauma informed and it is very inconsistent. We support women to fill out those forms. They are not trauma informed forms. They are not victim-centric. Most victim-survivors are trying to survive every day. They do not have the time and energy to be doing lengthy paperwork to get basic dollars for the life that they need and they may need it quickly. In our space, ‘quickly’ means within that week, not six months later for something that is deemed important like having to leave town. It is just not working the way that it was intended. I was around at the very beginning of Victim Assist Queensland. The cases went through within six weeks at the beginning. Now it has blown out, like the criminal justice system itself. We are waiting years for cases to get to court. People are getting more and more traumatised thinking about, ‘When is this going to happen? When are we getting to court?’ and not always for the outcome that they want.<sup>71</sup>

A number of stakeholders stated that there was a lack of training for the QPS, the ODPP and QCS staff who interact with victims of crime.<sup>72</sup> Some suggested more training was required.<sup>73</sup>

The GCCASV stated:

... there is a significant gap between theory and practice. In recent years terms such as “trauma informed” and “victim centric” have become buzzwords in the health and justice arena, often used to describe practice with little trauma awareness demonstrated and without full consideration of what it actually means. Imbedding in practice an understanding of trauma and its impacts is a much more difficult achievement that must take into account mythology and unconscious bias. Whilst it is generally accepted that improved collaboration, co-ordination and integration of services and supports will better meet the needs of victim/survivors of sexual violence, there is no point “co-ordinating state-wide services” unless they have all received appropriate training on these issues first.<sup>74</sup>

knowmore submitted that a trauma-informed approach to victims of crime should be embedded at every level of the criminal justice system ‘from the initial police report, to the investigation and

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<sup>69</sup> QSAN, submission 20, p 2; GCCASV submission 35, p 3. See also QSAN, public transcript hearing, 17 April 2023, Brisbane, p 1.

<sup>70</sup> GCCASV, submission 35, p 7.

<sup>71</sup> Public hearing transcript, Southport, 2 May 2023, p 12.

<sup>72</sup> L George, submission 8, p 1; Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 4; QSAN, submission 20, p 3.

<sup>73</sup> GCCASV, submission 35, p 2; S Bouel, submission 49, p 1; Office of the Public Guardian, submission 57, p 2. See also D Harris, public transcript hearing, 17 April 2023, Brisbane, p 4; Women’s Centre and Sexual Assault Support Service, public hearing transcript, Townsville, 27 April 2023, p 9.

<sup>74</sup> GCCASV, submission 35, p 2.

prosecution of offences, to sentencing and parole decisions'.<sup>75</sup> This would require participants in the criminal justice system to:

- ensure they do no harm to victims and survivors
- deliver services to victims and survivors in accordance with the core trauma-informed principles of safety, trustworthiness, choice, collaboration and empowerment
- recognising the particular needs of victims and survivors and responding to these with an increased level of support.<sup>76</sup>

They recommended that a commitment to ensuring that participants in the criminal justice system operate within a trauma-informed framework should be incorporated into the Charter of victims' rights.<sup>77</sup>

The Queensland Health Victims Support Service submitted:

Given that a small number of victims will be pro-active in help seeking, and the majority can be reticent and potentially avoid assistance initially, even though they have experienced serious impacts, a combination of readily available information for victims of crime as part of a visible 'one stop shop' together with a trauma informed pro-active outreach approach is required for offering victims information and assistance.<sup>78</sup>

The QHRC submitted that:

Victims, to the greatest possible extent, should not be retraumatised by criminal justice processes. This may mean ensuring the victim has adequate support or providing reasonable adjustments. Failure to do so without reasonable justification may amount to a contravention of the rights to equality, the prohibition against torture, cruel, inhuman and degrading treatment, and to privacy.<sup>79</sup>

The QHRC further notes that the Charter of victims' rights does not explicitly refer to mitigating or reducing stress or trauma on victims or trauma-informed practices.<sup>80</sup>

The Queensland Indigenous Family Violence Legal Service stated that, from an Aboriginal and Torres Strait Islander perspective, 'victim-survivors need to be supported by culturally safe and trauma-informed services provided by government and non-government agencies.'<sup>81</sup>

A number of submissions referred to the difficulties experienced by particular groups in accessing support as victims of crime, including:

- people living in social housing<sup>82</sup>
- adults with impaired decision-making capacity<sup>83</sup>

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<sup>75</sup> knowmore Legal Service, submission 28, p 6.

<sup>76</sup> knowmore Legal Service, submission 28, p 6.

<sup>77</sup> knowmore Legal Service, submission 28, p 7.

<sup>78</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 3.

<sup>79</sup> QHRC, submission 38, p 6.

<sup>80</sup> QHRC, submission 38, p 13.

<sup>81</sup> QIFVLS, submission 40, pp 2 and 5.

<sup>82</sup> CJAG, submission 50, pp 22-3; CJAG, public hearing transcript, Cairns, 26 April 2023, p 3; J Teasdale, public hearing transcript, Cairns, 26 April 2023, pp 14-15; V Mandall, public hearing transcript, Cairns, 26 April 2023, pp 30-1.

<sup>83</sup> Office of the Public Guardian, submission 57; Office of the Public Advocate, public hearing transcript, Brisbane, 17 April 2023, p 14.

- children in the child protection system<sup>84</sup>
- people who are incarcerated at the time an act of violence is committed against them<sup>85</sup>
- victims of sexual violence.<sup>86</sup>

The Queensland Family and Child Commission was of the view improvements to restorative justice conferencing programs would benefit both offenders and victims.<sup>87</sup>

Mrs Janice Humphreys, committee member of Voice of Victims—Toowoomba Advocacy, spoke of her experience with youth justice conferencing:

My husband and I went, and it was an eye-opener—it really was—for the person and for us. The person told us their story. ... When we were able to give that person our story, they had no idea of the consequences and impact that had happened because of their joyride. ... The person was very understanding and I will say probably, hopefully, has gotten on the right track. ... The restorative program was very good because it gave them an eye-opener as to how we were, and it also gave us an eye-opener as to how most of them have been brought up.<sup>88</sup>

knowmore referred to Victoria's new financial assistance scheme and noted that it includes specific provisions relating to victim recognition. They stated '[g]iven the value many survivors place on personal responses/acknowledgements in the redress schemes mentioned above, we strongly support the VOCA Act being amended to provide recognition options for victims that are consistent with those in Victoria.'<sup>89</sup>

### 2.4.3 Department response

DJAG stated that:

From January to July 2022, VAQ completed a project to develop a framework to implement and embed trauma-informed practice into the organisation. This framework covers four domains including governance, management and leadership, policies and procedures, direct services to victims and healthy and effective workforce.

Implementing and embedding a trauma-informed approach is a priority in VAQ's 2022-23 Business Plan and the trauma-informed principles of safety, trust, choice, collaboration, empowerment, and diversity have been adopted as the organisation's values.

The completion of training in trauma-informed practice is mandatory for all VAQ staff. In 2022, all leaders completed specific trauma-informed leadership training. A number of VAQ policies have also been amended, resulting in a more beneficial approach being taken to the assessment of financial assistance applications under VOCAA. VAQ also amended many of its forms and other communication resources to ensure they are trauma-informed and easier to understand.<sup>90</sup>

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<sup>84</sup> Office of the Public Guardian, submission 57, p 5; Act for Kids, public hearing transcript, Southport, 2 May 2023, pp 8-9.

