

Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025

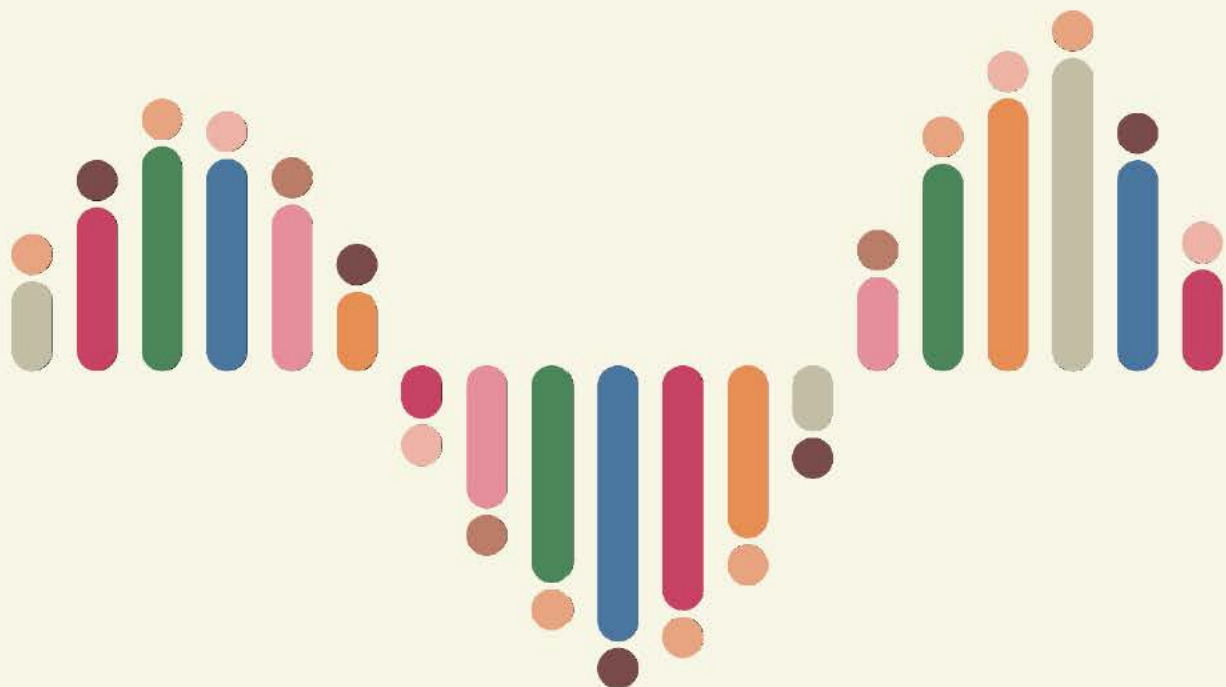
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Office of the
Victims' Commissioner

Submission to the Justice, Integrity and Community Safety Committee

Making Queensland Safer (Adult Crime, Adult Time)
Amendment Bill 2025

April 2025



Acknowledgement of Country

I pay my respects to the Aboriginal and Torres Strait Islander ancestors of this land, their spirits and their legacy. The foundations laid by these ancestors – our First Nations peoples – give strength, inspiration and courage to current and future generations towards creating a better Queensland.

Victim recognition

I respectfully recognise all victims of crime.

I see you. I believe you. I acknowledge the harm you have suffered.

I respect your choices in whichever path you may take. Your emotions and reactions are valid.

I see your strength, courage, resilience and vulnerabilities and support your right to self-determination, and to lead lives free from fear.

To loved ones of those who have died, I offer my condolences, and acknowledge the ongoing hurt and pain you experience.

I recognise the important role of people supporting and advocating for victims of crime, both personally and professionally.

I value the experiences you have shared with me as they shape my work.

Note on language

I use the terms 'children' and 'young people' throughout this submission to refer to Queenslanders who are under 18 years.

I use the terms 'victim' and 'victim-survivor' throughout this submission. I acknowledge the diverse preferences of individuals with lived experience of crime. I recognise that language plays a significant role in shaping narratives and that individuals may have varying preferences regarding their identities. Some individuals may prefer 'victim' as it emphasises their experience of harm, while 'victim-survivor' acknowledges the ongoing effects and harm caused by crime and highlights the strength and resilience of individuals with lived experience. By incorporating both terms, I hope to honour these perspectives and foster an inclusive dialogue.

I may also use the term 'victim' when referring to legislation because it is a term commonly used in legal frameworks.

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Recommendations

1. I **recommend** that the Bill be amended to include an amendment to section 9(1) of the *Penalties and Sentences Act 1992* (Qld) to provide that a purpose of sentencing in Queensland includes recognition of victim harm. This amendment would ensure consistency for the sentencing of adults and children in Queensland and implement Recommendation 2 of the Queensland Sentencing Advisory Council's report, *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*.
2. I **recommend** that the Bill be amended to provide for an independent statutory review of the Adult Crime, Adult Time sentencing provisions (both the 2024 and 2025 amendments), which includes:
 - a. An assessment of their impact on sentence outcomes for children;
 - b. An assessment of their impact on the number of victims of crime committed by children;
 - c. An assessment of how the legislation impacts upon Aboriginal and or Torres Strait Islander children;
 - d. Consultation with diverse stakeholders, including victims of youth crime;
 - e. A timeframe, being as soon as practicable 3 years after the commencement of the *Making Queensland Safer Act 2024* (Qld);
 - f. That the review be carried out by an independent and appropriately qualified person; and
 - g. The Minister must table a copy of the report about the outcome of the review in the Legislative Assembly within 14 sitting days after receiving the report.
3. I **recommend** that the Bill be amended to include an amendment to section 179K(5) of the *Penalties and Sentences Act 1992* (Qld) to ensure a court does not draw any inference about whether the offence had little or no harm caused to the victim-survivor from the fact that a victim impact statement was not given. This amendment would implement Recommendation 23 of the Queensland Sentencing Advisory Council's *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*.
4. I **recommend** that the Queensland Government urgently implements recommendations 21 and 22 of the Queensland Sentencing Advisory Council's *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*:
 - a. The Department of Justice or other appropriate entity undertakes a comprehensive review of the victim impact statement regime under the *Penalties and Sentences Act 1992* (Qld) (Recommendation 21).
 - b. As a matter of priority, the Department of Justice or other appropriate entity, undertakes work to clarify the roles and responsibilities of agencies with respect to the preparation of victim impact statements (Recommendation 22).
5. I **recommend** that the Queensland Government reconsiders the removal of restorative justice as a sentencing option for offences under the Adult Crime, Adult Time scheme, and make amendments to the *Youth Justice Act 1992* (Qld) which reflect that, where restorative

justice is being considered as a sentencing option, a victim's willingness to participate in the conference should be a relevant consideration as to the appropriateness of the order.

