

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

**Submission No:** 9  
**Submitted by:** Multicultural Australia  
**Publication:** Public  
**Attachments:** See attachment  
**Submitter Comments:**



**MULTICULTURAL  
AUSTRALIA**

*it's who we are*

**Head Office**

Brisbane Multicultural Centre  
28 Dibley Street  
Woolloongabba QLD 4102  
07 3337 5400  
07 3337 5444 (fax)

welcome@multiculturalaustralia.org.au  
[www.multiculturalaustralia.org.au](http://www.multiculturalaustralia.org.au)

14 March 2024

Committee Secretary  
Community Safety and Legal Affairs Committee  
Email submission: [CSLAC@parliament.qld.gov.au](mailto:CSLAC@parliament.qld.gov.au)

Dear Committee Secretary

**Re: Victims' Commissioner and Sexual Violence Review Board Bill 2024**

Multicultural Australia thanks the Community Safety and Legal Affairs Committee for the opportunity to provide this submission to the consideration of the *Victims' Commissioner and Sexual Violence Review Board Bill 2024*.

Multicultural Australia welcomes the overarching objectives of the Bill to:

- Establish the Victims' Commissioner to promote and protect victims' rights; and
- Establish the Sexual Violence Review Board to identify and review systemic issues in relation to the reporting, investigation and prosecution of sexual offences.

We note and welcome the that the majority of the Bill's amendments implement recommendations of:

- Women's Safety and Justice Taskforce – *Hear Her Voice – Report 2 – Women and girls' experience in the criminal justice system*.
- *A call for Change: Commission of Inquiry into Queensland Police Service responses to domestic and family violence* and
- Legal Affairs and Safety Committee - *report No. 48, 57th Parliament – Inquiry into Support provide to Victims of Crime*.

Multicultural Australia welcomes the current consultation as part of ongoing efforts towards systems and legislative reform to address the social attitudes and norms shaping the context in which violence, including sexual and domestic and family violence occurs. Recognising the particular needs of victims of violence and survivors is critical to not only ensure appropriate support provision, but also to ensure a holistic reform process.

Multicultural Australia has engaged early and consistently with the domestic and family violence and sexual violence reform process – including, with the Women's Safety and Justice Taskforce, the legislative reform leading to the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023*, the Queensland Police Service (through our membership on its Domestic and Family Violence Advisory Group), the Queensland Sentencing Advisory Council review into aspects of sexual and domestic violence sentencing, as well as the Queensland DFV Perpetrator Strategy.

We have also engaged constructively in reform considerations in relation to discrimination, serious vilification and hate crimes in Queensland. Multicultural Australia was strong voice leading to the *Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Act 2023*.

Our engagement across these platforms and opportunities has been to raise awareness of the experiences of diverse multicultural communities across Queensland, including, newly arrived migrant and refugee communities and humanitarian entrants.

Multicultural Australia emerged from a community based social movement to advance multiculturalism and build communities where everyone belongs. Since 1998 we have welcomed thousands of individuals from refugee, asylum seeker, international student and migrant backgrounds and worked with First Nations communities, with a goal of creating a more equitable and prosperous future. Today we are a multicultural for-purpose organisation and settlement provider with a strong and connected physical presence across metropolitan and regional Queensland. Our journey over the past 25 years has been driven by our unwavering commitment to create welcome, promoting inclusion and fostering belonging for all.

In responding to the Community Safety and Legal Affairs Committee review of the *Victims' Commissioner and Sexual Violence Review Board Bill 2024*, we would like to bring attention to the following:

1. **Appropriate recognition of diversity, diverse experiences:** Queensland is a culturally and linguistically diverse state. The 2021 Census showed that more than one in five Queensland residents were born overseas (22.7 per cent of the population) – with the proportion of people in Queensland born overseas, increasing significantly over time. There is significant diversity within our multicultural population, as well as significant diversity in their experiences of service access and participation in community life in Queensland. The increasing diversity of our state requires a holistic consideration of policy, legislation and systems to better reflect the needs and aspirations of a significant part of our community, and to deliver better, more equitable outcomes for all Queenslanders.
2. **Victims' needs are varied, and their experiences are diverse:** in direct relation to the above point about Queensland's diversity, we would like to note that experiences of crime within multicultural communities (including culturally and linguistically diverse members) may also be diverse. They may share experiences of conventional crimes (theft, burglary) with the broader community and also face crimes as a result of their exclusion or marginalization in the community (including, racially motivated hate crimes). The experiences of gendered family-violence can be complex and unique for migrant and refugee women – and this violence and abuse for many victim/survivors can be compounded by different forms of marginalization and inability of our systems to respond appropriately.
3. **(In)visibility of some victim voices:** the rates of general victimization in multicultural communities (including culturally and linguistically diverse communities) are not readily quantifiable. Information on the scale and prevalence of hate crimes is not available through official registers, nor data around the prevalence of domestic and family violence for diverse communities. This is strongly indicated because of under-reporting of these crimes within diverse communities. Under-reporting can impact access to appropriate supports and services. This under-reporting can be due to a range of factors – language barriers, lack of awareness/knowledge or familiarity with available support services, shame and stigma associated with some crimes (like family violence), mistrust of authorities<sup>1</sup> etc. The shame/stigma and pressure on women from culturally and linguistically diverse communities (pressure from family or cultural/ religious community), can be more acute in instances of sexual violence and related crime. Many community members do not seek support through the criminal justice system for their