<sup>85</sup> S Cuthbert, submission 54, pp 2-3; Office of the Public Guardian, submission 57, p 4; S Cuthbert, public hearing transcript, Cairns, 26 April 2023, p 21.

<sup>86</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 7; Brisbane Rape and Incest Survivors Support Centre, submission 39, p 3; DVAC, public hearing transcript, Ipswich, 3 May 2023, p 22.

<sup>87</sup> QFCC, submission 55, p 5. See also Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, pp 5-6; T Class-Auliff, public hearing transcript, Ipswich, 3 May 2023, p 10.

<sup>88</sup> Public hearing transcript, Brisbane, 17 April 2023, pp 9-10.

<sup>89</sup> knowmore Legal Service, submission 28, p 18.

<sup>90</sup> DJAG, correspondence, 30 March 2023, p 6.

VAQ's trauma-informed practice principles include safety, trust, choice, collaboration, empowerment and diversity, and training is mandatory for all staff.<sup>91</sup>

DJAG also advised that they are developing a 'whole of system trauma-informed intersectional framework', in response to recommendation 51 of the WSJT's *Hear her voice, Report one: Addressing coercive control and domestic and family violence in Queensland* in relation to training for court staff.<sup>92</sup>

The QPS are working alongside partner agencies to implement recommendations arising from recent inquiries, including the WSJT, the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence and the Commission of Inquiry into Forensic DNA Testing in Queensland.<sup>93</sup> They stated that these reforms 'are focused on enhancing victim safety throughout improved processes that are evidence-based, are trauma informed and respect the victim-survivor's needs.'<sup>94</sup>

In the public briefing, Detective Superintendent Denzil Clark, of the QPS Prosecution Service, stated:

The QPS has heavily invested in updating its training framework to better educate its workforce on trauma informed and victim-centric practice. Significant effort has also been made to improve the QPS response to victims of domestic and family violence and sexual violence. The QPS continues to work closely with partner agencies and external bodies to support victims, including Queensland Sexual Assault Network—or QSAN—Queensland Homicide Victims' Support Group, the Volunteers in Policing program and Victim Assist Queensland to strengthen the experience of victims throughout the criminal justice process.<sup>95</sup>

The QPS further stated that they are progressively updating their training framework to 'deliver a learning continuum focused on victim-centric and trauma informed practice.'<sup>96</sup>

The QPS is also conducting trials in the Ipswich and Gold Coast districts for victim-survivors of domestic violence to provide an electronically recorded statement to be used as their evidence-in-chief in court, in an effort to reduce retraumatisation.<sup>97</sup>

### **Committee comment**

The committee recognises the importance of trauma-informed approaches for all agencies which interact with victims of crime.

The committee notes that communication with victims of crime, both written and in person, needs to be trauma-informed. The committee encourages agencies to review written communication with victims of crime to ensure that it is respectful of victims of crime, written in plain English, easily understood and available in community languages.

The committee notes with approval the advice from DJAG and the QPS that they are developing trauma-informed frameworks to embed trauma-informed practice in their dealings with victims of crime, in response to the WSJT, the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence and the Commission of Inquiry into Forensic DNA Testing in Queensland.

<sup>91</sup> DJAG, public briefing transcript, Brisbane, 31 March 2023, p 2.

<sup>92</sup> DJAG, correspondence, 30 March 2023, p 10. See also WSJT, *Hear her voice, Report one: Addressing coercive control and domestic and family violence in Queensland*, 2021, p lxvi.

<sup>93</sup> QPS, public briefing transcript, Brisbane, 31 March 2023, p 10.

<sup>94</sup> QPS, public briefing transcript, Brisbane, 31 March 2023, p 10.

<sup>95</sup> Public briefing transcript, Brisbane, 31 March 2023, p 8.

<sup>96</sup> Public briefing transcript, Brisbane, 31 March 2023, p 9.

<sup>97</sup> Public briefing transcript, Brisbane, 31 March 2023, p 9.

The committee is of the view that training is essential to embed the trauma-informed frameworks in practice.

The committee also notes with approval the pilot program currently being conducted in the Ipswich and Gold Coast districts for victim-survivors of domestic violence to provide an electronically recorded statement to be used as their evidence-in-chief in court.

The committee notes that the Queensland Government stated, in its response to the Women's Safety and Justice Taskforce *Hear Her Voice, Report two: Women and girls' experiences of the criminal justice system*, that it supports recommendation 89 and it will undertake an independent review of the use of youth justice conferencing. The committee was pleased to note that youth justice conferencing and the restorative justice process were overall highly successful for both victims and offenders and recommends the Queensland Government consider the longevity and potential expansion of both.

The committee notes Victoria's new financial assistance scheme, which includes specific provisions relating to victim recognition.

#### **Recommendation 6**

That the Queensland Government investigate developing a consistent evidence-based and trauma-informed training framework across all government agencies interacting with victims of crime.

#### **Recommendation 7**

That the Department of Justice and Attorney-General, the Queensland Police Service and the Office of the Director of Public Prosecutions and other relevant stakeholders review existing, and develop additional, online materials to assist victims of crime to understand their options at critical points along the criminal justice system.

#### **Recommendation 8**

That the Queensland Police Service and other relevant stakeholders review guidelines used by investigating police officers when communicating information to victims of crime that would assist them in understanding Queensland's criminal justice system.

#### **Recommendation 9**

That the Queensland Government, in line with the recommendations of the Women's Safety and Justice Taskforce, develop a sustainable long-term plan for adult restorative justice services in Queensland.

**Recommendation 10**

That the Queensland Government, further to recommendation 89 of the Women's Safety and Justice Taskforce *Hear her voice, Report two: Women and girls' experiences of the criminal justice system*, review the provision of youth justice conferencing and identify opportunities to better meet the needs of victims of crime.

**Recommendation 11**

That the Queensland Government investigate developing a 'victim recognition statement' or 'victim recognition meeting', as occurs in the Victorian victim financial assistance scheme.

**2.5 Forensic services for victims of crime****2.5.1 Background**

Victims in Queensland interact with multiple criminal justice agencies with different functions operating under different legislative frameworks. However, in some cases, key services are not available in a reasonable time for a victim of crime, especially victims of crime in remote or regional areas.

**2.5.2 Stakeholder views**

Ms Sharon Stokell, General Manager, Operations, Cairns Sexual Assault Network, stated that one of the 'biggest issues' they have faced as a service in Cairns over the last 5 years has been access to forensic services.<sup>98</sup> She stated:

We have been supporting clients who have had to wait eight hours for a forensic person to attend. They have been sent home. They cannot shower. The horror stories go on. It is not just Cairns or Far North Queensland. I have heard stories of many other things that have occurred in places you would not expect it—places like Toowoomba and other places across the state. They are fairly large regional areas. We are not talking about Julia Creek or Augathella. ... We need to be training more forensically trained clinicians. Again, it comes back to that trauma informed space[.]<sup>99</sup>

**2.5.3 Department response**

The QPS, in response to submissions regarding the needs of victims of sexual violence, stated that:

The QPS Sexual Violence Response Strategy 2021-2023 has a key focus on victim-centric and trauma-informed responses. This includes through the role of the QPS Sexual Violence Liaison Officer (SVLO) which was rolled out across Queensland in January 2022. The role and responsibilities of an SVLO are included in section 2.6.3 of the QPS Operational Procedures Manual (OPM) which can be accessed by the public on the QPS website.