6. I **recommend** that the Queensland Government ensures that its implementation plan for the Bill includes ensuring availability of appropriate access to supports and services for victim-survivors who choose to participate in restorative justice conferencing.
7. I **recommend** that the Queensland Government urgently progresses the establishment of the Victims Advocate Service, to help guide victims of youth crime through the criminal justice system.
8. I **recommend** that the Queensland Government publishes the evaluation of the Fast Track Sentencing Program, or if not evaluated, independently evaluate the program to identify efficiency improvements for the youth justice system.
9. I **recommend** that the Queensland Government provides a public update on the progress of the implementation of recommendations from KPMG's 2024 Review of the Financial Assistance Scheme to deal with timeliness of financial assistance applications and payments.
10. I **recommend** that the Government considers amending the *Youth Justice Act 1992* (Qld) to ensure victims of youth crime are able to access sentencing remarks (redacted as appropriate to protect a child offender's identity) relevant to the crime of which they are a victim.
11. I **recommend** that the Queensland Government considers the introduction of Community Impact Statements to ensure sentencing courts receive information about the impact an offence has on a community, for sentencing of offenders of all ages.
12. I **recommend** that the Queensland Government urgently reviews the availability of support services for young people who are victims of sexual violence.
13. I **recommend** that the Queensland Government considers the definition of 'victim' across criminal justice legislation and makes necessary amendments to create clarity and consistency across legislation.
14. I **recommend** that Queensland Government urgently develops and implements a comprehensive plan to address Fetal Alcohol Spectrum Disorder (FASD) which includes community education, health practitioner education and training, as well as comprehensive prevention and early intervention strategies.
15. I **recommend** that the Queensland Government ensures that young people who are in contact with the criminal justice system are promptly assessed and appropriately supported to live with FASD. Noting the link between FASD, adverse childhood experiences and offending behaviour, and having regard to the Queensland Family & Child Commission's previous recommendations.

16. I **recommend** that the Queensland Government continues to implement and report on the status of the implementation of the outstanding recommendations from the Women's Safety and Justice Taskforce and Commission of Inquiry into Queensland Police Service responses to domestic and family violence, particularly recommendations that are aimed at improving accountability for people who use violence.
17. I **recommend** that the Queensland Government reviews the *Domestic and Family Violence Protection Act 2012* (Qld) and considers whether children should be able to be recognised as an aggrieved person on a Domestic Violence Order when they require protection from a parent, sibling or other family member having regard to the ANROWS report (*In their own right: Actions to improve children and young people's safety from domestic, family and sexual violence*), and undertakes consultation with young Queenslanders to design and implement a strategy to ensure that children and young people are recognised as victims of domestic and family violence in their own right by the systems and laws designed to protect them.
18. I **recommend** that the Queensland Government ensures that departments interacting with young people in the context of child protection systems or youth justice systems have accessible information available for children and young people about being a victim of crime, and appropriate supports and services for them to access.
19. I **recommend** that the Queensland Government implements in full the actions of *Shifting Minds: The Queensland Mental Health, Alcohol and Other Drugs, and Suicide Prevention Strategic Plan 2023–2028* and *The Queensland Trauma Strategy 2024–2029*.
20. I **recommend** that the Committee considers whether it would be appropriate for an Erratum to the explanatory notes for the Bill to be tabled that provides further information about the rationale for the selection of the additional offences in the Bill and the consultation engaged in by the Expert Legal Panel. This will allow victims of crime and the general public to better understand the consultation process and the legislation itself in accordance with the intention of section 23 of the *Legislative Standards Act 1992* (Qld).

Introduction

I acknowledge the harm and pain experienced by victims, as well as their families and communities, as a result of serious offences committed by young offenders.

The amendments proposed in the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 (the Bill) represent the fulfillment of an election commitment made by the Government to the people of Queensland. The Government has heard that victims of crime want young people to be held accountable for their actions, and to see the harm they have suffered reflected in the sentences handed down by the courts. Victims continue to deliver that same message to me.

At the same time, victims have made it clear that they expect the Government to identify and address the underlying factors that lead young people to cause harm.

My vision is that all victims be respected, seen and heard in a justice system that anticipates their needs. To achieve this, we must consider how victims' needs are prioritised across five key domains:

1. Dignity, choice and control
2. Accountability and learning
3. Safety and protection
4. Healing and support
5. System design

While each victim holds a unique understanding of what 'justice' means to them, two consistent themes emerge from the experiences shared with my office: **access** to justice and **equity** in justice.

Access to justice means that victims can get the support they need and are empowered to participate meaningfully in the systems they are drawn into. Equity means that all victims, regardless of background or identity, are treated with fairness, their unique needs are recognised, and their rights are upheld.

Just as we expect young people to take responsibility for their actions, we must also expect adults and the institutions charged with safeguarding children to take responsibility for the environments and actions that shape the conditions in which harm occurs. Accountability must be shared by those who cause harm and those who fail to prevent it.

It is important to acknowledge that legislation alone cannot address the full complexity of youth crime. A holistic, coordinated response is required, one that brings together evidence based best practice in justice, child protection, education, housing, and health systems.

A truly effective justice system does not only respond to harm — it works to prevent it. Early intervention, trauma-informed services, and culturally appropriate support for at-risk young people are essential to preventing future victimisation and breaking cycles of offending.

This submission separately considers the two key groups of victims directly affected by this Bill:

- Victims of crime committed by young people; and
- Young people who are themselves victims of crime.

Beck O'Connor

Victims' Commissioner

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Role of the Victims' Commissioner

My role is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (VCSVRBA) to promote and protect victims' rights.

Under section 6 of the VCSVRBA, 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 VCSVRBA 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.

In my role I must act independently and in the public interest. I must also have particular regard to victims who may be vulnerable to harm due to certain characteristics, including women, girls and children.³

My functions include:

- to identify and review systemic issues relating to victims; and
- to conduct research into matters affecting victims, including particular cohorts of victims; and
- to consult in relation to matters relating to victims, including a person's experience as a victim and their experience in the criminal justice system; and
- to deal with complaints about alleged contraventions of the victims charter; and
- to publish information in relation to the criminal justice system; and
- to promote the victims charter and rights of victims and to advocate on behalf of victims by making recommendations and providing advice, training, information or other help to government and non-government entities; and
- to provide advice to the Minister on issues affecting victims and the promotion of victims' rights, including making recommendations about improvements to government policy, practices, procedures and systems to support the rights of victims; and
- to monitor the implementation of recommendations made by the commissioner under this Act; and
- to perform any other function given to the commissioner under this Act or another Act.

