

Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026

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Office of the Victims' Commissioner

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Submission to the Justice, Integrity and
Community Safety Committee

30 September 2026

Commissioner's introduction

The Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026 proposes significant reforms to victim participation in Queensland's criminal justice system, including amendments to the *Penalties and Sentences Act 1992* (Qld) (PSA) and the *Coroners Act 2003* (Qld).

I applaud the Government for progressing the Victim Impact Statement (VIS) and Community Impact Statement (CIS) reforms, which are a significant and welcome step towards strengthening the recognition of victims within the criminal justice system. The reforms represent an important opportunity to enhance victim participation in sentencing proceedings, and I look forward to working with the Government to implement these potentially nation-leading measures.

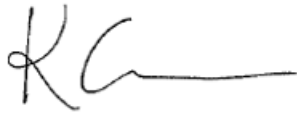
The legislative reforms to the VIS respond to recommendations in the Queensland Sentencing Advisory Council (QSAC) report, *Sentencing of Sexual Assault and Rape: The Ripple Effect Report*. That report identified strong dissatisfaction from victim-survivors and community members with the current VIS regime. My office's engagement with victim-survivors about the VIS regime has been largely consistent with QSAC's findings. I hope that the VIS reforms will play an important role in reshaping the culture of the criminal justice system so that victims' perspectives are recognised, valued and meaningfully considered throughout the justice process.

The introduction of CIS in Queensland is a positive reform and one which my office has previously advocated for. This reform will provide the court with a structured mechanism through which courts can be informed by my office of the harm and loss caused by criminal offending to communities and sections of the community, including where there is no individually identified victim. I support the limited scope of this mechanism to enable an assessment of its efficacy, noting it can be broadened if appropriate in the future.

I also welcome the amendments to the *Coroners Act 2003*, which strengthen communication with families affected by a loved one's death. This reform aligns with feedback my office has received about the importance of sensitive and fulsome communication with bereaved family members during coronial processes.

This submission highlights some issues about the operationalisation of the reforms proposed in the Bill, particularly in relation to its interaction with the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (VCSVRB Act).

The submission also makes several suggestions for strengthening the Bill to ensure that the proposed reforms can be successfully implemented and address the concerns and lived experiences that victims have shared with QSAC and my office.



Kate Connors

Victims' Commissioner

Note on language

I use the term 'victim' and 'victim-survivor' throughout this submission. I acknowledge some individuals may prefer 'victim' as it emphasises their experience of harm, while 'victim-survivor' acknowledges the ongoing impacts of crime and highlights the strength and resilience of individuals with lived experience. By incorporating both terms, I hope to honour these perspectives. I may also use the term 'victim' when referring to legislation as it is a term commonly used in legal frameworks.

Role of the Victims' Commissioner

The role of the Victims' Commissioner is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (VCSVRB Act), which commenced in 2024. My role is to protect and promote the rights and needs of victims of crime. My statutory functions include:

- providing information to victims of crime to help them navigate the criminal justice system
- dealing with complaints under the Charter of Victims' Rights
- conducting systemic reviews
- listening to victims to hear about their own, lived experiences
- advocating for victims' rights by making recommendations and providing advice to government and non-government entities about improvements to policy, practices, procedures and systems to uphold the rights of victims and better meet their needs
- monitoring the implementation of recommendations.

Under section 6 of the VCSVRB Act, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependants of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.¹

The VCSVRB Act defines harm as including physical, psychological or emotional harm, damage to or loss of property, and financial or economic loss.² This definition recognises the range of impacts that a crime can have on an individual.

The Charter of Victims' Rights

The Charter of Victims' Rights (the Charter) was introduced in the *Victims of Crime Assistance Act 2009* (Qld) in 2017. In 2024, the Charter moved—unamended—to Schedule 1 of the VCSVRB Act.

The Charter describes how a victim of violent crime should be treated, as far as practicable and appropriate, by government and non-government entities. It applies to victims of 'relevant offences'³ and sets out the rights of an 'affected victim'⁴ that are to be upheld by prescribed persons⁵ when dealing with the victim.

The Charter includes:

- three general rights that relate to:
 - how a victim should be treated
 - the right to personal information being kept confidential
 - the right to be informed about available services and remedies⁶
- eight rights related to the criminal justice system which include:
 - rights about being informed about the investigation, prosecution and bail application
 - being informed about the trial process and the victim's role as a witness
 - making a victim impact statement⁷
- the right to make a complaint if Charter rights are not upheld and to receive information about how to complain⁸
- rights relating to being kept informed about matters relating to the detention of offenders such as the period of detention, transfer or escape.⁹

Review of Charter of Victims' Rights

In February 2025, the Office of the Victims' Commissioner (OVC) commenced a systemic review of the Charter of Victims' Rights, pursuant to my functions under section 9(a) of the VCSVRB Act. The review aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime, in line with recommendations by the Women's Safety and Justice Taskforce¹⁰ and the Queensland Parliament's Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime.¹¹

The review is being informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime. Since the commencement of the Charter Review, the OVC has extensively consulted on victims' rights, over two stages, resulting in:

- 129 submissions from stakeholders
- 213 responses to two surveys
- discussions with 87 people with lived experience and people who may face particular barriers when interacting with the justice system
- feedback from over 1,000 Queenslanders in commissioned market research
- discussions with 149 government and non-government representatives at six Listening Forums around the state
- interviews with 42 Subject Matter Experts from government stakeholders
- 104 responses to OVC information requests from government and non-government entities on their implementation of the Charter.