The SVLO is responsible for police responses to victims of sexual violence through assigning a specialist officer to investigate complaints of sexual violence, to ensure

- a victim-centric response to victims of sexual violence, including referral to support services and the provision of accurate and consistent communication, and

<sup>98</sup> Public hearing transcript, Brisbane, 4 May 2023, p 4.

<sup>99</sup> Public hearing transcript, Brisbane, 4 May 2023, p 4.

- liaison with local Sexual Assault Support Services to identify and address issues relating to victim experiences.<sup>100</sup>

### **Committee comment**

The committee notes the importance of victims of sexual violence, especially in regional and remote areas, receiving forensic examinations as soon as possible. Receiving forensic services quickly is necessary to gather potentially critical evidence and to minimise the victim's suffering. As such, the committee has recommended that the Queensland Government review how forensic services are delivered across Queensland, especially in regional and remote areas, to ensure services are delivered promptly to victims.

### **Recommendation 12**

That the Queensland Government, in line with recommendation 32 of the Women's Safety and Justice Taskforce *Hear her voice, Report two: Women and girls' experiences of the criminal justice system*, develop a statewide forensic medical examination service to ensure victims have access to high quality and timely forensic medical examinations.

## **2.6 Financial assistance**

### **2.6.1 Background**

The VOCA Act establishes the victims financial assistance scheme, administered by VAQ.<sup>101</sup>

A claim for financial assistance must be made within 3 years of the act of violence.<sup>102</sup> An application for amendment must be made within 6 years after the assistance was originally granted.<sup>103</sup>

The amount of assistance will depend on the type of victim, the crime committed against the victim and the injuries suffered.<sup>104</sup> The maximum amount of assistance is \$75,000, including a maximum special assistance payment of \$10,000 for victims of violence.<sup>105</sup>

The following victims can apply for financial assistance:

- **A primary victim**—the person directly injured by an act of violence.
- **A related victim**—a close family member or financial dependant of a person who was killed by an act of violence.
- **A parent secondary victim**—a parent of a child victim; the child must have been under 18 at the time of the act of violence.

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<sup>100</sup> QPS, correspondence, 21 April 2023, p 20.

<sup>101</sup> VOCA Act, chapter 3.

<sup>102</sup> VOCA Act, s 54; 'About financial assistance for victims' in Queensland Government, *Financial assistance for victims of crime*, <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/understanding>.

<sup>103</sup> VOCA Act, s 101 (3).

<sup>104</sup> 'About financial assistance for victims' in Queensland Government, *Financial assistance for victims of crime*, <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/understanding>.

<sup>105</sup> VOCA Act, s 38(1) and Schedule 2, item 2.

- **A witness secondary victim**—a person who saw or heard an act of violence being committed against someone else.<sup>106</sup>

An act of violence can include:

- child abuse (physical or sexual)
- domestic and family violence
- sexual violence (such as rape or sexual assault)
- physical assault (such as being choked, hit, kicked, cut, burned, poisoned or restrained)
- being threatened with a weapon or with force
- stalking, kidnapping or deprivation of liberty
- dangerous driving causing grievous bodily harm
- attempted murder.<sup>107</sup>

Financial assistance may include:

- special assistance payments<sup>108</sup>
- expenses incurred in helping the victim recover, for example medical, counselling or legal expenses<sup>109</sup>
- funeral expenses for a person who was killed by an act of violence<sup>110</sup>
- a one-off recognition payment of up to \$10,000 for a primary victim or a related victim.<sup>111</sup>

Applications can be made for urgent and immediate expenses, for example, emergency accommodation and security expenses.<sup>112</sup>

There can be significant delays in the assessment of applications and the payment of approved expenses.<sup>113</sup>

Not all costs incurred by victims of crime are covered by the financial assistance scheme.

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<sup>106</sup> VOCA Act, s 26; Queensland Government, 'About financial assistance for victims', *Financial assistance for victims of crime*, <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/understanding>.

<sup>107</sup> Queensland Government, 'Special assistance payments for primary victims', *Financial assistance for victims of crime*, [https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/types-of-claims/assistance-payments-primary-victims#Types\\_of\\_crimes](https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/types-of-claims/assistance-payments-primary-victims#Types_of_crimes).

<sup>108</sup> VOCA Act, s 219 and Schedule 2.

<sup>109</sup> VOCA Act, ss 39, 42, 45 and 49.

<sup>110</sup> VOCA Act, s 50.

<sup>111</sup> VOCA Act, s 49. See generally Queensland Government, 'About financial assistance for victims', *Financial assistance for victims of crime*, <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/understanding>.

<sup>112</sup> VOCA Act, s 97; Queensland Government, 'Request urgent assessment of an expense', *Making a claim as a victim*, <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/making-claim/urgent-expenses>.

<sup>113</sup> Queensland Government, 'About financial assistance for victims', *Financial assistance for victims of crime*, <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/understanding>.

## 2.6.2 Stakeholder views

### 2.6.2.1 *Costs experienced by victims of crime*

The Voice of Victims—Toowoomba Advocacy called for ‘relief for victims from all government fees and taxes for crime related costs; for example, GST, stamp duty, driver’s licence replacement and so on.’<sup>114</sup>

The Voice of Victims – Toowoomba Advocacy stated:

Even where victims are covered by comprehensive insurance policies for home, motor vehicle or business, there are many exclusions and ‘out-of-pocket expenses’ each victim faces as a direct result of the criminal offence perpetrated against their person or property. This includes victims paying up front to rectify damage to their property and addressing safety concerns (re-keying premises or replacing glass). Most insurance companies require each policy excess to be paid by victims before repairing or replacing damaged or stolen items. Some insurance companies can refund ‘excess payments’ to victims of theft if an offender is named and charged with a criminal offence. However, these details must be provided to a victim by QPS for this to occur. The coverage of comprehensive insurance policies varies significantly concerning theft (via PDS), and there is no specific timeframe legislated reasonable timeframe for the repair of damaged goods. Victims also face other incidental costs not covered by insurance policies, such as servicing loan repayments and replacing personal effects stolen from homes or vehicles (not listed or covered by their insurance policy), including but not limited to Linkt toll tags, seat covers, floor mats, aftermarket accessories etc.<sup>115</sup>

They further stated that not all victims of crime are in a financial position to increase their security following a home invasion, which ‘further increases the anxiety and trauma about being re-victimised.’<sup>116</sup> The Voice of Victims – Toowoomba Advocacy stated that the government ‘should acknowledge the financial impact of theft on individuals and businesses and should intervene with the insurance council to expedite claims to minimise further inconvenience and expedite recovery for victims.’<sup>117</sup>

Some victims of crime stated that they were up to \$40,000 out of pocket, while being fully insured, as a result of crimes against them.<sup>118</sup>

Mr David Bradford commented on the issue of insurance:

When people are victims of crime and have to make an insurance claim because they have lost a vehicle, household items et cetera, that results in a higher insurance premium. Through no fault of their own, they find themselves facing higher premiums. The consequences of being a victim of crime cause an expense year on year and for some time, because their premiums rise over a period of time. The other thing that is happening for a lot of people, particularly those who might be in rented accommodation, is that they have limited capacity to secure their homes unless, of course, landlords are supporting that or tipping in money for cameras, alarms and other such things.

If you are victimised twice within a five-year period, you will be denied insurance in many cases. There are some families out there—I suggest there are thousands, given the rate of offending, particularly in relation to property offences; break and enters, burglaries and the like—facing the very real proposition of not being able to find and secure insurance for their homes because they have been victimised twice within a five-year period. That third victimisation—it seems somewhat inevitable in that the offenders already feel confidence and familiarity with their property—could result in sort of a wipe-out effect in not being able to insure themselves.