My office began receiving complaints from victims who believe their rights have not been upheld on 2 September 2024.⁴ Previously, the Victim Services Coordinator, Victim Assist Queensland had responsibility for receiving Charter of Victims' Rights complaints, however the powers and functions in relation to those complaints are significantly enhanced under the VCSVRBA.

From 2 September 2024 to 31 March 2025, close to 350 Queenslanders have had contact with my office, with close to 500 Charter of Victims' Rights complaints, enquiries and feedback. This

¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6 ('VCSVRBA').

² VCSVRBA s 6(7).

³ VCSVRBA s 11.

⁴ VCSVRBA sch 1.

represents a significant increase in engagement with the Charter, especially noting that Victim Assist Queensland received less than 40 Charter complaints during 2021-2023.⁵

Through these functions, the purpose of my office is to ensure justice and victim support systems uphold the dignity and rights of victims of crime, within a culture of safety, transparency and accessibility.

⁵ Department of Justice and Attorney General, Departmental Briefing Paper to Legal Affairs and Safety Committee, Parliament of Queensland, *Inquiry into support provided for victims of crime* (30 March 2023) 8 <<https://documents.parliament.qld.gov.au/com/LASC-C96E/ISVC-98C6/DJAG%20Written%20Brief.pdf>>

Prioritising the rights of victims of youth crime

Several inquiries and reviews in Queensland in recent years⁶ have highlighted the diversity of victims of crime and their experiences interacting with criminal justice agencies and through the court process. My engagement with victims around Queensland, together with the feedback, questions and complaints my office is receiving, continues to reinforce this diversity.

Victims are not a homogenous group – their experiences, needs, perspectives and opinions differ widely.

Many victims of youth crime want young offenders to be held accountable for their actions, and the imposition of penalties which match the severity of the harm is integral to their sense of justice and safety. Most victims of youth crime have also told me that they need Government to address the causal factors of youth offending so they can feel safe in their communities. This Bill deals with the former need but does nothing to manage or solve the latter.

There are several further opportunities for the needs of victims to be embedded into justice system responses across the five domains.

Safety and protection

To be safe is to be protected from harm, risk or threat. More broadly, safety encompasses both protection from immediate dangers and precaution to prevent possible future risks. All Queenslanders have the right to be safe and to have their lives, and families, protected by the government.⁷

Recognising victim harm in sentencing

Victims of youth crime and communities impacted by youth crime have shared the impact that young people who commit violent offences have had on their lives and sense of safety, including in their own homes and in their community. These feelings are shared by all victims of crime, including victims of adult offenders, and extends to victims feeling that the harm caused to them is not sufficiently acknowledged.

In my submission to the Making Queensland Safer Bill 2024, I noted the disparity that would be created between section 150(2) of the *Youth Justice Act 1992* (Qld) (YJ Act) and section 9 of the *Penalties and Sentences Act 1992* (Qld) (PSA). Relevantly, section 150(2) of the YJ Act requires a court to have primary regard to any impact of the offence on a victim in sentencing a young person.

The Queensland Sentencing Advisory Council in its most recent report, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (the QSAC report), recommended that victim harm should be recognised as a new sentencing purpose:

To ensure that victim harm is acknowledged in the sentencing process, we recommend that amendments be made to the purposes of sentencing under section 9(1) of the PSA to include recognition of victim harm (Recommendation 2). This will enhance the visibility of the recognition of the harm caused to the victim for both the judiciary and the community at large, and respond to concerns of victim survivors that harm is not acknowledged sufficiently in the sentencing process. We acknowledge that this goes beyond sentencing

⁶ Including but not limited to the Women's Safety and Justice Taskforce, the Legal Affairs and Safety Committee Inquiry into support provided to victims of crime, the Youth Justice Reform Select Committee and the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence.

⁷ Queensland Human Rights Commission, A plain language guide to your human rights' (1 May 2020)

<<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/9ff883e6-afa9-4934-a153-7c9d42d4926d/hr-plain-lang-guide-english.pdf?ETag=73135147a50e8cfa491def577efece11>>.

purposes that apply to sexual assault and rape offences, but consider this change justified given the importance of recognition of victim harm in imposing sentence.⁸

Ensuring that the harm caused to victims is treated as a central consideration in both the youth justice and adult criminal justice systems affirms the principle that the impact of crime is not diminished by the age of the offender.

A consistent approach across both the adult and youth sentencing legislation would acknowledge the enduring trauma experienced by victims, reinforce community expectations of accountability and uphold the integrity of the justice system.

Understanding community expectations for sentencing of rape and sexual assault

The Bill proposes the inclusion of rape and aggravated sexual assault within the Adult Crime, Adult Time provisions.

I want to acknowledge and recognise the bravery of women and girls in Queensland, many of them victim-survivors of sexual violence themselves, who shared their stories and campaigned for the inclusion of these offences in the legislation. I also recognise the men and boys for their courage in speaking about their experiences, and for advocating for these offences to be recognised. I applaud the regional newspapers across Queensland who told their stories and campaigned for change through the *Fight for the Forgotten* campaign. I note the words of Leah* a victim-survivor from Toowoomba who told her story as part of that campaign 'It's one of the most horrendous crimes you can commit, it's one of the most horrendous things you can do to someone that affects the rest of their life'.⁹

Inclusion of these offences in the Adult Crime, Adult Time scheme alone are unlikely to meet the community's expectations of adequate sentencing for such offences committed by children and young people. I say this in light of the findings of QSAC report which found that penalties currently imposed on adults for rape 'do not adequately reflect the seriousness of this form of offending and the purposes of sentencing, including punishment, denunciation and community protection – particularly as these relate to offences against children'.¹⁰

The QSAC report also identified that legislative sentencing guidance was not adequate for adults and required enhancement. The QSAC's Terms of Reference for the review of sentencing into rape and sexual assault did not include children or young people sentenced for these offences. Reviews provide a critical opportunity to identify and consider issues in depth, and in consultation with affected stakeholders. They also provide an opportunity to identify systemic reform which targets well-understood issues.

Recommendations

1. I **recommend** that the Bill be amended to include an amendment to section 9(1) of the *Penalties and Sentences Act 1992* (Qld) to provide that a purpose of sentencing in Queensland includes recognition of victim harm. This amendment would ensure consistency for the sentencing of adults and children in Queensland and implement Recommendation 2 of the Queensland Sentencing Advisory Council's report, *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*.

