

Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, make this statement of compatibility with respect to the Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026.

In my opinion, the Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026 (the Bill) is compatible with human rights protected by the *Human Rights Act 2019* (Human Rights Act). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Victims' Advocate Service will improve support for victims of crime by providing a more accessible and victim-centred system. It will operate as the central 'front door' for victim support in Queensland, reducing the burden on victims to navigate multiple government agencies and improving access to information and support.

Currently, victim support services are delivered across numerous agencies. Victims of crime in Queensland frequently need to engage with a fragmented, highly complex service landscape spanning multiple agencies. This fragmented service delivery model can require victims to repeatedly recount traumatic experiences, navigate multiple government agencies and experience inconsistent access to information and support.

The Victims' Advocate Service will be a central entry point to improve the experience of victims by providing coordinated information, navigation assistance and referrals to existing services.

The Bill establishes the legislative framework underpinning the Victims' Advocate Service. It amends the *Victims of Crime Assistance Act 2009* (Qld) to:

- Establish functions of the chief executive in relation to the Victims' Advocate Service;
- Enable information sharing to allow service delivery; and
- Protect the confidentiality of information and define who may access information via the Victims' Advocate Service.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Bill may limit or otherwise affect the right to privacy under section 25 of the Human Rights Act.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

(a) the nature of the right

Right to privacy (section 25(a))

Section 25(a) of the Human Rights Act provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right to privacy will only be limited if the interference with privacy is unlawful or arbitrary.

The scope of the right to privacy is very broad. It protects personal information and data collection, for example. It also extends to a person's private life more generally, so protects the individual against interference with their physical and mental integrity.

The Bill enables certain information to be shared with the chief executive of Victim Support and for information to be disclosed to victims and eligible persons under an authorisation given by a victim or an eligible person for the victim. These additional information sharing pathways may interfere with the privacy of victims, and any person to whom the relevant information relates. By creating an additional information sharing pathway through the Victims' Advocate Service (as opposed to directly to the victim), information is necessarily being exposed to additional persons. Additionally, while the amendments protect confidential information, they also allow it to be shared if the disclosure is required to lessen or prevent a serious threat to the life, health, safety or welfare of an individual or the public.

In these ways, the amendments engage the right to privacy for people who are the subject of personal information. However, the information-sharing pathway is subject to safeguards, including the requirement for the chief executive to have regard to the victim's views or wishes when acting under an authorisation, for any research to preserve the confidentiality of the information and anonymity of the person to whom the information relates, and including strict limitations on the disclosure of confidential information. Accordingly, these amendments are compatible with human rights.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to improve outcomes for victims of crime by providing a more accessible and victim-centred service system that reduces the burden on victims to navigate multiple government agencies and improves access to information and support. This contributes to the goal of 'breaking down barriers' for victims. Improving outcomes for victims is a proper purpose which is consistent with the expectations and values of society.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

It is anticipated that the amendments will help to achieve the purpose of improving outcomes for victims by facilitating efficient access to information and supports.

Currently, victim support services are delivered across numerous agencies, meaning that victims of crime in Queensland frequently need to engage with a somewhat fragmented and highly complex service landscape spanning multiple agencies in order to obtain information regarding their matter or access available supports. Some of these agencies may include, for example, the Queensland Police Service, Office of the Director of Public Prosecutions, Department of Youth Justice and Victim Support, Queensland Corrective Services, Queensland Health, the courts and non-government service providers.

These amendments will support the establishment and operation of the Victims' Advocate Service, which will be able to provide victims with coordinated information, navigation assistance and referrals to existing services. This may increase access and efficiency for victims, who may otherwise be unsure of which agencies to engage with or experience delays or difficulties in receiving information or services.

Accordingly, this improved efficiency is expected to result in better outcomes for victims. Also, by increasing coordination between agencies, the amendments may also reduce the number of times victims need to recount traumatic experiences.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose to the same extent that the amendments do.

The amendments are required to facilitate the sharing of information between agencies and with victims and eligible persons through the Victims' Advocate Service. Without amendments, confidentiality provisions across various legislation as well as the operation of the *Information Privacy Act 2009* may prevent the Victims' Advocate Service from coordinating the sharing of information. The amendments are necessary to overcome these existing information-sharing barriers for victims effectively.

Without the information sharing amendments, the Victims' Advocate Service could act as a service to coordinate victims to the correct agencies with relevant information. However, this may still place significant burden on victims in coordinating with multiple agencies and mean victims are retraumatised by having to retell their story. The service may also be limited in its effectiveness without being able to access relevant information.

Importantly, the use of the relevant personal information will continue to be safeguarded by the *Information Privacy Act 2009* and other legislation. When dealing with information, agencies must comply with the Queensland Privacy Principles set out in the *Information Privacy Act 2009*. These are protections for the use and disclosure of information which also impose limitations on how, when and why information can be collected, used or shared.

The amendments may expand the range of persons who may receive information or have access to information, including persons delivering the Victims' Advocate Service. However, the

information-sharing pathway requires an authorisation and is subject to the safeguards contained in the Bill.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Having regard to the purpose of improving outcomes and victim experiences, I consider that the amendments strike an appropriate balance.

The right to privacy is only limited if it is interfered with unlawfully or arbitrarily. I consider that the proposed interferences with privacy are lawful and not arbitrary, and they go directly towards the purpose of assisting victims, and therefore this right is not limited.

- (f) any other relevant factors

Not applicable.

Conclusion

In my opinion, the Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026 is compatible with the human rights protected by the *Human Rights Act 2019* because it does not limit a human right.

Laura Gerber MP

Minister for Youth Justice and Victim Support and
Minister for Corrective Services