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<sup>114</sup> Public hearing transcript, Brisbane, 17 April 2023, p 6.

<sup>115</sup> Voice of Victims – Toowoomba Advocacy, submission 30, p 3.

<sup>116</sup> Voice of Victims – Toowoomba Advocacy, submission 30, p 6. See also CJAG, submission 50, p 31.

<sup>117</sup> Voice of Victims – Toowoomba Advocacy, submission 30, p 9.

<sup>118</sup> Voice of Victims – Toowoomba Advocacy, public hearing transcript, Brisbane, 17 April 2023, p 7.

Home insurance does not necessarily always cover re-keying of houses, so replacing locks, and it does not cover key fobs. One of the key things that burglars and those committing break and enters are doing is stealing key fobs for cars. You would have to make an individual insurance claim against each vehicle to have the car re-keyed or re-fobbed. For more expensive cars, that can be \$2,000 per car. For most cars, it does fall in the range of about \$500 to \$600. If you have a situation where you have adult children at home, like we do, and you lose six sets of key fobs in a burglary, which we did, you now are talking about a quite significant expense.<sup>119</sup>

A number of stakeholders raised the issue of the costs involved in being victims of crime and that, even with insurance, victims of crime have to bear significant costs.<sup>120</sup>

### 2.6.2.2 Expanding the categories of victims eligible for financial assistance

Submitters, that commented on including victims of home invasion, were generally in favour of widening the categories of victims eligible for financial support.<sup>121</sup>

Submitters also raised other categories of victims that should be eligible for financial assistance, including:

- grandparents of a victim of crime<sup>122</sup>
- victims in ‘cold case investigations’<sup>123</sup>
- stolen vehicles<sup>124</sup>
- victims of fraud.<sup>125</sup>

A number of submitters raised concerns about VAQ being able to manage the increased demand in processing applications.<sup>126</sup>

### 2.6.2.3 Time limits on applying for financial assistance

A number of submitters raised issues in relation to the time limits on applying for financial assistance.<sup>127</sup>

knowmore recommended that the time limit to apply for financial assistance should be removed for victims and survivors of child abuse.<sup>128</sup>

Mr Tim Class-Auliff stated ‘[o]ne size does not fit all. Everyone’s experiences are different. We deal with our trauma and issues in our own time and our own ways. No time frames or costs can be set.’<sup>129</sup>

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<sup>119</sup> Public hearing transcript, Brisbane, 17 April 2023, pp 16-7.

<sup>120</sup> S and J Sandeman, submission 12, p 3; Voice of Victims – Toowoomba Advocacy, submission 30, p 2; CJAG, submission 50, p 13; B Hogan, public hearing transcript, Rockhampton, 28 April 2023, p 7.

<sup>121</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 8; Voice of Victims – Toowoomba Advocacy, submission 30, p 4; S Bouel, submission 49, p 2.

<sup>122</sup> S and J Sandeman, submission 12, pp 1 and 3.

<sup>123</sup> Name withheld, submission 23, p 1.

<sup>124</sup> Voice of Victims – Toowoomba Advocacy, submission 30, p 4; S and J Sandeman, submission 12, p 3.

<sup>125</sup> C Cross, submission 48, p 1.

<sup>126</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 8; DVConnect, submission 37, p 12; GCCASV, public hearing transcript, Southport, 2 May 2023, p 15; DVAC, public hearing transcript, Ipswich, 3 May 2023, p 19.

<sup>127</sup> knowmore Legal Service, submission 28, pp 12-13; S Cuthbert, public hearing transcript, Cairns, 26 April 2023, p 19; L Pullen, public hearing transcript, Townsville, 27 April 2023, p 21; DVAC, public hearing transcript, Ipswich, 3 May 2023, p 22.

<sup>128</sup> knowmore Legal Service, submission 28, pp 12-13.

<sup>129</sup> Public hearing transcript, Ipswich, 3 May 2023, p 10.

#### 2.6.2.4 Application process

A number of submitters supported reducing the burden on victims when applying for financial assistance.<sup>130</sup> Witnesses at public hearings described the scheme as ‘onerous’, ‘time-consuming’ and ‘frustrating’.<sup>131</sup> DVAC described the financial assistance scheme as ‘significant and complex’.<sup>132</sup>

knowmore recommended that the process of applying for financial assistance and making claims for expenses should be made easier to ensure victims do actually make claims.<sup>133</sup>

#### 2.6.2.5 Timeliness of processing applications for financial assistance

Submitters highlighted that there are significant wait times, up to 2 to 3 years, for processing applications for financial assistance.<sup>134</sup> This is seen to be a result of ‘issues of both volume and the time it takes for victims to understand and obtain the necessary documentation they need to substantiate financial assistance applications, or potential costs incurred’.<sup>135</sup> Some suggested that the inclusion of all victims of domestic and family violence in the scheme in 2017 led to an increase in applications and impacted on wait times for payments.<sup>136</sup>

A number of submitters stated that the current delays create additional distress for victims of violent crimes.<sup>137</sup>

LawRight stated in its submission:

The current delay in assessing financial assistance applications by Victim Assist Queensland (VAQ) creates additional distress for victims of violent crimes, especially those experiencing financial hardship. It also prevents victims from timely access to recovery needs such as counselling, psychology and other medical expenses.<sup>138</sup>

Some submitters had also experienced delays in the processing of urgent payments.<sup>139</sup>

Submitters stated that they would support responses which would improve the timeliness of the application process.<sup>140</sup> The Queensland Sexual Assault Network (QSAN) stated that long waiting

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<sup>130</sup> knowmore Legal Service, submission 28, p 14; Voice of Victims – Toowoomba Advocacy, submission 30, p 5; GCCASV, submission 35, p 5; S Bouel, submission 49, p 1; T Class-Auliff, submission 52, p 1; Office of the Public Guardian, submission 57, p 6; QSAN, public hearing transcript, Brisbane, 17 April 2023, p 2; DVAC, public hearing transcript, Ipswich, 3 May 2023, p 17.

<sup>131</sup> Helem Yumba Central Queensland Healing Service, public hearing transcript, Rockhampton, 28 April 2023, p 10; DVAC, public hearing transcript, Ipswich, 3 May 2023, p 22.

<sup>132</sup> Public hearing transcript, Ipswich, 3 May 2022, p 22.

<sup>133</sup> knowmore Legal Service, submission 28, p 14.

<sup>134</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 8; GCCASV, submission 35, p 13; Queensland Indigenous Family Violence Legal Service, submission 40, p 8; QSAN, public hearing transcript, Brisbane, 17 April 2023, p 2; QHVSG, public hearing transcript, Brisbane, 17 April 2023, p 19; North Queensland Women’s Legal Service, public hearing transcript, Townsville, 27 April 2023, pp 12 and 14; GCCASV, public hearing transcript, Southport, 2 May 2023, p 15; DVAC, public hearing transcript, Ipswich, 3 May 2023, p 19.

<sup>135</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 8.

<sup>136</sup> GCCASV, submission 35, p 5; GCCASV, public hearing transcript, Southport, 2 May 2023, p 15.

<sup>137</sup> Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health, submission 10, p 8; LawRight, submission 34, p 2; Queensland Family and Child Commission, submission 55, p 3; QSAN, public hearing transcript, Brisbane, 17 April 2023, p 2.