⁸ Queensland Sentencing Advisory Council (QSAC), *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*, (December 2024) Recommendation 2 <https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0009/818604/Sentencing-of-Sexual-Assault-and-Rape-Final-Report.pdf>.

⁹ Peta McEachern, 'Fight for the Forgotten: Survivor speaks out on broken justice system after harrowing rape' *Toowoomba Chronicle* (online, 10 April 2025) <<https://www.heraldsun.com.au/news/regional/survivor-speaks-out-on-broken-justice-system-as-her-teen-rapist-is-soon-to-be-released/news-story/290f16bc089424f5110077a36154ffa0?btr=803f7c4c62a43ca16e7bd597e3cafff4>>.

¹⁰ QSAC (n 8) Key Finding 4, 178.

2. I **recommend** that the Bill be amended to provide for an independent statutory review of the Adult Crime, Adult Time sentencing provisions (both the 2024 and 2025 amendments), which includes:
- a. An assessment of their impact on sentence outcomes for children;
 - b. An assessment of their impact on the number of victims of crime committed by children;
 - c. An assessment of how the legislation impacts upon Aboriginal and or Torres Strait Islander children;
 - d. Consultation with diverse stakeholders, including victims of youth crime;
 - e. A timeframe, being as soon as practicable 3 years after the commencement of the *Making Queensland Safer Act 2024* (Qld);
 - f. That the review be carried out by an independent and appropriately qualified person; and
 - g. The Minister must table a copy of the report about the outcome of the review in the Legislative Assembly within 14 sitting days after receiving the report.

Dignity, choice and control

Dignity, choice and control are fundamental principles that respect an individual's autonomy and empower individuals to make informed decisions about what happens next. Providing victim impact statements and participating in alternative justice pathways are two ways that the diverse needs of victims of youth crime can sometimes be met.

Victim Impact Statements

Under the Charter of Victims' Rights, victims of violent crime, or domestic and family violence, including family members or dependants of those harmed or killed, have the right to make a victim impact statement (VIS).¹¹ I have heard from victims that the capacity to participate in the justice process, and to voice their experience in their own words, is critical for their empowerment and healing.

A recent news article highlighted the profound impact of being denied the opportunity to provide a victim impact statement. A mother, whose son was attacked by a young person, was not informed that the court date had been rescheduled – and that the sentencing had already taken place. As a result, she was unable to share her victim impact statement. Reflecting on the experience, she said, 'I wanted closure, but I was also mad, because I wanted to see this child and to see what he was going to say about it'.¹²

Victim-survivors also shared with QSAC their experience of providing Victim Impact Statements in relation to rape or sexual assault offences committed by adults:¹³

It's cathartic in a way, and, and the way a trial runs ... The opposing counsel questioned me for over 2 hours ... So being able to, to write the impact statement and then share it out loud, I found very valuable, and I was grateful for that.

We were told that the judge 'quickly mentioned that it has done harm to [XXX] and our family... it was just mainly focused on how he's trying to fix his life, not really acknowledging how it has changed our life forever.

¹¹ VCSVRBA sch 1.

¹² Andreas Nicola, 'Victims left to bear wait of justice' *The Sunday Mail* (13 April 2025).

¹³ QSAC (n 8) 543-4.

Section 150(2) of the YJ Act, as amended by the *Making Queensland Safer Act 2024*, requires the court to have primary regard to any impact of the offence on a victim, including harm mentioned in information relating to the victim given to the court under the PSA, section 179K.

The QSAC report considered the use of VIS,¹⁴ finding:

There is strong dissatisfaction among victim survivors and members of the community with respect to the victim impact statement regime. This dissatisfaction permeates all aspects of the process, including with respect to its purpose, content, form of presentation, arrangements for cross-examination, timeframes and degree of acknowledgement of the victim survivor and the harm they have suffered by the sentencing court...¹⁵

As I have previously advised the Committee, I believe there are mechanisms which could be introduced to improve the quality and increase the quantity of VIS being provided to Queensland courts, including adjournments to enable victim-survivors time to prepare a VIS, and expanded options for providing a VIS, such as having the option to pre-record.

QSAC also identified the need for the development of enhanced resources to improve awareness among members of the judiciary, prosecution services and defence practitioners about how the language they use, as well as how they refer to victim-survivors and the harm they have experienced, can positively or negatively impact victim-survivors.¹⁶

Whether a victim exercises their right to provide a VIS is often dependent on whether they are informed and supported to prepare a statement that is admissible in court. I recognise the valuable work of organisations, volunteers, friends, and family members who provide such support to victims. However, I have heard that this support is fragmented and information is not proactively provided. This leads to victims lacking awareness about their right to make a VIS. Further immediate clarification is necessary around which agencies are funded to assist victim-survivors through the preparation of their VIS in accordance with procedural requirements.

Providing a VIS is a right, and a choice. A victim-survivor's choice not to make a statement does not diminish the impact of the offence on the victim-survivor. QSAC recommended that:

The Queensland Government amend section 179K(5) of the *Penalties and Sentences Act 1992* (Qld) to ensure a court does not draw any inference about whether the offence had little or no harm caused to the victim survivor from the fact that a victim impact statement was not given.¹⁷

Access to restorative justice pathways

I support the continued availability of pre-sentence restorative justice conferences under the proposed amendments (section 163, YJ Act). However, restorative justice should also continue to be an option at sentencing for serious offences included within the Adult Crime, Adult Time scheme.

Restorative justice pathways provide victims an alternative form of participation to the traditional criminal justice system. In some cases, restorative justice approaches are better able to meet the needs of victim-survivors and can meet the victim's needs regarding justice. Victims of youth crime who have participated in restorative justice processes may value the opportunity to convey the impact of an offence directly to a young offender during a restorative justice conference and may feel a sense of validation and vindication through these processes.

¹⁴ QSAC (n 8) 571-574.

¹⁵ QSAC (n 8) Key Finding 16, 571.

¹⁶ QSAC (n 8) Recommendations 17-20.

¹⁷ QSAC (n 8) Recommendation 23, 588.

Restorative justice may not always be an appropriate sentencing option, but where a victim-survivor makes an informed decision to participate in restorative justice, this should continue to be open to the court as a sentencing option in appropriate cases. A victim-survivor's choice or desire to participate in restorative justice should be a key guiding factor in the court's consideration of restorative justice as an order.

However, it is also essential that necessary supports are in place to assist victim-survivors to access and participate in restorative justice conferences. Consideration must be given to appropriate models of referral, support and information for victim-survivors to ensure that victim-survivors are adequately informed about their choice to participate in a restorative justice process and are appropriately supported throughout. Further, restorative justice conferences must be conducted in a safe and trauma-informed manner to ensure the needs and safety of victim-survivors are promoted and protected.

