

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

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# Victims' Commissioner and Sexual Violence Review Board Bill 2024

Submission by the Institute for Urban Indigenous Health (IUIH)

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# Submission to the Community Safety and Legal Affairs Committee on the Victims' Commissioner and Sexual Violence Review Board Bill 2024

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## Introduction

The Institute for Urban Indigenous Health (IUIH) welcomes the opportunity to provide a submission in response to the Victims' Commissioner and Sexual Violence Review Board Bill 2024 ('the Bill').

IUIH is a not-for-profit Aboriginal and Torres Strait Islander Community Controlled Health Organisation (ATSICCHO) that leads the planning, development, and delivery of comprehensive primary health care, wellbeing, and social support services for Aboriginal and Torres Strait Islander people in the South East Queensland (SEQ) region.

IUIH was established in 2009 by its four founding Member Organisations:

- Aboriginal and Torres Strait Islander Community Health Service Brisbane Limited
- Kalwun Development Corporation Limited
- Kambu Aboriginal and Torres Strait Islander Corporation for Health
- Yulu-Burri-Ba Aboriginal Corporation for Community Health

Since then, IUIH has established the Moreton Aboriginal and Torres Strait Islander Community Health Service. Together these entities comprise the IUIH Network of 19 clinics across SEQ (see Attachment A). Each member ATSICCHO retains its own governance, with IUIH acting as the regional lead or backbone of the Network. Through regional planning, development, advocacy and purchasing, alongside the implementation of a coordinated approach to strengths-based service delivery known as the IUIH System of Care, IUIH achieves transformational change to advance the delivery of culturally safe and effective health and social support services (including legal services) across the Network. Today, IUIH is one of the largest ATSICCHOs in Australia, operating an annual budget of over \$150 million with over 800 staff.

Our SEQ region represents one of the largest and fastest growing First Nations population in Australia. Based on 2021 Census data, SEQ is home to around 41% of Queensland's and nearly 12% of Australia's Indigenous people. In the five-year period between the 2016 and 2021 Census, the First Nations population in SEQ grew from 78,390 to 110,858, representing an increase of 32,468 people (41% growth).<sup>1</sup>

Our engagement with the First Nations population in SEQ equips us with unique insights into the challenges and aspirations of these communities. The substantial growth of the First Nations population in SEQ underscores the urgent need for targeted and effective policy interventions, particularly in addressing the pervasive issues of crime victimisation and sexual violence.

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<sup>1</sup> IUIH estimates based on Australian Bureau of Statistics (ABS) Census counts with addition of the ABS estimate of Indigenous population undercounts (17.5% in 2016, 17.4% in 2021). Note the IUIH Network region of SEQ does not include the Sunshine Coast.

## Recommendations

The establishment of the Victims' Commissioner and Sexual Violence Review Board in Queensland is a pivotal step in realising justice for victims of crime and will be key to implementing the recommendations made by the Women's Safety and Justice Taskforce.

IUIH's submission addresses three focus areas:

- the membership of the Sexual Violence Review Board
- the powers and delegated authority of the Victims' Commissioner and Sexual Violence Review Board
- the Office of the Victims' Commissioner

### Membership of the Sexual Violence Review Board

The disproportionate representation of First Nations people as victims and perpetrators calls for a nuanced and culturally informed approach to justice. The alarming statistics, particularly concerning First Nations females and their interactions with the justice system<sup>2</sup>, highlight the critical need for solutions that are rooted in an understanding of historical injustices, ongoing systemic racism, and inequality.

IUIH notes that membership provisions regarding the Sexual Violence Review Board under Chapter 4, Part 1, Division 2 of the Bill, are not adequate to serve the voices and needs of First Nations victims. IUIH recommends that membership of the board should include peak body representation from the Aboriginal and Torres Strait Islander Community Controlled sector, to capture the voices of First Nations service providers who have considerable experience and expertise in providing culturally safe services, support and advocacy for First Nations victims. The board must also include First Nations people with lived experience of sexual violence, who can highlight the systemic barriers faced by First Nations victims. This will result in more effective solutions.

### Powers and Delegated Authority: Victims' Commissioner and the Sexual Violence Review Board

For the Victims' Commissioner and the board to serve as true advocates for victims, including First Nations people, they must be provided with adequate powers and autonomy.

The current provisions for delegation under Chapter 2, Part 2 of the Bill, risk diluting the authority and independence essential for these bodies to effect real change by only providing for delegation to a 'qualified public service officer'. IUIH contends that existing provisions undermine the power and functions of the Commissioner and board, who have been mandated to 'act independently'. IUIH recommends that the Bill include provisions like those within the *Victims of Crime Commissioner Act 2015* in Victoria<sup>3</sup>, which allows the Commissioner to authorise 'any person' to assist the Commissioner in performing a function, rather than applying a broad delegation of powers. This will ensure the Commissioner and board can carry out their full functions, independent of the department.

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<sup>2</sup> Data Source: AIHW Youth Justice National Minimum Dataset (JJ NMDS) 2000–01 to 2020–21

<sup>3</sup> Victims of Crime Commissioner Act 2015, Act number 56/2015, Version 005, in force from 31/10/2022.

## Office of the Victims' Commissioner

The proposed administrative arrangement for the Office of the Victims' Commissioner under Chapter 2, Part 2 of the Bill, ties the Commissioner closely to the department. This poses a threat to the Commissioner's independence, and by extension, their effectiveness. Independent funding and administrative support, that is safeguarded through legislation, will be critical for the Office to perform its duties independently and in the public interest.

Furthermore, acknowledging the profound impact of historical and systemic injustices, on First Nations people, IUIH recommends the establishment of a First Nations Unit within the Office of the Victims' Commissioner. This unit would play a crucial role in facilitating engagement with First Nations communities and deepening the Commissioner's understanding of their unique challenges and needs – leading to more community-driven solutions.

## Closing Remarks

IUIH is committed to working collaboratively with all stakeholders to ensure that the Victims' Commissioner and Sexual Violence Review Board Bill 2024 not only addresses the immediate needs of victims but also contributes to the long-term aspirations and healing of First Nations communities in Queensland. We appreciate the Committee's consideration of our submission and remain available to provide further clarification or engage in more detailed discussions on any of the points raised.

Sincerely,



Adrian Carson

Chief Executive Officer

Institute for Urban Indigenous Health

## Attachment A – UIH Network and Clinics