<sup>138</sup> Submission 34, p 2.

<sup>139</sup> GCCASV, submission 35, p 13; QHVSG, submission 53, p 13.

<sup>140</sup> QSAN, submission 20, p 5; Full Stop Australia, submission 51, p 3.

periods have ‘a large impact on the victim-survivor not only financially but also in their healing process as they it delays getting the recognition of being “wronged” and cannot get closure.’<sup>141</sup>

### 2.6.3 Department response

DJAG acknowledged the impact that non-violent offending (for example, stealing, fraud or burglary that occurs when the resident is sleeping or not at home) can have on those victims. DJAG stated that the expansion of VAQ’s financial assistance scheme to include non-violent offences would have significant and far-reaching implications.<sup>142</sup>

DJAG stated that, while timeframes for applications are impacted by the complexity and information they need to gather, ‘time frames are impacted by the high volume of matters and the backlog of applications’.<sup>143</sup> They further agreed with submitters that applications can take up to 2 years.

As at 5 April 2023:

- ‘from receipt of an application for financial assistance until a first decision is made, the average waiting time is 313 days (10.3 months)’
- ‘the oldest application awaiting allocation for assessment was received on 14 October 2021’.<sup>144</sup>

DJAG also stated ‘urgent applications for high-risk teams and domestic and family violence matters took an average of 47 days and funerals 21 days’.<sup>145</sup>

In relation to the number of applications awaiting assessment, there are:

- 2,969 new applications awaiting allocation
- 2,078 applications with assessors requiring a decision
- 7,613 matters requiring assessment of some kind (these include applications and subsequent claims for further expenses).<sup>146</sup>

DJAG recognised that there had been a ‘massive increase’ in the number of new applications following the 2017 legislative amendments to extend the scheme to all types of domestic and family violence.<sup>147</sup> In 2021-22, VAQ received 4,929 applications, representing an increase of more than 90% compared to the 2016-17.<sup>148</sup>

DJAG stated that VAQ had introduced a new model for assessing financial assistance applications in 2020 and since then has continued to undertake ‘significant reform work to streamline administration of the scheme’, resulting in a ‘sharp increase in the number of decisions being made’.<sup>149</sup>

DJAG advised the committee:

We know that more needs to be done to improve the timeliness and responsiveness of the scheme. The department welcomes the recent announcement of an additional \$9 million investment which will include \$5.4 million for VAQ operations and, importantly, a further \$600,000 for a comprehensive review of the financial assistance scheme. We anticipate the review will: investigate and report on the current state of financial assistance schemes in Queensland and other jurisdictions; consider barriers and alternative models of financial assistance; identify opportunities for greater collaboration with the

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<sup>141</sup> QSAN, submission 20, p 6.

<sup>142</sup> DJAG, correspondence, 24 April 2023, p 19.

<sup>143</sup> Public briefing transcript, Brisbane, 31 March 2023, p 2.

<sup>144</sup> DJAG, correspondence, 12 April 2023, p 1.

<sup>145</sup> Public briefing transcript, Brisbane, 31 March 2023, p 3.

<sup>146</sup> DJAG, correspondence, 12 April 2023, p 3.

<sup>147</sup> DJAG, correspondence, 30 March 2023, p 4.

<sup>148</sup> DJAG, correspondence, 30 March 2023, p 4.

<sup>149</sup> DJAG, correspondence, 30 March 2023, p 6.

broader victim sector to provide better access to services and financial assistance; analyse the benefits and costs of potential models for delivering improved services to victims of crime; and consider the operational and legislative reforms required to implement the changes.<sup>150</sup>

### **Committee comment**

The committee believes there is the potential to assist victims of crime in matters that are not directly part of the criminal justice system. Such assistance should be carefully targeted and not extend to areas where well-developed mechanisms currently exist, such as home insurance, vehicle insurance or workers' compensation. The committee believes that waiving replacement fees, for example, for state government issued identity documents that were lost due to crime, will assist victims that are simultaneously reorganising their affairs while going through the criminal justice process.

The committee recognises the delays currently experienced by victims of crime in accessing financial assistance under the *Victims of Crime Assistance Act 2009* and the impact this has on victims.

The committee notes the work already undertaken by VAQ and DJAG to streamline the claims process. The committee further notes DJAG's advice that there will be a review of the financial assistance scheme. The committee looks forward to the outcome of the review.

The committee notes the current delays in accessing financial assistance applications by victims of crime and the increase in applications experienced when the categories of victims of crime was widened in 2017 to include all victims of domestic and family violence. However, the committee is of the view that the categories of victims of crime and the definition of an act of violence should be reviewed to ensure that the impact on victims of crime is minimised.

The committee also sees value in expanding the eligible victim categories in the Charter of victims' rights in the VOCA Act. This would have the effect of ensuring all victims of crime in Queensland – both personal and property crime victims – can be afforded the same rights.

The committee considers the requirements that an application is made within 3 years of the act of violence and amendments to be made within 6 years are unnecessarily restrictive and not consistent with victim-centric and trauma-informed responses to victims of crime.

The committee also considers the application process and victims experience of the process should be part of the review of the financial assistance scheme to ensure that all correspondence with victims is victim-centric and simplified.

### **Recommendation 13**

That the Queensland Government consider waiving fees for state government issued identification documents and number plates requiring replacement by victims as a result of a crime.

### **Recommendation 14**

That the Queensland Government urgently review the financial assistance scheme including whether the original intent and objective of the scheme are being met as defined in the *Victims of Crime Act 2009*.

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<sup>150</sup> Public briefing transcript, Brisbane, 31 March 2023, p 2.

### **Recommendation 15**

That the Queensland Government, in its review of the financial assistance scheme under recommendation 14 of this report, look at options to reduce the administrative burden on victims of crime in submitting application for financial assistance and the requirements around supporting documentation.

### **Recommendation 16**

That the Queensland Government, in its review of the financial assistance scheme under recommendation 14 of this report, consider expanding the definition of an act of violence to include victims of property crime.

### **Recommendation 17**

That the Queensland Government, in its review of the financial assistance scheme under recommendation 14 of this report, review the 3 year time limit for making an application for financial assistance and the 6 year time limit for victims to seek amendments to their application.

### **Recommendation 18**

That the Queensland Government continue to invest in non-government victim support and legal assistance services to ensure victims of crime are supported and have access to these services.

## **2.7 Other matters**

### **2.7.1 Media reporting**

#### *2.7.1.1 Background*

A recurring theme heard during the Inquiry was the role and impact of media reporting on crime and victims of crime. The media play an important role in society in the distribution of information so that people are aware of what is happening in their community. However, many submissions and witnesses stated that the media publicly reported on a victim before the family members were made aware of key information, adding to the trauma and stress experienced by the family.