Recommendations

3. I **recommend** that the Bill be amended to include an amendment to section 179K(5) of the *Penalties and Sentences Act 1992* (Qld) to ensure a court does not draw any inference about whether the offence had little or no harm caused to the victim-survivor from the fact that a victim impact statement was not given. This amendment would implement Recommendation 23 of the Queensland Sentencing Advisory Council's *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*.
4. I **recommend** that the Queensland Government urgently implements recommendations 21 and 22 of the Queensland Sentencing Advisory Council's *Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report*:
 - The Department of Justice or other appropriate entity undertakes a comprehensive review of the victim impact statement regime under the *Penalties and Sentences Act 1992* (Qld) (Recommendation 21).
 - As a matter of priority, the Department of Justice or other appropriate entity, undertakes work to clarify the roles and responsibilities of agencies with respect to the preparation of victim impact statements (Recommendation 22).
5. I **recommend** that the Queensland Government reconsiders the removal of restorative justice as a sentencing option for offences under the Adult Crime, Adult Time scheme, and make amendments to the *Youth Justice Act 1992* (Qld) which reflect that where restorative justice is being considered as a sentencing option, a victim's willingness to participate in the conference should be a relevant consideration as to the appropriateness of the order.
6. I **recommend** that the Queensland Government ensures that its implementation plan for the Bill includes ensuring availability of appropriate access to supports and services for victim-survivors who choose to participate in restorative justice conferencing.

System design

I regularly hear from victims of crime about the difficulty they experience in navigating unfamiliar and complex systems, particularly with respect to their dealings with police, prosecutors, courts and Victim Assist Queensland. Simplifying these systems, improving accessibility and removing the onus on victims of crime to navigate it themselves is critical to creating a more effective response for victims of youth crime.

Victims Advocate Service

I welcome the Government's recognition of the need to improve how victims are supported in the criminal justice system and the commitment to establish a new professional Victims Advocate Service to help guide victims of crime navigate these processes.

The complex and varied ways that victims experience youth crime, and the youth justice system, necessitates a tailored response that account for these differences. It is critical that in designing and implementing the Victim Advocate Service, genuine engagement with a diverse range of victims of youth crime, including both adults and young people, occurs.

Delays in criminal justice system

The Departmental Briefing notes that 'the Bill may, in the long term, increase demand for courts, police, the legal profession, corrective services, and youth justice'.¹⁸ Many victims of crime who contact my office express their frustration with delays in the criminal justice system. Delays in the criminal justice system contribute to retraumatisation and hinder a victim-survivor's ability to heal and address their trauma.

The Women's Safety and Justice Taskforce heard from victims about the impact of delays in the criminal justice system:¹⁹

Court delays diminish victim-survivors' confidence in the court process and its legitimacy. Lengthy court delays leave victim-survivors feeling they have been denied access to justice and lead to heightened feelings of stress, anxiety and trauma.

I note that early findings of the Fast Track Sentencing Program, which was initiated to identify the causes of court delays, reduce the number of young offenders on remand and reduce the time taken to finalise court cases, demonstrated efficiency improvements across the system. I note that the pilot was to conclude in late 2024 and was to be independently evaluated.²⁰

Pilots such as this can have positive impacts on victim-survivors who are able to access justice in a timely and responsive manner. In light of the Bill's potential impact on the demand for courts, it is critical that opportunities to reduce the time that victim-survivors are interacting with the court and criminal justice system are identified and that this information is shared with victim-survivors as part of the Government's ongoing dialogue with them as part of this reform.

Recommendations

7. I **recommend** that the Queensland Government urgently progresses the establishment of the Victims Advocate Service, to help guide victims of youth crime through the criminal justice system.
8. I **recommend** that the Queensland Government publishes the evaluation of the Fast Track Sentencing Program, or if not evaluated, independently evaluate the program to identify efficiency improvements for the youth justice system.

¹⁸ Department of Youth Justice and Victim Support, Departmental Briefing Paper to Justice, Integrity and Community Safety Committee, Parliament of Queensland, *Inquiry into Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025* (9 April 2025) 3 <<https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/YJVS%20briefing%20-%20MQS%20Adult%20Crime%20Adult%20Time%20Amendment%20Bill.pdf>>.

¹⁹ Women's Safety and Justice Taskforce, *Hear Her Voice – Report Two – Women and Girls' Experiences across the Criminal Justice System* (Final Report, 1 July 2022) 296.

²⁰ Queensland Government, *Queensland Government Response to the Interim Report: Inquiry into ongoing reform to the youth justice system and support for victims of crime* (Report No.1, 57th Parliament, Youth Justice Reform Select Committee) (April 2024) 12 <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5724t725/5724t725-b9b9.pdf>>.

Healing and support

Healing from trauma is a deeply personal process, with each victim of youth crime having their own individual needs. Depending on a victim of crime's individual experience and the nature of the harm done to them, their support needs for the immediate, short, medium and long-term future require consideration. There is significant benefit in having specialist support services which can effectively respond to the diverse needs of victims of youth crime and help remove the particular barriers they experience in accessing support.

Access to financial assistance

Delays in timely access to financial assistance can create distress for victims of crime, adversely impacting their capacity to recover and heal, both financially and emotionally. Recent reviews²¹ have reported on the significant delays experienced by victims in having their applications accessed and processed, and receiving recognition payments and reimbursement of recovery expenses, under the *Victims of Crime Assistance Act 2009*.

Through KPMG's 2024 Review of the Financial Assistance Scheme, victim support organisations shared that:²²

...delays in processing can prevent timely access to supports and impact recovery, as well as place victims in positions of additional financial hardship....

Extended timeframes have 'a large impact on the victim-survivor not only financially but also in their healing process as it delays getting the recognition of being "wronged" and they cannot get closure.

These experiences are also reflected in the feedback, questions and complaints received by my office, with victims conveying their frustration with the financial burden they have incurred following an offence, with the added disappointment of navigating the financial assistance scheme.

It is essential that the recommendations to improve the effectiveness of the financial assistance scheme, as detailed in KPMG's 2024 Review of the Financial Assistance Scheme, are promptly considered and implemented by the Government to ensure more timely provision of critical support to victims.

Access to sentencing remarks

Access to sentencing remarks can provide victim-survivors with a greater understanding of the sentencing process and outcome. I have heard from victims of youth crime the barriers that they face in accessing sentencing remarks for the young people who have harmed them, partially as a result of the prohibition of publication of identifying information about a child (section 301, YJ Act).