The Charter Review is now well advanced, and I will provide a report to the Honourable Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026. More information about the review can be found on the OVC's [website](#).

This submission is informed, in part, by the views and experiences shared with the OVC thus far, as well as the victims who have provided feedback or made complaints to the OVC.

Victims' Commissioner's submission on the Bill

The Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026:

- amends the *Coroners Act 2003* (Qld) to ensure that a deceased person's family members are informed when a decision or order is made to hold an inquest, or to re-open an inquest or investigation into a death.
- amends the PSA to reform the existing VIS regime and introduces a framework for CIS.
- makes consequential amendments relating to VIS/CIS to the VCSVRB Act, the *Evidence Act 1977* (Qld), and the *Youth Justice Act 1992* (Qld).

I warmly welcome the policy intent of the Bill which centres the needs of victims by increasing the information that they are entitled to, enhancing their participation in the sentencing process and providing an additional mechanism for informing the court of the impact of offending. I outline below several opportunities for the Committee to further strengthen these reforms.

Amendments to the *Coroners Act 2003*

For many bereaved families, the coronial process is an important avenue for understanding the circumstances of a loved one's death. Coronial processes also play a critical role in promoting institutional accountability, identifying systemic issues, and driving reforms aimed at preventing future deaths and improving system responses.

The coronial process necessarily involves communicating with bereaved family members about extremely sensitive topics likely to cause considerable distress and risk exacerbating existing trauma. It is essential that these victims, and those who support them, are treated with dignity and compassion, and that timely information and support is provided throughout the process.

Unfortunately, we have heard that this has not always been the experience of victims interacting with the coronial process. Concerns that have been raised with my office include inconsistent communication, lack of empathy, and limited access to information.

The amendments to the *Coroners Act 2003* in this Bill will require reasonable steps to be taken, as soon as reasonably practicable, to notify a family member of the deceased person when a decision or order is made to:

- hold an inquest into a reportable death on the coroner's own initiative under section 28 or upon application under section 30
- reopen an inquest, on application, pursuant to section 50
- reopen an inquest on the initiative of the coroner who held the inquest, or the State Coroner, pursuant to section 50A or
- reopen a coronial investigation on the initiative of the coroner who conducted the investigation, or the State Coroner, pursuant to section 50B of the *Coroners Act*.

I welcome the intent of these amendments. They will ensure a family member is notified of important changes to the status of a coronial investigation into the death of their loved one, thereby strengthening the sharing of critical information with families.

I do, however, note the lack of consistency across Queensland legislation in the definition of 'family member' for victim-related purposes. The Explanatory Notes state that, in implementing these amendments, the investigating coroner will determine who constitutes a 'family member' of the deceased in accordance with Schedule 2 of the *Coroners Act 2003*. The State Coroner's Guidelines 2013 notes that:

The Coroners Act establishes a hierarchy of relationships that should be considered when it is necessary to determine whose views should be considered by the coroner, and who is entitled to receive information about the death and the investigation outcomes.¹²

This hierarchy encompasses a similar, but not identical, range of relationships to the definition of 'family member' in Schedule 2 of the VCSVRB Act. While the Guidelines encourage a generous approach in practice, observing that '[i]n most cases, it is reasonable and appropriate for the coroner to give multiple family members the same degree of access to routine coronial information',¹³ differing legislative definitions may nonetheless result in inconsistent recognition of family relationships and uncertainty about who is entitled to receive information and participate in processes affecting victims and their families.

As discussed further below, I encourage the Government to consider greater harmonisation of the definition of 'family member' across Queensland's victim-related legislation to provide clarity for family members and reduce the risk of unintended exclusions.

Victim impact statements

As outlined in previous submissions to parliamentary committees,¹⁴ Victim Impact Statements (VIS) are a critical mechanism for victim participation in the justice process. VIS provide victims with an opportunity to articulate their experiences in their own words, and share the emotional, physical and financial impacts of crime on their lives. VIS support victims' empowerment, healing, dignity, and a sense of choice and control within a complex and often confronting system. They also assist judicial officers to understand the full extent of the harm caused by offending.

While I strongly support the policy objective of broadening participation in the VIS regime, I have some reservations that aspects of the proposed expansion may create inconsistency between the VIS framework and victims' broader rights under the Charter.

Implementation of reforms to VIS should include additional support for vulnerable victims to complete a VIS, and the provision of legal advice and assistance if a victim is cross-examined on their VIS. I am also particularly conscious of the need for specialist support for First Nations victims to ensure information about harm they have experienced can be provided to the court in a culturally safe way.

Purpose of providing a VIS

The Bill amends section 179K(1) of the PSA to state that the purpose of a VIS is to provide a therapeutic benefit to victims as well as to give the prosecutor for the offence details of the harm caused to the victim (clause 12).