#### *2.7.1.2 Stakeholder views*

Mrs Leanne Pullen stated that:

[W]e had media ringing us and knocking on our door before our son's name had even been made public. One such journalist knocked on our door early in the morning to say that he believed we were the parents of the missing person! This was extremely stressful and led me to leaving our home phone off the hook so that no one could contact me[.]<sup>151</sup>

Mr Brett Thompson, CEO of the QHVSG, submitted that many victims and their families are traumatised by media reporting about their experience or the experience of a now-deceased family member. Mr Thompson added that holding the media to account is difficult due to the industry being self-regulated and media claims that such reporting is in the public interest. Mr Thompson states that

<sup>151</sup> Leanne Pullen, submission 46, p 1.

until there is legislation around print media reporting, there cannot be a trauma-informed approach to supporting victims of crime.<sup>152</sup>

Ms Kym Nixon submitted that '[a]s a family, we have been not been respected by the media. The media just used my brother's death as a money-making expedition'. Ms Nixon added that '[i]f only the media respects the family and works with the family and talks with the family then the family would not be hurting as much'.<sup>153</sup>

Ms Laura Fritze-Shanks of Yellow Paint Inc. stated that 'I have a bit of a problem with the way the media portrays [domestic violence]. It is not that it is not a problem; I think it is a conversation that is too large for a piece of paper or a clip on the TV'.<sup>154</sup>

### 2.7.1.3 Department response

In its response to submissions, the QPS Media Branch stated that it provides detective training on how to use the media appropriately, including privacy considerations and the use of sensitive language when releasing information. The QPS added that the importance of notifying families prior to media releases is strongly emphasised.<sup>155</sup>

### **Committee comment**

The committee notes that the Queensland Government cannot legislate for media standards as this would likely offend the implied right to political expression under the Australian Constitution. However, the committee believes the Queensland Government can play a role in working with media stakeholders and bodies to improve media reporting around crimes and victims.

The committee feels strongly that media reporting on crime ought to give appropriate consideration to the impact on direct victims and recognises that the WSJT reports made recommendations also to this effect.

The committee specifically notes recommendations 84 and 85, which include developing a guide for the media to support responsible reporting of sexual violence and advocating for nationally consistent media standards for reporting of sexual violence.<sup>156</sup> The committee will observe how these recommendations are implemented.

## **2.7.2 Expanding the Queensland Intermediary Scheme**

### 2.7.2.1 Background

The Queensland Intermediary Scheme (QIS) was launched in 2021 as a two-year pilot program and aims to overcome communication barriers and create a more accessible justice system. The QIS seeks to achieve this by facilitating the communication of evidence that may not otherwise be heard from vulnerable witnesses. Vulnerable witnesses include people with communication needs arising from their age, cognitive issues, trauma, learning disabilities, mental illness, ADHD and autism.<sup>157</sup>

The QIS was implemented in response to recommendations 59 and 60 of the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia.<sup>158</sup>

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<sup>152</sup> Public hearing transcript, Brisbane, 17 April 2023, p 19.

<sup>153</sup> Public hearing transcript, Townsville, 27 April 2023, p 26.

<sup>154</sup> Public hearing transcript, Rockhampton, 28 April 2023, p 14.

<sup>155</sup> QPS, correspondence, 21 April 2023, p 7.

<sup>156</sup> WSJT, *Hear Her Voice Report two*, volume one, 2022, p 24.

<sup>157</sup> Queensland Courts, *Queensland Intermediary Scheme*, [www.courts.qld.gov.au/services/queensland-intermediary-scheme](http://www.courts.qld.gov.au/services/queensland-intermediary-scheme).

<sup>158</sup> Queensland Courts, *QIS pilot program*, <https://www.courts.qld.gov.au/services/queensland-intermediary-scheme/qis-pilot-program>.

Intermediaries are professionals with qualifications in speech pathology, psychology, occupational therapy, or social work. They are appointed to a panel and are assigned work based on the individual needs of witnesses.<sup>159</sup> Their role is to assess the vulnerable witnesses, advise on their specific communication needs and provide practical strategies to police, lawyers and judges on how best to communicate with and question the vulnerable witnesses to obtain the best evidence.<sup>160</sup>

Similar schemes operate in New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory.<sup>161</sup>

#### 2.7.2.2 *Stakeholder views*

Several stakeholders commented on the QIS.

The Public Advocate submitted that, depending on the evaluation of the QIS, there may be scope for the program to be extended and expanded to other vulnerable witnesses, ‘which will further improve the accessibility of the justice system to people with impaired decision-making ability’.<sup>162</sup>

The QHRC’s submission supported expanding the QIS to support vulnerable witnesses and victim-survivors of sexual violence.<sup>163</sup>

#### 2.7.2.3 *Department response*

DJAG is currently piloting the QIS for certain witnesses in child sexual offence proceedings. DJAG stated that the evaluation outcomes will inform the consideration of extending the scheme to proceedings involving adult victims of sexual violence in accordance with the government response to recommendation 62 of the Hear her voice Report Two.<sup>164</sup>

#### **Committee comment**

The committee looks forward to the evaluation outcomes of the QIS pilot for certain witnesses in child sexual offence proceedings and the possibility that the QIS could be extended to other victims of crime.

<sup>159</sup> Queensland Courts, *Who are intermediaries*, <https://www.courts.qld.gov.au/services/queensland-intermediary-scheme/who-are-intermediaries>.

<sup>160</sup> Queensland Courts, *Who are intermediaries*, <https://www.courts.qld.gov.au/services/queensland-intermediary-scheme/who-are-intermediaries>.

<sup>161</sup> Queensland Courts, *QIS pilot program*, <https://www.courts.qld.gov.au/services/queensland-intermediary-scheme/qis-pilot-program>. See also the Independent Third Person program in Victoria and the Justice Advocacy Service in New South Wales: Office of the Public Advocate, ‘Independent Third Persons’, <https://www.publicadvocate.vic.gov.au/opa-volunteers/independent-third-persons>; Department of Communities and Justice, ‘Justice Advocacy Service’, <https://www.dcj.nsw.gov.au/justice/justice-advocacy-service.html>.

<sup>162</sup> Public Advocate, submission 1, p 4.

<sup>163</sup> QHRC, submission 38, p 2.

<sup>164</sup> DJAG, correspondence, 24 April 2023, p 3.

## Appendix A – Submitters

<b>Sub #</b>	<b>Submitter</b>
001	The Public Advocate
002	Name withheld
003	Gwennyth English
004	Name withheld
005	Darren Obrien
006	Confidential
007	David Harris
008	Loretta George
009	Tanya Smith
010	Queensland Health Victim Support Service and the Sexual Assault Response Team, Metro North Health
011	Confidential
012	Susan and John Sandeman
013	Confidential
014	Kevin Richards
015	Glenn Robert Watson
016	Patricia Pendrey
017	Confidential
018	Confidential
019	Confidential
020	Queensland Sexual Assault Network
021	Name withheld
022	Dr Robyn Holder
023	Name withheld
024	Celina Batchelor
025	Tara Evans
026	Paige Mackie
027	Confidential
028	knowmore Legal Service
029	Name withheld
030	Voice of Victims – Toowoomba Advocacy
031	Confidential
032	Women’s Legal Service Queensland

033	Office of the Information Commissioner
034	LawRight
035	Gold Coast Centre Against Sexual Violence Inc.
036	Name withheld
037	DVConnect
038	Queensland Human Rights Commission
039	Brisbane Rape and Incest Survivors Support Centre
040	Queensland Indigenous Family Violence Legal Service
041	Queensland Law Society
042	Bridge of Hope Innocence Initiative
043	Russell Field
044	Lili Greer
045	Sabrina Collins
046	Leanne Pullen
047	Queer & Trans Worker Against Violence
048	Cassandra Cross
049	Shane Bouel
050	Crime and Justice Action Group
051	Full Stop Australia
052	Tim Class-Auliff
053	Queensland Homicide Victims Support Group
054	Shane Cuthbert
055	Queensland Family and Child Commission
056	Queensland Council for LGBTI Health
057	Office of the Public Guardian
058	Confidential