Some sentencing remarks for children are published.

At a minimum, information must be made available for victims about how to access published sentencing remarks and how to seek an order of the court for those sentencing remarks which are not published.

²¹ Legal Affairs and Safety Committee, Parliament of Queensland, *Inquiry into Support provided to Victims of Crime* (Report No.48, 57th Parliament, May 2023) <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t648/5723t648-b045.pdf>>; KPMG, *Review of the Financial Assistance Scheme: Prepared for Victim Assist Queensland Department of Justice and Attorney-General – Final Report* (2 February 2024) <<https://www.publications.qld.gov.au/kan-publications-attachments-prod/resources/0e8ebe0e-4bfc-4ac1-a54a-c8121028caaf/review-of-the-financial-assistance-scheme.pdf?ETag=fe833b22cbddcade342140b39622df61>>.

²² KPMG, *Review of the Financial Assistance Scheme, prepared for Victim Assist Queensland*, Department of Justice and Attorney General (Final Report, 2 February 2024) 18.

Further consideration must be given to how sentencing remarks can be provided to victims of youth crime in a way that is appropriate, taking into regard the considerations of the YJ Act.

Reflecting broader community harm through Community Impact Statements

Community Impact Statements provide an opportunity for a community to tell the court about the harm or loss suffered by that community because of an offence. Community Impact Statements are utilised in sentencing considerations in jurisdictions such as South Australia²³ and Canada.²⁴ The South Australian provision enables the Commissioner for Victims' Rights to provide a sentencing court with a neighbourhood impact statement, about the effect of the offence on people living or working in the location, or a social impact statement about the effect of the offence in the community generally. In Canada, Community Impact Statements can be prepared by any person from the community harmed, including community or religious organisations or cities.

QSAC recently considered the use of Community Impact Statements in relation to its review of current sentencing practices for sexual assault and rape.²⁵ QSAC acknowledged that sexual offending has significant costs and consequences for the broader community, including costs to the social or health system and lost productivity, which undermine gender equality and the full participation of women in economic and public life.²⁶ QSAC also noted that community impacts can be more pronounced for some victim-survivor groups, such as Aboriginal or Torres Strait Islander communities where sexual and family violence has been identified as a major cause of family and community breakdown and social fragmentation.²⁷

Where it is identified that youth crime has had a specific or significant impact on a certain community, including Aboriginal or Torres Strait Islander communities or culturally and linguistically diverse communities, it may be valuable for suitably qualified groups (such as Community Justice Groups) to provide the sentencing court with information about the harm caused to the community.

Legislation enabling Community Impact Statement requires the consideration of sensitive and complex matters, noting the potential for varying impacts on community members, and the position of the group preparing the statement in situations where the offender and the victim is within the same community.

Support for young victims of sexual violence

This Bill recognises the seriousness of sexual offences committed by young people through the inclusion of rape (section 349) and aggravated sexual assault (sections 352(2) and 352(3)) within the Adult Crime, Adult Time provisions.

Research 'suggests that at least one-third of child sexual abuse is perpetrated by other children and young people, often against a younger child'.²⁸ While sentencing data indicates that there are few cases involving rape and aggravated sexual assault by a young person in Queensland,²⁹ it has been reported that the rate of recorded sexual offences committed by young people per 100,000 has been

²³ *Sentencing Act 2017* (SA) s 15.

²⁴ *Criminal Code* R.S.C. 1985, c. C-46 (Canada) s 722.2.

²⁵ QSAC (n 8) 537.

²⁶ QSAC (n 8) 262-263.

²⁷ QSAC (n 8) 263.

²⁸ Stuart Allardyce and Peter Yates *Working with Children and Young People Who Have Displayed Harmful Sexual Behaviour* (Dunedin Academic Press Limited, 2018) cited in Stuart Yates and Peter Allardyce, *Sibling sexual abuse: A knowledge and practice overview* (Centre of Expertise on Child Sexual Abuse, January 2021) 20 <<https://www.csacentre.org.uk/app/uploads/2023/09/Sibling-sexual-abuse-report.pdf>>.

²⁹ Queensland Sentencing Advisory Council, 'Sentencing DataHub – Rape – Children' (Web page) <<https://www.sentencingcouncil.qld.gov.au/statistics/QSAC-DataHub/by-type-of-offence?act=CODEQ§ion=349>>; Queensland Sentencing Advisory Council, 'Sentencing DataHub – Sexual Assault (aggravated) – Children' (Web page) <<https://www.sentencingcouncil.qld.gov.au/statistics/QSAC-DataHub/by-type-of-offence?act=CODEQ§ion=352-2---3>>.

consistently higher than the rate for adults, with recorded non-assaultive sexual offences increasing notably in recent years.³⁰

In Queensland, there are limited services that are available to children and young people who experience sexual abuse.

Recommendations

9. I **recommend** that the Queensland Government provides a public update on the progress of the implementation of recommendations from KPMG's 2024 Review of the Financial Assistance Scheme to deal with timeliness of financial assistance applications and payments.
10. I **recommend** that the Government considers amending the *Youth Justice Act 1992* (Qld) to ensure victims of youth crime are able to access sentencing remarks (redacted as appropriate to protect a child offender's identity) relevant to the crime of which they are a victim.
11. I **recommend** that the Queensland Government considers the introduction of Community Impact Statements to ensure sentencing courts receive information about the impact an offence has on a community, for sentencing of offenders of all ages.
12. I **recommend** that the Queensland Government urgently reviews the availability of support services for young people who are victims of sexual violence.

Accountability

Victims are telling me that they want government and non-government agencies to be accountable for their responses to victims.

Definition of victims

A focus on victims in these amendments presents an opportunity to provide greater clarity within the *Childrens Court Act 1992* ('CCA') and YJ Act as to who a 'victim' is. This is especially so noting that:

- varying definitions of 'victim' exist across legislation
- provisions in the CCA refer to 'victim' in the context of the right to be present in court hearings
- the right to provide a Victim Impact Statement within the PSA is limited to 'affected victims' as defined in the VCSVRBA.

Providing clear guidance as to the definition of 'victim' would provide clarity to victims, people supporting victims and criminal justice agencies. This could be achieved by clarifying that 'victim' within the CCA and YJ Act means a 'victim' as defined in section 6 of the VCSVRBA.

Systems response towards young people who harm others

Victims rightfully expect genuine, meaningful effort to be made to increase protections and reduce the risk of harm to others. This includes identifying and managing the factors which contribute to the 'pipeline' of young people who commit offences, and requires a focus on primary prevention and early intervention towards those factors which increase a child's risk of engaging in offending behaviour.