I welcome this amendment as it reinforces the visibility of victims within the sentencing process and recognises the important role that VIS may play in supporting victims' healing and recovery. I note that this amendment complements the existing recognition of the therapeutic benefits that may arise when a victim chooses to read out their VIS during sentencing proceedings.¹⁵

Expanded scope of VIS regime

Under the current legislative framework,¹⁶ victims who can make a VIS under the PSA are the same victims that have Charter rights, including the right to make a VIS. This is because the definitions are shared, namely:

- the definition of 'victim' in the PSA¹⁷ uses the definition of 'affected victim' in section 38 of the VCSVRB Act. The terms 'family member' and 'dependant' referred to in the definition are defined in Schedule 2 of the VCSVRB Act.

- the scope of offences for which a victim can make a VIS in the PSA¹⁸ take the definition of 'relevant offence' from section 39 of the VCSVRB Act.

The PSA definitions have remained aligned with the Charter definitions since the Charter's introduction in 2017.¹⁹ The Bill departs from this approach by expanding eligibility to make a VIS without making corresponding amendments to broader victims' rights entitlements.

Definitions of 'victim', 'close personal relationship' and 'family member'

The Bill expands the scope of who can provide a VIS under the PSA by introducing a new stand-alone definition of 'victim' in the PSA under new section 179IA (clause 10). This expands beyond the existing scope of 'affected victim' under section 38 of the VCSVRB Act to also include:

- a person with a close personal relationship to a victim who suffers harm or dies (new section 179IA(1)(c)) and
- a person who suffers harm as a direct result of witnessing the offence (new section 179IA(1)(e)).

The Explanatory Notes state that the inclusion of person with a close personal relationship to a victim is intended:

... to acknowledge the potential impact of a crime on individuals who are deeply connected to the victim but may not meet existing definitions that focus on familial relationships to the primary victim (e.g. a chosen family member or informal carer).

I support the intention of the Bill to acknowledge modern relationships, however, the Bill does not define 'close personal relationship' for the purposes of section 179IA(1)(c). The introduction of an additional, undefined category of person with a 'close personal relationship' to a victim may create uncertainty for victim-survivors and agencies responsible for determining eligibility and delivering victim services and supports.

The scope of persons who may qualify as victims under new section 179IA(1)(b) is further expanded by the introduction of a broader definition of 'family member' in section 179I, to include grandparents, grandchildren and stepchildren in addition to the categories already recognised under the VCSVRB Act (clause 9). I am supportive of the broadening of the definition, but as noted above in relation to the amendments to the *Coroner's Act 2003*, having multiple definitions of 'family' across victim-focused legislation contributes to complexity for victims navigating the criminal justice system and those interacting with victims.

Scope of offences

The Bill also proposes to expand the scope of offences for which a person can provide a VIS under the PSA by removing the reference to section 39 of the VCSVRB Act and inserting a new provision that includes all offences resulting in the death of, or bodily harm to, a person (clause 11). This includes both indictable (including those that can be dealt with summarily) and summary offences. The Bill also includes all other indictable offences. The new section 179J retains domestic violence offences but where the definition of a 'relevant offence' in section 39 of the VCSVRB Act is limited to offences against the person, the proposed amendments will specifically enable a person who is a victim of a non-violent property offence to provide a VIS.

Charter Review feedback

As noted above, my office has undertaken extensive consultation on victims' rights over the past 18 months as part of the Charter Review. Feedback to the Charter Review has frequently highlighted the need for greater clarity and for definitions that are sufficiently clear, practical and capable of consistent application by victims and entities required to uphold Charter rights.

Our research has identified significant variation in the way the concept of a 'victim' is defined and understood across Queensland legislation.²⁰ Stakeholders expressed concern that the existing definitions of 'victim' and 'affected victim' in the VCSVRB Act, together with differing definitions of 'eligible persons' in relation to victims registers,²¹ can be difficult for victim-survivors and their supporters to navigate and understand.

There was some support for broadening the definition of 'family member' to better reflect the diversity of contemporary family structures. More broadly, some stakeholders expressed support for a simpler and more consistent framework that affords equal recognition, rights and support to all victims.

While a significant number of stakeholders explicitly supported extending Charter rights to victims of property crime, noting the profound impact this offending can have on victims, many stakeholders acknowledged that extending victim rights to include victims of property offences and other non-violent crimes would place significant strain on existing resources.

Impact of proposed amendments to the definition of 'victim'

I welcome the policy intent of expanding both the definition of 'victim' and the scope of offences for which a person may provide a VIS. These amendments have the potential to better recognise the impact of crime on victims, their family members, those closely connected to them and persons who intervene in or witness criminal offending.

However, the Bill expands eligibility to make a VIS without making corresponding amendments to the Charter or other existing victims' rights and eligibility frameworks.