---

<sup>1</sup> Segrave, M (2017). Temporary migration and family violence: An analysis of victimization, vulnerability and support. Melbourne School of Social Sciences, Monash University.

experiences of crime, including, family violence. This may be something they are not culturally predisposed to (from a general fear/mistrust of police and systems) or even a genuine concern that other agencies like child safety may be involved (for women experiencing domestic and family violence). The absence or lack of culturally appropriate and responsive services in the face of such barriers (including, efforts to enable communication through interpreter support), instances of bias, discrimination, and a general lack of welcome from services can greatly undermine the engagement of people from diverse communities with victim services.

Experiences of victimisation for diverse communities can also intersect with different aspects of their identity. For example, in a study/survey with migrant and refugee women, nearly 40 per cent of respondents reported that they believed their victimisation as result of theft, burglary, threatening behaviour or property damage was motivated by bias and/or prejudice. In the sample, women who had experienced general victimisation viewed the police as less procedurally just and fair than the rest of the sample This failure of confidence has very real implications for developing strong, trusting, relationships with the police and justice system<sup>2</sup>. This study/survey while not a representative sample, accords with Multicultural Australia's service experience.

The lack of visibility on community experiences of crime, the lack of/low engagement with victim support services within diverse communities, the greater risk they may face in relation to certain crimes, can often operate in ways to make them invisible to our service and response systems. For example, studies indicate that limited quantitative data on the prevalence of domestic and family violence among (culturally and linguistically) diverse women and the suggested (greater) risks to domestic and family violence for this cohort can contribute to not only the invisibility of these women in domestic and family violence policies, it can also make other aspects of their 'culture-specific' experience/s invisible<sup>3</sup>.

- 4. Implications for current consultation:** the above considerations are significant as the Committee considers the *Victims' Commissioner and Sexual Violence Review Board Bill 2024*. The Bill seeks to – (1) establish the Victims' Commissioners to promote and protect victims' rights, (2) declare a Charter of Rights for affected victims and (3) establish the Sexual Violence Review Board to identify and review systemic issues in relation to the reporting, investigation and prosecution of sexual offences. The Victims' Commissioner and of the Sexual Violence Review Board have both been assigned a broad scope and function to their roles. The Bill also removes the Charter of Victims' Rights from the *Victims of Crime Assistance Act* and transfers the Charter in the same terms to Schedule 1 of the Bill.

Multicultural Australia hopes that measures will ensure to work towards greater protections for the rights of victims, ensure their voices are heard appropriately, and ensure 'systemic improvements' to the needs of victims of crime.

Relevant to the current consultation, Multicultural Australia invites a detailed and informed consideration of the following:

---

<sup>2</sup> Segrave, M, Wickes, R and Keel, C. (2021). Migrant and Refugee Women in Australia: The Safety and Security Survey. Monash University. <https://doi.org/10.26180/14863872>

<sup>3</sup> Ghafournia, N and Eastel P (2018). Are Immigrant Women Visible in Australian Domestic Violence Reports that potentially influence policy? [https://www.researchgate.net/publication/327793089\\_Are\\_Immigrant\\_Women\\_Visible\\_in\\_Australian\\_Domestic\\_Violence\\_Reports\\_that\\_Potentially\\_Influence\\_Policy](https://www.researchgate.net/publication/327793089_Are_Immigrant_Women_Visible_in_Australian_Domestic_Violence_Reports_that_Potentially_Influence_Policy)

- a. A reflection of **understanding of diverse communities and their experiences as victims of crime**, through this process. This could include reflection in the Victims' Commissioner and Sexual Violence Review Board functions, representation and roles, to ensure the broadest possible perspective and to identify and review systemic issues relating to victims of crime from diverse communities.
- b. Ensuring **engagement with diverse communities**: Multicultural Australia would note that for a range of reasons (including those noted in this submission), members of multicultural/diverse communities, especially victims of crime do not engage with our service systems. We remain concerned that current access barriers may be replicated under the new arrangements for victim supports. We would welcome the consideration of appropriate inclusion and accessibility measures to ensure that Queensland's diverse communities and victims of crime are able to engage with the Victims' Commissioner and the Sexual Violence Review Board.
- c. **Strengthening the Charter of Victims' Rights**: while there is no suggested change to the current terms of the Charter of Victims' rights, Multicultural Australia strongly recommends consideration through the Charter, of ways to invite, enable and support greater victim participation in this process and the empowerment of victims.

Multicultural Australia welcomes the current review and invites the Committee to provide attention to the experiences of culturally diverse communities. The experiences of marginalized communities including refugees and migrants from diverse cultural and linguistic backgrounds should be captured in this important review process, as investment in developing greater public confidence in the criminal justice system across our diverse communities, and in ensuring appropriate supports for victims of crime and violence, as well as accountability for such offences.

Multicultural Australia is keen to work with key stakeholders in this reform process in Queensland and ensuring we provide appropriate support and assistance to victims of crime in Queensland. We would be happy to assist with any further information on this matter.

Yours sincerely,



Christine Castley

**CEO, Multicultural Australia**