³⁰ Michael John Cahill et al, *Recorded sexual offences among juveniles in Australia* (Australian Institute of Criminology, Statistical Bulletin 43) <https://www.aic.gov.au/sites/default/files/2024-04/sb43_recorded_sexual_offences_among_juveniles_in_australia.pdf>.

Given the established link between youth crime and Fetal Alcohol Spectrum Disorder (FASD),³¹ greater focus is required on the prevalence of FASD among Queensland's young offenders, and its impact on repeat offending.

The National Fetal Alcohol Spectrum Disorder (FASD) Strategic Action Plan 2018-2028 recognises that:

The intellectual, behavioural and social challenges associated with FASD may result in an increased risk of contact with the criminal justice system. When people with FASD do come in contact with the criminal justice system, these challenges mean they will have an impaired ability to navigate the system effectively, including diminished competence or capacity to stand trial.³²

In its submission to a recent federal Senate Inquiry into FASD, the Queensland Family & Child Commission (QFCC) focused on children's experiences with FASD, stating that:

It has been well established that children with FASD are more likely to come into contact with the youth justice system. Cognitive vulnerabilities associated with FASD, including impaired self-regulation and poor decision-making, mean children with FASD are more open to negative peer pressure and antisocial behaviour.³³

The QFCC recommended that children and young people be assessed for FASD and other developmental impairments upon entry to the youth justice system, and that staff and service providers in the youth justice system be provided comprehensive therapeutic training in FASD.

Marninwarntikura Women's Resource Centre in WA's Fitzroy Valley have developed practical resources to assist educators to support children and young people with FASD.³⁴ They emphasise the importance of early diagnosis for children's long-term life chances:

Research shows that with early diagnosis, preferably before the age of six, the required network of professional and social supports can be put in place, and can produce significant improvements in the quality of a child or young person with FASD.³⁵

I commend and support the *The Cairns Post's* 'Cause and Effect' campaign³⁶ calling for free FASD testing for at-risk children such as those who come into contact with the child protection or criminal justice system. Given the scale of the impact on youth crime and its flow-on effects on the community, the Government must give urgent priority to the development of a comprehensive plan to manage FASD which includes: a public health awareness campaign, health practitioner training for early intervention at the prenatal, antenatal and pediatric stages of health care as well as regime of free

³¹ A study led by the Telethon Kids Institute found that 36% of young people in Western Australia's only juvenile detention centre at Banksia Hill were diagnosed with FASD: Carol Bower et al, 'Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia' *BMJ Open* 2018;8:e019605. doi:10.1136/bmjopen-2017-019605. The Queensland Child and Youth Clinical Network within Queensland Health has also acknowledged that FASD has a higher prevalence amongst several populations, including children in the juvenile justice system and children in out of home care, statutory care and non-biological care: Queensland Child and Youth Clinical Network *Fetal Alcohol Spectrum Disorders (FASD) Position Statement* (undated)

<https://www.childrens.health.qld.gov.au/_data/assets/pdf_file/0020/177032/fasd-pos-statement.pdf>.

³² Department of Health (Cth), *National Fetal Alcohol Spectrum Disorder (FASD) Strategic Action Plan 2018-2028* (2018)

<<https://www.health.gov.au/sites/default/files/national-fetal-alcohol-spectrum-disorder-fasd-strategic-action-plan-2018-2028.pdf>>.

³³ Queensland Family & Child Commission (QFCC), Submission No 27 to Senate Standing Committees on Community Affairs, Parliament of Australia, *Inquiry into effective approaches to prevention, diagnosis and support for fetal alcohol spectrum disorder* (November 2019)

<<https://www.qfcc.qld.gov.au/sites/default/files/2022-06/Senate%20Standing%20Committees%20on%20Community%20Affairs%20inquiry%20into%20effective%20approaches%20to%20prevention%20and%20diagnosis%20and%20support%20for%20Fetal%20Alcohol%20Spectrum%20Disorder.PDF>>.

³⁴ Marninwarntikura Women's Resource Centre, *Fetal alcohol spectrum disorder (FASD) and complex trauma: A resource for educators*, (2018) <https://mwrc.com.au/blogs/news/fasd-and-complex-trauma-a-resource-for-educators-2nd-edition?_pos=2&_sid=948c50b45&_ss=r>.

³⁵ Marninwarntikura Women's Resource Centre (n 30) 29.

³⁶ Tim Little, 'Experts are calling for urgent investment in FASD diagnostics and services' *The Cairns Post* (online, 5 April 2025) <<https://www.cairnspost.com.au/experts-are-calling-for-urgent-investment-in-fasd-diagnostics-and-services/news-story/6c720691cf6e6bf4a02420272bc48b34?btr=94da41b02b37776368abc71e878b5516>>; Tim Little, 'Experts warn government's 'tough on crime' puts children with severe brain injuries at risk' *The Cairns Post* (online, 5 April 2025) <<https://www.cairnspost.com.au/experts-warn-governments-tough-on-crime-puts-children-with-severe-brain-injuries-at-risk/news-story/e69103a957f0d55cdb1e4b2596de7532?btr=89aed0deed2864d05ec032c9fffc4292>>.

testing and urgent treatment for children who come into contact with the child protection and criminal justice systems.

Recommendations

13. I **recommend** that the Queensland Government considers the definition of 'victim' across criminal justice legislation and makes necessary amendments to create clarity and consistency across legislation.
14. I **recommend** that Queensland Government urgently develops and implements a comprehensive plan to address Fetal Alcohol Spectrum Disorder (FASD) which includes community education, health practitioner education and training, as well as comprehensive prevention and early intervention strategies.
15. I **recommend** that the Queensland Government ensures that young people who are in contact with the criminal justice system are promptly assessed and appropriately supported to live with FASD. Noting the link between FASD, adverse childhood experiences and offending behaviour, and having regard to the Queensland Family & Child Commission's previous recommendations.

Young people who are victims of crime

In my role, I must have specific regard to victims who have characteristics that may make them particularly vulnerable to harm, including children.³⁷

Dignity, choice and control

A child or young person's experience as a victim is often minimised, ignored, or overlooked.