As a result, a person's entitlement to make a VIS would no longer align with their eligibility for victim rights, complaints mechanisms, victim registers and other statutory entitlements. This lack of alignment would have several practical consequences. For example:

- a person in a close personal relationship with a victim would be entitled to make a VIS but would not have the Charter right to be told about the details of relevant court processes or have the right to be protected from unnecessary contact, or violence or intimidation by the accused during a court proceeding.
- a victim of a property offence would be entitled to make a VIS but would not have the Charter right to be told about the outcome of the proceeding or the ability to be added to a victims' register to learn about the offender's release.
- a grandchild of the victim would be entitled to make a VIS but would not be able to make a Charter complaint if they weren't told about this entitlement.

This creates a risk that individuals will be recognised as victims for one purpose but not others, leading to inconsistent expectations, victim uncertainty about eligibility for rights and services, and increased administrative complexity for agencies responsible for administering victim-related legislation, including my office.

These concerns arise in the context of broader reform proposals. I note that:

- the Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026 introduces a new definition of 'victim' for the purpose of the Victim Advocate Service (VAS)
- the Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026 proposes amendments to the *Corrective Services Act 2006* (Qld), the *Youth Justice Act 1992* (Qld) and the VCSVRB Act, including replacing the term 'eligible persons' with the term 'registered victim'.

Viewed collectively, these reforms will result in a growing number of legislative categories used to describe victims and victim-related entitlements.

The Charter Review is currently close to finalisation, and, as noted above, my report will be delivered to Minister Gerber in December 2026. I am currently considering the feedback received during the Charter Review as I formulate recommendations for government about victims' rights and the operation of the Charter. At this time, I anticipate making recommendations regarding the definitions of 'affected victim' and 'relevant offence' in the VCSVRB Act.

My preference would be to retain the existing approach of anchoring the PSA definitions of 'victim', 'family member' and relevant offence coverage to the corresponding

definitions in the VCSVRB Act. This would maintain consistency across the victims' rights framework, reduce confusion for victims and minimise operational complexity for prescribed entities and the OVC. Any proposed reforms to the definitions of affected victim, family member or relevant offence arising from the Charter Review could then be implemented consistently across the victims' rights framework, including the VIS regime.

However, respecting the government's policy intentions and noting that Parts 3 and 4 and schedule 1 commence on a day to be fixed by proclamation, I ask the committee to consider recommending that commencement is delayed until the Charter Review has been completed and the Government has had an opportunity to consider recommendations relating to the definitions of 'affected victim' and 'relevant offence' in the VCSVRB Act.

Process for providing a VIS

Adjournment of proceedings

Proposed new section 179K(2) clarifies that the court *may* adjourn the sentencing proceeding to permit the victim, or other person, more time to give the prosecutor details of the harm if it is reasonable. When determining this, the court may have regard to:

- whether the victim or person had a reasonable opportunity to prepare the details
- the interests of justice
- whether adjourning the proceeding would unreasonably delay the sentencing of the offender.

This provision clarifies the court's existing discretion to adjourn proceedings to enable a victim to provide a VIS. Despite this discretion already being available, victims have shared with me that such adjournments are rarely sought by prosecutors or granted by courts, reflecting a broader culture within the legal system where victims' participation is viewed as optional rather than integral to the justice process.

Insufficient time to prepare is one of the most common challenges reported to my office in relation to VIS. Victims have described being actively discouraged from preparing a VIS early in proceedings, only to be later expected to prepare one at short notice. Some victims have also reported being advised by prosecutors that a VIS would not influence the outcome of the matter and that there was limited value in completing one.

My office has also been told of numerous instances where multiple adjournments were granted to accommodate inconveniences to legal representatives or to accommodate

holiday plans or illnesses of legal representatives, while victims seeking additional time to prepare a VIS were not afforded the same degree of consideration.

Victims have also described to me how their experiences are often rendered invisible when plea deals are struck between prosecutors and defence counsel.

This proposed new provision is an improvement on current section 179K(2), which allows prosecutors to continue with sentencing proceedings without a VIS in certain circumstances. However, feedback received by my office suggests that there is entrenched cultural resistance to accommodating victim participation in our legal system. In this context, simply restating the existing legal position will not be sufficient to change victims' experience in the sentencing process.

I suggest that this provision should be strengthened by replacing 'may' with 'must' so that the position is that an adjournment must be granted in these circumstances unless there is a 'good reason' not to grant the adjournment. The new section could then provide two non-exhaustive examples of what would constitute a 'good reason' as being 1) the interests of justice; or 2) that adjourning the proceeding would unreasonably delay the sentencing of the offender. This drafting technique has been used successfully to change the legal culture on giving jury directions in the *Evidence Act 1977* (Qld)²² without risking unfairness to defendants. It also continues to provide flexibility to the court to refuse an adjournment if there is a 'good reason' to do so but it would prevent refusal on capricious grounds or because of entrenched views about the lack of utility of VIS.

I note that the current drafting retains unreasonable delay in the sentencing of an offender as a consideration in whether victims are provided more time to prepare a VIS, and this would continue if section 179K(2) was amended from 'may' to 'must'. While I support delay being a consideration of the court with respect to making a VIS, this consideration should apply to *all* decisions regarding adjournments during the criminal justice process, noting the negative impacts of delay for both the accused and the victim.

