

Victims' Commissioner and Sexual Violence Review Board Bill 2024

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Submitter Comments:



Queensland Parliament House
Cnr George and Alice Streets
Brisbane QLD 4001
Via email cslac@parliament.qld.gov.au

14th March 2024

Dear Secretariat,

RE: VICTIMS COMMISSIONER AND THE SEXUAL VIOLENCE REVIEW BOARD BILL 2024

The Gold Coast Centre Against Sexual Violence Inc. (GCCASV) welcomes the opportunity to respond to this consultation, however with the very unrealistic one-week timeframe allowed, can only make brief comments on key points rather than a full submission.

About GCCASV

GCCASV (formerly Gold Coast Sexual Assault Support Service) was founded on the Gold Coast in 1990. The agency is a feminist community based, not for profit, charitable organisation that has been providing free, confidential, specialist sexual violence intervention and prevention programs for more than 30 years.

Our vision is safe communities free from sexual, domestic, and family violence. GCCASV provides a safe, supportive, woman-centred environment in which sexual, domestic, and family violence survivors can begin their healing journey become aware of their own strengths and gain confidence and control of their lives.

The organisation provides community education and training to the public, schools, and other professionals. Since 2018 GCCASV has also delivered specialist counselling to domestic violence victim/survivors through our Women's Health and Wellbeing Program.

Overall position

Legislative reforms come after years of lobbying by survivors and advocates, multiple consultations with and submissions from key stakeholders in the lead up to the recommendations from the Women's Safety and Justice Taskforce (WSJT), Hear Her Voice Reports One and Two. GCCASV believes that these voices need to be honoured and the WSJT recommendations be upheld in their entirety.

GCCASV welcomes a Victims Commissioner in Queensland as indicated in our submission to the Women's Safety and Justice Taskforce (WSJT) and supports the WSJT Hear Her Voice Report 2, vol 1 recommendation 18 in relation to this role.

GCCASV also supports WSJT Hear Her Voice Report 2, vol 1 recommendation 46 to establish an independent sexual violence case review board that is chaired by the proposed Victims Commissioner.

However, GCCASV is concerned that the model proposed in this Bill is not entirely consistent with the WSJT recommendations and must be amended in order to maximise community confidence and the safety and wellbeing of victim/survivors of sexual and domestic violence.

Firstly, in relation to Recommendation 18 the establishment of a Victims Commission:

Rec 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 Australian). 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"

Independence

In the model proposed by the Bill, the Victims Commission is NOT an independent statutory office. Independence is critical in this area to build victim/survivor and community trust and confidence in the process.

Definition of victims

The Bill is not limited to “victims of violent offences” as specified in Rec 18 which dilutes the focus and intention of the recommendation and will have huge resourcing implications. The Bill needs to be amended to focus solely on “victims of violent offences” as per the recommendation.

Exercise the rights of victims

Recommendation 18 stated that the commissioner should be authorised to exercise the rights of victims upon their request and with consent. This is not clearly articulated in the Bill and is a very important part of the process or victim/survivors.

Specific and dedicated focus

Recommendation 18 called for a specific and dedicated focus on victims of domestic, family, and sexual violence and First Nations victim-survivors which is not reflected in the Bill. This specific need was very clear through WSJT consultations which is why it has come through as a recommendation. This specific focus must be reflected in the Bill rather than that the commissioner simply “act with regard to specific vulnerabilities of victims”. This wording lacks the specificity intended in the recommendation. A dedicated Deputy Commissioner for domestic, family, and sexual violence could also assist in ensuring that the specific focus is not lost.

Secondly, in relation to Recommendation 46 the establishment of an independent sexual violence case review board.

Rec 46. The Attorney-General and Minister for Justice, Minister for Women and Minister for Prevention of Domestic and Family Violence develop and establish an independent sexual violence case review board that is chaired by the proposed victims commissioner (recommendation 18). The board will consist of representatives from the Office of the Director of Public Prosecution, Queensland Police Service, professionals with sexual violence expertise, people with lived experience of sexual violence and Aboriginal and Torres Strait Islander peoples. The board’s functions and powers will be provided for in legislation and **should include the independent review of sexual violence cases that are not progressed, or cases requested to be considered by the victims’ commissioner.**

The board will:

- independently review reports prepared and provided by the Queensland Police Service and the Office of the Director of Public Prosecutions about the respective agencies’ involvement in each case
- identify opportunities and make recommendations to agencies and to the Queensland Government about practice, policy, performance, and systemic improvement
- focus on encouraging a culture of continuous improvement and learning
- publish annual reports about the findings and recommendations of the board and the responses of agencies and the Government to the board’s recommendations.

Recommendation 46 allowed for both individual and systemic reviews to be undertaken which reflected the culmination of consultation and submissions received by the WSJT. GCCASV supports this approach, which is consistent with other jurisdictions, and recommends that the Bill is amended to reflect the entirety of Recommendation 46.

GCCASV believes that if this Bill is amended to accurately reflect the WSJT recommendations in their entirety, it will enhance safe, ethical, trauma informed, support to victim/survivors of sexual, domestic, and family violence and improve community and system responses.

Thank you again for the opportunity to make comment in relation to this Bill. Please do not hesitate to contact the writer if further information is required.

Yours sincerely

[Redacted signature]

Di Macleod

Director

E: [Redacted email address]

P: (07) 5591 1164