## Appendix B – Officials at public departmental briefing

### **31 March 2023**

#### Department of Justice and Attorney-General

- Ms Brigita Cunnington, Acting Deputy Director-General, Justice Services
- Ms Nicola Doumany, Executive Director, Community Justice Services
- Ms Sarah Kay, Executive Director, Office of the Deputy Director-General, Justice Services
- Ms Julie Webber, Director, Victims Assist Queensland
- Mr Brendan James, Executive Manager, Operational Support and Improvement, Victim Assist Queensland
- Ms Helena Whelan, Acting Executive Manager, Financial Assistance Unit, Victim Assist Queensland

#### Office of the Director of Public Prosecutions

- Mr Carl Heaton KC, Director of Public Prosecutions
- Ms Rosemary Cleary, Victim Liaison Coordinator

#### Queensland Police Service

- Detective Superintendent Denzil Clark, Crime and Intelligence Command
- Superintendent Peter Brewer, Domestic, Family Violence and Vulnerable Persons Command
- Acting Superintendent Ian Park, Prosecution Services

### **5 May 2023**

#### Department of Justice and Attorney-General

- Ms Brigita Cunnington, Acting Deputy Director-General, Justice Services
- Ms Sarah Kay, Executive Director, Office of the Deputy Director-General, Justice Services
- Mr Dean Corless, Executive Director, Justice Services
- Ms Julie Webber, Director, Victim Assist Queensland
- Ms Helena Whelan, Acting Executive Manager, Financial Assistance Unit, Victim Assist Queensland
- Dr Kylie Stephen, Assistant Director-General, Office for Women and Violence Prevention

#### Office of the Director of Public Prosecutions

- Ms Rosemary Cleary, Victim Liaison Coordinator
- Mr Todd Fuller KC, Deputy Director of Public Prosecutions

#### Queensland Police Service

- Detective Acting Chief Superintendent Craig Morrow, Crime Intelligence Command
- Acting Superintendent Mel Dwyer, Domestic, Family Violence and Vulnerable Persons Command
- Inspector Ian Park, Prosecutions Services

#### Queensland Corrective Services

- Ms Sarah Hyde, Assistant Commissioner, Specialist Operations
- Ms Michelle Moore, Director, Serious Offenders Unit, Specialist Operations

## Appendix C – Witnesses at public hearing

### **Brisbane 17 April 2023**

#### Queensland Sexual Assault Network

- Ms Angela Lynch, Secretariat

#### Voice of Victims – Toowoomba Advocacy

- Mr Ken Cunliffe, Chair
- Mrs Janice Humphreys, Committee Member

#### Office of the Public Advocate

- Dr John Chesterman, Public Advocate
- Ms Tracey Martell, Manager
- Mr Yuu Matsuyama, Legal Officer

#### Queensland Homicide Victims' Support Group

- Mr Brett Thompson, Chief Executive Officer

#### knowmore

- Mr Warren Strange, Chief Executive Officer
- Ms Rachel Neil, Acting Principal Lawyer

#### Queensland Law Society

- Ms Rebecca Fogerty, Vice President
- Mr Dominic Brunello, Chair, Criminal Law Committee

#### Queensland Human Rights Commission

- Mr Scott McDougall, Commissioner
- Ms Rebekah Leong, Principal Lawyer

**Cairns 26 April 2023**

Crime and Justice Action Group

- Mr Aaron McLeod, President

Ms Leesa Michaud

Ms Jackie Teasdale

Mr Shane Cuthbert

Queensland Indigenous Family Violence Legal Service

- Ms Thelma Schwartz, Principal Legal Officer

Open Forum

- Ms Rosemary Iloste
- Ms Valerie Mandall
- Ms Catherine Williams
- Mr Robert Donald
- Mr Craig Ross
- Mr Rod Taylor
- Ms Perri Conti

**Townsville 27 April 2023**

Selectability

- Ms Sally Bawden, General Manager
- Ms Jacqueline Inwood, Mental Health Hub Coordinator

The Women's Centre and Sexual Assault Support Service

- Ms Erin Costello, Team Leader

North Queensland Women's Legal Service

- Ms Samantha Ievers, Deputy Principal Solicitor

Mr John Sandeman and Mrs Susan Sandeman

Mrs Leanne Pullen

Open Forum

- Mr Wayne Mitchell
- Mr Geoff Nixon and Ms Kym Nixon

**Rockhampton 28 April 2023**

Helem Yumba Central Queensland Healing Service

- Ms Peta Steedman, Executive Officer and Program Manager, Healing and Recovery

Open Forum

- Mr Glenn Watson and Mrs Linda Watson
- Mr Brian Hogan and Ms Brittany Lauga MP, Member for Keppel
- Ms Laura Fritze-Shanks, Yellow Paint Inc.

**Logan 2 May 2023**

DV Connect

- Dr Kelly Dingli, Head, Clinical Practice
- Ms Michelle Royes, Manager, Research, Compliance and Inclusion

54 Reasons

- Ms Kristin Micallef, Regional Manager

Mr Darren O'Brien

**Gold Coast 2 May 2023**

StandBy Gold Coast

- Ms Mishayla Beringer, Program Coordinator

Mr David Harris

Act for Kids

- Ms Miranda Bain, Director, Therapy Services

Gold Coast Centre Against Sexual Violence Inc.

- Ms Di Macleod, Director

**Ipswich 3 May 2023**

Ms Patricia Pendrey

Mr Tim Class-Auliff

Domestic Violence Action Centre

- Ms Amie Carrington, Chief Executive Officer
- Ms Toni Russo, Integrated Service Specialist

Ms Shayne Probert

**Brisbane 4 May 2023**

Cairns Sexual Assault Service

- Ms Sharon Stokell, General Manager – Operations

Daniel Morcombe Foundation

- Ms Tracey McAsey, General Manager

Ms Lili Greer

Mr David Bradford

Ted Noffs Foundation

- Mr Mark Ferry, Chief Operating Officer

Open Forum

- Ms Melissa Costin

## **Appendix D – Dissenting reports and statements of reservation**

## **Statement of Reservation - Laura Gerber MP, Deputy Chair, Member for Currumbin and Jon Krause MP, Member for Scenic Rim**

The courage of victims of crime who appeared before the committee and made submissions is something that must be recognised, above all else that is said in or about this report. This involves re-living and recounting traumatic events, which many people would simply wish to forget and not bring to the fore in a public inquiry like this one. On behalf of the Opposition, we thank these courageous individuals. We also wish to make it clear that any criticism of this inquiry – and this report – is not directed towards any submitter or witness, but rather the Palaszczuk Government's determination that this inquiry be conducted within a timeframe that was, as recognised by most witnesses, astonishingly inadequate and inappropriate for such a big issue.

It was widely acknowledged that this inquiry's timeframe was too short. This has contributed to two key reservations about this report:

1. There was simply not enough time for victims of crime and support agencies to provide submissions, for government departments to properly consider submissions and evidence, and for victims of crime across all of Queensland to engage with this inquiry.
2. Several of the report's recommendations are not new, but draw on past government inquiries. Many simply are recommendations for other agencies to undertake reviews of particular issues. In reality this inquiry should have been given the time – informed by victims of crime giving evidence – to make positive, purposeful recommendations about these matters. On the whole, this was simply not possible.

Any consideration of the support given to victims of crime must commence with a recognition of the central role that victims should play in the criminal justice system. Dealing with offenders alone should never be the sole function of the judicial system. The absence of proper consideration means that the entire process, from the commencement of any initial investigation up until the conclusion of any court proceedings, remains incomplete.