I also suggest that to enhance the prospects of real cultural change occurring with respect to VIS, consideration should be given to including an additional provision that requires a prosecutor, before sentencing commences, to advise the court whether the victim has been given an opportunity to prepare a VIS and if not, whether an adjournment would be necessary for that to occur. I do not believe simply requiring a prosecutor to provide the court with this factual advice before a sentence would cause a delay in proceedings.

Contents of a VIS

Proposed new section 179K(3) provides that 'The prosecutor may remove any details of harm provided by the victim or other person that are offensive, threatening, intimidating

or harassing'. I am concerned that the amendment may erroneously lead to suggestions that victims want to use the VIS process for these purposes. I am not aware that victims using VIS to attempt to threaten, intimidate or harass offenders in the court process is a significant issue in Queensland. I note that similar provisions are in place in the Australian Capital Territory²³ and New South Wales,²⁴ although both are provided in a context of what content *is* permitted to be included (for example, photos, drawings and other images), which softens the effect somewhat.

I suggest the risk of a VIS including content that is offensive, threatening, intimidating or harassing can be managed by use of the word 'appropriate' in the current legislation (as retained in the amended section).

To facilitate greater victim agency in this process, I suggest that proposed subsection (3) be omitted and new subsection (3A) be amended to provide that in determining whether details are appropriate to give to the sentencing court, the prosecutor should have regard to whether any of the information provided is offensive, threatening, intimidating or harassing. This would align with the broader intention of the amendment in clause 14 to create a situation where there are fewer unnecessary redactions of a victims' experience in the VIS.

Requirement to provide a VIS without redaction

The proposed new section 179K(3A) requires prosecutors to provide a VIS to the sentencing court without redaction. I am very supportive of the introduction of this obligation, as concerns about redactions are frequently raised by victims with my office.

I have heard from many victim-survivors who have found it difficult to understand why their VIS has been redacted prior to submission to a sentencing court, leaving them feeling silenced within the criminal justice process and unable to convey their full experience.

One victim conveyed to me her frustration and despair when she included in her VIS how terrified she was about the safety of her child who was hiding during a violent home invasion, only to have this redacted as it did not form an element of the offence. From her perspective, the fear she experienced was a significant feature of the harm caused by the offending that she wanted to share with the sentencing court but was unable to.

Another victim shared that they were told that large sections of their VIS relating to the significant physical harm they experienced would need to be redacted because not all the medical records relating to the injuries had been received by the prosecutors. In this case the victim was advised that an adjournment was not an option.

I agree with QSAC's final report, *Sentencing of Sexual Assault and Rape: The Ripple Effect Report*, that if the purpose of VIS is to convey a therapeutic benefit to the victim-survivor then:

*the focus would be on providing a victim survivor with a platform to speak freely about the offending in a way that is cathartic without restricting their voice through a redaction process.*²⁵

Preparation of VIS

Clause 13 amends section 179L to allow another person to provide a VIS on behalf of a victim if the prosecutor or the court considers it appropriate having regard to: (i) the relationship between the victim and the other person; and (ii) the victim's wishes; and (iii) the victim's capacity to give consent for the other person to give the statement.

I welcome this amendment, which recognises that a victim may not be able to prepare a VIS themselves, and that the reason for this may extend beyond age or impaired capacity (which are the only reasons currently provided for). This amendment will allow victims who are unable to speak for themselves due to language or cultural barriers, trauma or fear of the criminal justice process to have their experiences and the impact of the offence communicated to the court during sentencing. Importantly the amendment considers the need for victim consent and their capacity give consent.

Clause 13 also introduces a new subsection (1A) requiring that VIS must not contain anything that is offensive, threatening, intimidating or harassing. As noted above, I suggest this wording is unnecessary, with the requirement that the prosecutor decide what details are appropriate being sufficient to exclude such content.

Consideration of a VIS in sentencing

Clause 14 inserts a new section 179LA to provide that the court must not refuse a VIS if it contains irrelevant material or inadmissible evidence but is not required to have regard to this material in imposing a sentence. The Explanatory Notes state:

Whilst judicial officers must have regard to harm to a victim provided in a VIS, in accordance with the sentencing guideline under section 9(2)(c)(i) of the PS Act, they retain their discretion to determine what information is relevant and appropriate to consider in making a sentencing decision.

I welcome the introduction of this requirement. I suggest consideration be given to creating an additional provision in the Bill that makes clear a sentencing judge is not required to identify the matters in a VIS to which they did not have regard, and that a failure to do so does not give rise to a right of appeal. This would mitigate the risk that lack of clarity around what material in a VIS has been relied upon will result in an increase in sentencing appeals.

I also note that the Judicial Commission of New South Wales provides New South Wales judicial officers with comprehensive bench book guidance on VIS.²⁶ The implementation

of the Bill should include the development of similar guidance for Queensland judicial officers to maximise consistency in the application of these reforms and minimise errors that may lead to unnecessary appeals.

Even where a VIS is provided unredacted to the court, there may be circumstances where arguments will be made as to the relevance or admissibility of the VIS content. If not properly prepared, victims may find hearing these arguments in court distressing. I suggest that in guidance and information regarding the VIS regime, it is made clear to victims that there may be submissions made by the prosecution and defence in relation to these matters. I also suggest that prosecutors raise this possibility with victims when discussing the content of their VIS.

Presentation of a VIS

Clause 15 amends current section 179M to expand the ways in which a VIS may be presented to the court. When the prosecutor requests that all or part of the VIS be read aloud before the court, section 179M(2)(b) currently provides that the person who prepared the statement may have the prosecutor read the VIS on their behalf. The Bill broadens this provision by allowing the victim to nominate 'another person' to read their written VIS to the court. New section 179M(3)(b) further allows a victim to provide the court with a pre-recorded audio or audio-visual recording of themselves reading their VIS aloud, to be played in court.

I support providing victim-survivors with greater flexibility in how they present a VIS to the court. This recognises the importance of choice and empowers victim-survivors to share the impact of the offence in their own way, and in a manner that feels safe and meaningful to them. These proposed amendments, which augment the special arrangements provided in section 179N, are particularly beneficial for vulnerable victims who may be reluctant to deliver their VIS in open court.

I note there will be practical issues to be resolved in implementing this reform, including how the VIS will be recorded and played in the court.

Victim support agencies have advised me that it is good trauma-informed practice to advise victim-survivors of violent crime not to record their statement in their home, to be in a neutral setting and to have specialised support while this occurs. The Committee may wish to make inquiries of the Department of Justice about implementation of safe and equitable access to support these new options for victims to provide their VIS.

Cross examination on the contents of a VIS

Clause 16 inserts new section 179O that provides that a person who prepares a VIS must not be cross-examined on their statement unless the court is satisfied:

- the content may materially affect the sentence the court may impose in the sentencing proceeding; and
- it is in the interests of justice for the person to be cross-examined.

Proposed section 179O(3) states that if the person is cross-examined, the court may make arrangements or give directions considered appropriate to protect the person from unnecessary trauma, intimidation or distress and facilitate the person's participation in the proceedings.

While I appreciate that in rare instances there may be a need for cross-examination of a victim in relation to a VIS, victims in these situations require access to independent legal advice and support. At present, there are limited free services available to provide victims with access to legal advice and explanation about such matters. I suggest that a provision be added to the Bill to provide that if cross-examination of a victim who prepares a VIS is allowed, free and independent legal advice and assistance should be provided to the victim.

Further, while the proposed amendments provide flexibility for the court to give directions to protect the person from trauma, intimidation and distress, they do not expressly include protection against cross-examination by a self-represented defendant for a person who is a protected witness under the *Evidence Act 1977*²⁷. It is unclear whether existing protections preventing a protected witness being cross-examined by the 'person charged' (as provided by 21L to 21S of the *Evidence Act 1977* (Qld)) would apply to a self-represented *convicted person* following a conviction. These protections include the provision of free legal assistance to conduct the cross-examination. I suggest that free legal assistance should also be provided to self-represented offenders to conduct cross-examination of a victim who is a protected witness to support the protection of the victim.

I suggest that the committee consider recommending that the Bill be amended to include an amendment to the *Evidence Act 1977* to clarify that the provisions relating to cross-examination of protected witnesses in Division 6, also apply to 'persons convicted' as well as 'persons charged'.

If no amendments are to be made, inclusion of the intention in Explanatory Notes or in a legislative note would be beneficial and give comfort and confidence to victims.

I also consider it appropriate at this junction to examine whether mitigating factors presented by the defendant to the sentencing court should be subject to cross-examination. Victims have told the OVC that they listen to a large amount of material about hardship experienced by the defendant, including childhood experiences or a defendant's excellent work history, which is never investigated or challenged by the prosecution. Victims tell me they are struck by the inequality of treatment when the

content of their VIS is subject to exacting scrutiny by the prosecution and the defence but there is no such scrutiny or interrogation by the prosecution or court about mitigating factors provided by the offender.

I suggest there is merit in considering amending the PSA to require mitigating factors relied on at sentencing to be provided to the prosecution and the court in a statement prior to the sentence hearing, (consistent with the current Practice Directions in the District and Supreme Courts²⁸), and to permit cross-examination of offenders on those matters in the same way that victims may be cross-examined on their VIS.

Community impact statements

I am very pleased to see the proposed introduction of Community Impact Statements (CIS) as a structured mechanism through which courts can be informed of the harm and loss caused by criminal offending to communities and sections of the community, including where there is no individually identified victim.

As I have noted in previous submissions, this mechanism, currently in place in South Australia, can be useful to highlight the harm caused to victims who do not have a voice in proceedings because of the type of offence, because they have not been identified or because they have not elected to make individual VIS.

I also support the Bill's proposed initial limitation of the CIS in new section 179R to:

- child exploitation material offences (sections 228A to 228DC of the Criminal Code);
- serious vilification and prohibited symbols offences (chapter 7A of the Criminal Code); and
- an offence of attempting, or conspiring, to commit, the above offences.

For crimes that target particular communities or faith groups, the harm may be felt at a collective level, with the impacts ramifying beyond any one individual. There is significant benefit in having mechanisms to allow communities to collectively voice how a crime has caused harm during the sentencing process. This makes these crimes appropriate to include in the introduction of the CIS mechanism.