The Liberal National Party has a long record of giving voice to victims, believing that their experiences and needs deserve to be heard and accommodated by the criminal justice system. Victims demand more than lip service – they need to be a central part of the criminal justice system.

For legitimate change to occur in how victims are treated there must be a recognition and understanding of what occurs at present. We have been, and remain, critical that this inquiry was given a mere two months – during which there were 3 sitting weeks of Parliament, 2 weeks of school holidays, the Easter break and numerous public holidays - to investigate and report on this critical matter. We have done all that was possible to hear the voices of victims in this timeframe – including through public hearings in regional

Queensland and southeast Queensland - but there would be many that were not heard because of this compressed timeframe. The entire process was unnecessarily rushed.

The fact that the experiences of no two victims can be the same makes a more detailed inquiry essential to allow a full picture to be presented demonstrating the needs and experiences of victims across the state. This inquiry has failed to do this. In that sense, it fails victims of crime by failing to hear their voice. Responsibility for this lies at the feet of the Palaszczuk Government and nowhere else.

Generally, neither victims nor those representing their interests have an abundance of either time or resources. The two-month window provided on this occasion was widely regarded as too short a time in which to present evidence, to review that evidence and make a complete assessment of the nature and effectiveness of support given to victims.

The critical point is not a concern about what is contained in this report but, more importantly, about what was never even considered.

Both private submitters and witnesses and those appearing in a more formal capacity drew attention to the limited time available to present evidence to the Committee and the nature of the inquiry itself.

These concerns can be summarised in the statement contained in Submission 29 (at page 6) by a witness who remains unidentified:

*I ... found it very hard to put all of this together with such short notice and feel victims should have been given more time to respond after all we do need to emotionally overcome trauma to adequately put this together.*

Even those organisations charged with assisting victims faced similar problems.

DV Connect ( <https://www.dvconnect.org/about-us/>) in its submission, No 37 at page 20 stated:

*While the call for input includes the voice of lived experiences, the structure of this inquiry does not facilitate this engagement. This includes from how the inquiry has been promoted, the formal nature of the call for submissions, the lack of clarity about the submissions being able to be confidential and that verbal submissions will be accepted.*

Ms Amie Carrington, Chief Executive Officer of Domestic Violence Action Centre (<https://dvac.org.au/>), in giving evidence at pages 22 to 23 on 3 May 2023 said:

*Obviously, in our circumstance with the notice period it was very difficult for us to mobilise, even as an agency employing staff.*

Astonishingly, even officers working for Palaszczuk Government departments expressed concern about the short timeframe in which they had to respond to initial written submissions. “Fulsome” responses were unable to be provided by the DPP and DJAG because of this timeframe. When appearing before the committee for the final time before the report was adopted, these officers and those from the QPS had not even had the opportunity to review evidence of victims of crime received during the committee’s hearings in regional Queensland. In this context, those departments had little more to offer than pre-prepared statements that did not reflect upon, or address, the issues raised by victims. Again, this is due to the astonishingly short timeframe permitted by the Palaszczuk Government for this inquiry.

The time given for the inquiry has limited its effectiveness. Firstly, people may have been discouraged from making submissions because of the time constraints and, secondly, a complete assessment of existing programs, procedures and resources and possible options for change has not been undertaken because it simply was not possible in the timeframe given.

The recommendations made are largely uncontroversial, although many are drawn from past government inquiries. The timeframe for this inquiry, however, has limited the possibilities for change that need to be considered and which this inquiry was directed to consider. Instead of making positive, purposeful recommendations, many of the committee’s recommendations are that another agency – primarily a government department – undertake further reviews of issues that arose in this inquiry. The result of this is that optimal outcomes may not be pursued – they may simply have been missed – because this inquiry simply did not have time to deal with matters that arose.

A further issue of concern is that there must be adequate funding for any recommendations accepted.

The inquiry’s Terms of Reference make specific mention of the role of the Queensland Police Service (QPS). A number of the final 18 recommendations refer to specific actions to be undertaken by the QPS to ensure the interests of victims are furthered by the criminal justice system.

However, as Mr Tim Class-Auliff said, when giving evidence on 3 May 2023 at page 10:

*The police are under-resourced. Their numbers, were they to be lifted, could help reduce the rushed or incomplete investigations leading to these missed milestones.*

This encapsulates the problem of meeting victims’ legitimate needs.

The response to these recommendations should be more than simply agreeing. It must be accompanied by a commitment to provide adequate funds to ensure that the recommendations can be progressed.

Placing the onus at the feet of the QPS alone is not a sufficient response. Drawing on existing resources is unsatisfactory. The Government must be willing to provide sufficient resources for any agency, including the QPS, that will be required to implement these recommendations.

We are concerned that these recommendations will fall victim themselves to a lack of funds and an unwillingness by the government to do all that is necessary to ease the burden that victims face.

Unless this is done the work of victims and their advocates in the course of this inquiry will amount to little.

Those victims, some of whom relived their experiences to inform this Committee and the wider community of what they have had to confront, are to be congratulated on the stance they have taken. In presenting their evidence they have shone a light on something that sadly is affecting many in communities across Queensland. They deserve our support and an honest response backed by positive action.



Laura Gerber MP  
Member for Currumbin  
Deputy Chair



Jon Krause MP  
Member for Scenic Rim

## **Statement of Dissent - Sandy Bolton MP, Member for Noosa**

This Inquiry into the support provided to victims of crime has had several aspects that have reiterated and highlighted both the incredible efforts, services, and volunteers who assist victims of crime, and as well monumental failings, shortfalls, and shortcomings. This includes processes that prevent Committees, their secretariats, departments, organisations, and victims themselves from having adequate time to do justice to such an undertaking.

The Committee held hearings throughout Queensland in central Brisbane, Ipswich, Logan, Gold Coast, Cairns, Townsville, and Rockhampton. Non-government organisations, victims of crime and their families gave their time to recount the trauma experienced from crime, and the lack of support financially, emotionally, and physically, identifying gaps that need to be remedied.

We are indebted to these Queenslanders for sharing so much with us — however the reality is that if we had more time for this inquiry, there were so many others who could have submitted vital information. Regardless of efforts to get the necessary extension of time beyond the nine weeks provided, including writing to the Committee of the Legislative Assembly and the Leader of the House, and a motion without notice in Chamber, we could not get the necessary extension, nor even a reasonable rationale for the refusals.

This time was essential for multiple reasons, including to identify why the formation by Government of the victims of crime One-Stop Shop Strategy and Implementation Office in 2017 led to nothing. This would have provided insights to prevent this occurring again.

For comparison the current report being produced by the Productivity Commission on the Murray Darling Basin has a seven-month timeframe, the Women's Safety and Justice Taskforce was given a year to complete their report, the Commonwealth Parliamentary Inquiry into Centrelink Compliance took eight months, and the review of an Independent Environmental Protection Authority by the Department of Environment and Science is up to 16 months so far with no report produced.

It is clear from these comparisons that nine weeks was completely inadequate to do justice to victims, who deserve much better than what we have been able to achieve.

This is not acceptable, hence this Statement of Dissent.

In addition, the situation we have encountered reinforces the need for an urgent independent review of the Committee system in the Queensland Parliament and associated processes, which continue to enable inequitable and biased decision making that does not meet the expectations of Queenslanders.



Sandy Bolton MP  
Member for Noosa