Crimes involving the possession and distribution of child exploitation material (CEM) are not construed as offences 'against the person' and may not involve the identification of specific victims. Because of this, they are at risk of being seen as victimless crimes, with the true harm caused to the victims, their families, the investigators and those involved in legal proceedings, and the community, potentially being overlooked or minimised. In South Australia, the provision of CIS relating to these crimes appear to have benefited

the prosecution and sentencing court to be able to articulate these broader harms and are therefore appropriate for inclusion in a new CIS mechanism in Queensland.

The Queensland Child Death Review Board, in its report *In Plain Sight: Review into System Responses to Child Sexual Abuse 2025* noted these concerns in relation to CEM offences and also recommended the Queensland and Australian governments investigate legislative reforms that could enable the use of CIS.²⁹

Initially limiting the CIS to these offence types will enable the efficacy of the mechanism to be assessed, noting that the Bill allows further offences to be prescribed by regulation if desirable in the future.

Given the low numbers of prosecutions in relation to Chapter 7A, there may be merit in including offences with the circumstance of aggravation that the offender was wholly or partly motivated to commit the offence by hatred or serious contempt for a person or group of persons under section 52B of the Criminal Code. This may increase the numbers of matters there are to review in order to assess the efficacy of the scheme after two years.

Operationalising Community Impact Statements

Section 179S(1) provides an ability for the Victims' Commissioner to provide a CIS where the offence has, or is likely to have had, a significant impact on an affected community and it would be in the interests of justice to give the statement.

Subsection 179S(2) provides that the Victims' Commissioner may have regard to any information considered relevant when considering whether to provide a CIS under subsection (1). As noted in the Explanatory Notes,

This is intended to allow the flexibility to consider information to inform the decision to prepare a community impact statement, for example, any submissions by a member of the public.

Subsection 179S(3) provides that, in preparing a CIS, the Victims' Commissioner may consult with the affected community, and under subsection 179S(4), may also consult with the prosecutor. As noted in the Explanatory Notes,

This is anticipated to include, for example, determining appropriate matters where a CIS may be provided, or to review details of offending described in the CIS.

While not detailed in the Bill, I anticipate my office will work with the Queensland Police Service (QPS) and the Office of the Director of Public Prosecutions (ODPP) to develop guidance on when a CIS may be appropriate and the pathways for receipt of a request to my office for a CIS. I understand that this is the process under the equivalent South Australian provisions. I also note that the Explanatory Notes indicate that this reform will

be implemented within existing resources, which will require collaboration between QPS, the ODPP and the OVC to ensure that sufficient time and relevant information is provided for me to undertake this task. I am in discussions with the Department of Justice and QPS to consider whether any legislative amendments may be required so that relevant information can be shared to support this important reform.

Review

The Bill inserts new sections 179P and 179X requiring the Minister to review the operation and effectiveness of the VIS (amended Part 10B) and CIS (new part 10C) frameworks after two years of operation. I welcome this commitment to a statutory review of these important amendments. These changes represent a significant cultural change in how the criminal justice system in Queensland operates and it is essential that the new provisions are reviewed to ensure they are effective and operating as intended, particularly for victims.

Consequential amendments

Schedule 1

I support the proposed amendment in Schedule 1 so that the OVC can deal with complaints from victims who have suffered harm because of a breach of a Police Protection Directions or the offence of aiding a respondent, with this taking effect from the date of commencement for those offences.

Support for victims preparing VIS

A victim's ability to exercise their right to provide a VIS is frequently contingent on receiving timely information and support. I recognise the important role played by organisations, volunteers, friends, and family members in helping victims prepare a statement.

QSAC in its 2024 *Sentencing of Sexual Assault and Rape: The Ripple Effect Report* highlighted that there is

... a lack of clarity across all stakeholders regarding which agencies are funded to assist victim survivors in preparing a VIS, with a corresponding impact on the experiences of victim survivors who want to be supported through this process.³⁰

Noting the specific challenges people with cognitive disability may face when making a VIS, the Public Advocate recently recommended that 'The Queensland Government, in liaison with the Queensland Victims' Commissioner, should ensure that the process by which Victim Impact Statements are made is accessible to people with cognitive disability, and that victims of crime who have a cognitive disability are supported to prepare Victim Impact Statements where they wish to do so.'³¹

For victims who have experienced significant trauma, domestic and family violence, sexual violence or who have specific vulnerabilities, including English as an additional language, low literacy or cognitive impairment, the ability to access specialist support will be important.

I note that the proposed Victims of Crime Assistance (Victims Advocate Service) Amendment Bill 2026 allows the VAS to provide both information and referral to specialist organisations that have the capacity to provide such support, but those organisations will require adequate resourcing to provide victim-survivors with support under the proposed new arrangement which may increase the number of victims who require support to prepare a VIS.

I look forward to working with the Department of Justice and victim sector stakeholders to develop guidance for individuals and agencies supporting victim-survivors to prepare VIS, to support the implementation of these reforms.

Endnotes

- ¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.
- ² *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.
- ³ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 39.
- ⁴ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 38.
- ⁵ 'Prescribed person' includes government entities, and non-government entities that are funded by government to provide support to victims as its primary function (s 40 and sch 2 *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld)).
- ⁶ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) sch 1, pt 1, div 1.
- ⁷ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) sch 1, pt 1, div 2.
- ⁸ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) sch 1, pt 1, div 3.
- ⁹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) sch 1, pt 2.
- ¹⁰ Women's Safety and Justice Taskforce, *Hear her voice: Women and girls' experiences across the criminal justice system* (Report 2, 2021) 14 <<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/5b70727a-cc0e-4e08-8eda-e1434e6e0814/wsijt-hear-her-voice-report-2-volume-1.pdf?ETag=e7ff438db3d61317be5d683ce05e7023>>.
- ¹¹ Legal Affairs and Safety Committee, *Inquiry into support provided to victims of crime* (Report No. 48 to 57th Parliament, 2023) vi <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t648/5723t648-b045.pdf>>.
- ¹² State of Queensland, Coroners Court of Queensland, *State Coroner's Guidelines 2013*, 2.2 <https://www.coronerscourt.qld.gov.au/_data/assets/pdf_file/0009/779652/osc-state-coroners-guidelines-chapter-2.pdf>.
- ¹³ State of Queensland, Coroners Court of Queensland, *State Coroner's Guidelines 2013*, 2.2 <https://www.coronerscourt.qld.gov.au/_data/assets/pdf_file/0009/779652/osc-state-coroners-guidelines-chapter-2.pdf>.
- ¹⁴ Victims' Commissioner submission to the Justice, Integrity and Community Safety Committee on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 <<https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000035.pdf>>; Victims' Commissioner submission to the Justice, Integrity and Community Safety Committee on the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 <<https://documents.parliament.qld.gov.au/com/JICSC-CD82/EACATTSSDA-7004/submissions/00000146.pdf>>.
- ¹⁵ *Penalties and Sentences Act 1992* (Qld) s 179M(4).
- ¹⁶ *Penalties and Sentences Act 1992* (Qld) Part 10B
- ¹⁷ *Penalties and Sentences Act 1992* (Qld) s 179I.
- ¹⁸ *Penalties and Sentences Act 1992* (Qld) s 179J.
- ¹⁹ Part 10B was inserted into the PSA by the *Victims of Crime Assistance and Other Legislation Amendment Act 2017* (Qld), which also introduced the Charter of Victims' Rights to the *Victims of Crime Assistance Act 2009* (Qld) (VOCAA). The definitional parameters outlined above were introduced to the PSA by the 2017 Act and only amended by the VCSVRB Act in 2024 to reflect the transfer of the Charter from the VOCAA to the VCSVRB Act.
- ²⁰ See *Victims of Crime Assistance Act 2009* (Qld) s 5, 26; *Mental Health Act 2016* (Qld) Schedule 3. See also 'eligible person' in *Corrective Services Act 2006* (Qld) s 320 and *Youth Justice Act 1992* (Qld) s 282A.
- ²¹ *Corrective Services Act 2006* (Qld) s 320 and *Youth Justice Act 1992* (Qld) s 282A.

²² *Evidence Act 1977* (Qld) s 103ZQ.

²³ *Crimes (Sentencing) Act 2005* (ACT) s 51.

²⁴ *Crimes (Sentencing Procedure) Regulation 2024* (Qld) Reg 8(6)(a).

²⁵ Queensland Sentencing Advisory Council, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (Report, 2024) 540

<https://www.sentencingcouncil.qld.gov.au/__data/assets/pdf_file/0009/818604/Sentencing-of-Sexual-Assault-and-Rape-Final-Report.pdf>.

²⁶ Judicial Commission of New South Wales, Sentencing Bench Book

<<https://jirs.judcom.nsw.gov.au/public/assets/benchbooks/sentencing/>>.

²⁷ *Evidence Act 1977* (Qld) 21M.

²⁸ District Court of Queensland, Practice Direction No 5 of 2023, Sentencing Proceedings - Outline of Submissions <https://www.courts.qld.gov.au/__data/assets/pdf_file/0011/767423/dc-pd-05-of-2023.pdf>; Supreme Court of Queensland, Practice Direction 5 of 2024, Criminal List - Brisbane para 54 <https://www.courts.qld.gov.au/__data/assets/pdf_file/0003/867360/scpd-05-of-2024.pdf>.

²⁹ State of Queensland, Queensland Child Death Review Board *In Plain Sight: Review into System Responses to Child Sexual Abuse* (Report, 2025), Transformation Recommendation 7

<<https://www.qfcc.qld.gov.au/sites/default/files/report-csa-in-plain-sight-web.pdf>>.

³⁰ Queensland Sentencing Advisory Council, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (Report, 2024) 572

<https://www.sentencingcouncil.qld.gov.au/__data/assets/pdf_file/0009/818604/Sentencing-of-Sexual-Assault-and-Rape-Final-Report.pdf>.

³¹ State of Queensland, The Public Advocate *Adults with cognitive disability in the Queensland criminal justice system* (Final Report, August 2026) Recommendation 17

<https://www.publicadvocate.qld.gov.au/__data/assets/pdf_file/0006/916377/adults-with-cognitive-disability-in-the-qld-criminal-justice-system-final-report.pdf>.