Recent research undertaken by the Queensland Government Statistician's Office highlights that approximately one-sixth (16%) of young people had recorded contact with police as both a victim and offender. Victim-offenders were 'also more common among Aboriginal and Torres Strait Islander young people (26.3%) than non-Indigenous young people (14%)'.³⁸ I also note the Queensland Family & Child Commission's 2023 report *Growing Up In Queensland* which identified that '53% of young people under youth justice supervision have experienced or been impacted by domestic and family violence'.³⁹

Recent sentencing remarks from the Childrens Court of Queensland demonstrate the impact of domestic and family violence, mental health concerns, drug and alcohol abuse and sexual violence in the lives of children and young people who are being dealt with for serious offences proposed to be subject to Adult Crime, Adult Time scheme, and the Court's consideration of these experiences on their offending behaviour:

...as part of your dysfunctional upbringing, you have been exposed to alcohol abuse, domestic violence, neglect from numerous family members, and you have been assessed as having a very low intellectual capacity, perhaps even in the dysfunctional range, all of which no doubt contributes to your poor attitude towards society.⁴⁰

³⁷ VCSVRBA s 11.

³⁸ Queensland Government Statistician's Office (Queensland Treasury), *The victim-offender overlap among young people in Queensland: Crime research report* (2023) 15 < <https://www.qgso.qld.gov.au/issues/12151/victim-offender-overlap-among-young-people-qld.pdf> >.

³⁹ Queensland Family & Child Commission, *Growing up in Queensland 2023: A story of child and family wellbeing* (2023) 47 <https://www.qfcc.qld.gov.au/sites/default/files/2024-02/9022_QFCC_Growing%20Up%20in%20Queensland.WCAG%20reading%20order_01%20COMPRESSED.pdf> citing Queensland Department of Child Safety, Seniors and Disability Services (Qld), *Youth Justice Census*, 2022.

⁴⁰ *R v MPL* [2025] QCHCSR 5, 2-3.

Your parents had separated. Your mother lives in Victoria. Your father was a drug abuser who was domestically violent. I am told that he had kicked you out of the house before these events. You found yourself, as a 14 year old, homeless, and you were abusing alcohol and drugs.⁴¹

You were born to [father] and [mother]. Both of them have had long-term alcohol and illicit substance addictions, and their relationship was characterised by extensive domestic violence, including physical and psychological abuse. There were domestic violence orders and eight child concern reports and protection notifications. Your home was an unsafe one. And children exposed to domestic violence are at an increased risk for future social, mental and physical health concerns, and it increases the risk for physical and sexual violence. Your mum disclosed relapsing in the use of illicit substances throughout your childhood. And the report notes that the cumulative exposure to domestic and family violence rendered you vulnerable to experiencing negative outcomes.⁴²

... your dad being a homeless schizophrenic and your mum being really heavily involved in drugs and violence which has left you now living in youth residential care since you were four. That is tough. Children should not have to go through that. But you do not have to let that tough start dictate your life. You do not have to make bad choices. You can, despite those really tough challenges, make good choices, which doing these programs will help you with...⁴³

...I see that your mum escaped your father when she was pregnant because of domestic violence, and then there was some stability in the home and then your mum met the step-father, and he played the role of father but there were some problems there, I saw, and you have had multiple adverse childhood experiences, witnessing family violence, family substance abuse, mental health problems...⁴⁴

A young person's victimisation does not, and cannot, detract from the pain and hurt they cause to others through committing serious crime, nor does it excuse their behaviour. It should be clear that the trauma experienced by young people who commit offences should not be preferential or prioritised above the trauma that is caused by young people who commit crimes.

However, it is integral that we acknowledge young people's own experiences of victimisation and give greater attention to recognising and responding to their needs, and to upholding their rights. This must occur through all systems which interact with young people, including the health, education and legal systems. It also involves shining a light on the accountability of those systems, and people, who have failed to recognise and respond to their needs. A failure to do so harms vulnerable children, and as the current youth crime crisis demonstrates, it inevitably leads to great harm for the wider community.

Not all young people who experience adverse childhood experiences commit offences. This means that we must also have a greater understanding of the trajectory of offending behaviour from adverse childhood experiences to enable the design and development of effective prevention and intervention programs which draw on protective factors for young people, and which takes a strengths-based approach.

⁴¹ *R v MM* [2025] QChCSR 3, 3.

⁴² *R v RJG* [2024] QChCSR 77, 4.

⁴³ *R v AGAA* [2024] QChCSR 72, 3.

⁴⁴ *R v NJT* [2024] QChCSR 76, 2.

Accountability of people using violence towards children and young people

Children and young people who are victims of domestic and family violence must be recognised as victims in their own right. A key step towards this is increasing the level of accountability of people using violence against children and young people.

From 26 May 2025, the PSA will require a court, when sentencing an offender for a domestic violence offence, to treat the following circumstances as aggravating and will be noted on a person's criminal history:

- The domestic violence was committed against a child.
- A child was exposed to domestic violence when the offence occurred.

I note recent research by the Queensland Law Reform Commission in relation to the defence of domestic discipline, which observed that the defence had been used in 571 cases not to charge a parent in the period between January 2021 and December 2024, of which 60% involved allegations of common assault, while 40% involved more serious allegations of violence, including serious assault, assault occasioning bodily harm and grievous bodily harm.⁴⁵

Children are only able to be named as an aggrieved on a Domestic Violence Order in limited circumstances (informal care relationships and intimate personal relationships). The Explanatory Note for the relevant legislation indicates that the rationale for this was because 'a child can be protected from domestic violence in the family home by being named on the order which is made for the benefit of another person as the aggrieved'.⁴⁶

Our understanding of the impacts of domestic and family violence on children and the prevalence of domestic and family violence committed against children has improved significantly. Naming children as aggrieved on Domestic Violence Orders would increase a person's specific accountability with respect to children and enable systems to better recognise when family violence has been perpetrated against a child. Further, it would provide children with a voice with respect to the making of such orders, consistent with the rights of a child to have their own views heard in judicial proceedings affecting them. Further consideration of reform in this area needs to occur to better understand how current protective order frameworks obstruct the safety and rights of children.

A recent ANROWS report, *In their own right: Actions to improve children and young people's safety from domestic, family and sexual violence*, outlines key actions for consistent and effective policy responses for children and young people experiencing violence.⁴⁷ This includes delivering child-centred responses to intimate partner violence. ANROWS recommended:⁴⁸

a comprehensive assessment of how children and young people are currently accounted for in our approaches to intimate partner violence, including how their safety is assessed through risk assessment tools and practices, and how domestic, family and sexual violence legal interventions, such as protective orders, function or either create or obstruct the safety and rights of children and young people.

⁴⁵ Queensland Law Reform Commission, *Review of particular criminal defences – Equality and Integrity: Reforming Criminal Defences in Queensland* (Consultation Paper, February 2025) <<https://www qlrc.qld.gov.au/ data/assets/pdf file/0019/821143/20250219-qlrc-cdr-cp-final.pdf>> 73-74.

⁴⁶ Explanatory Note, Domestic and Family Violence Protection Bill 2011, 39.

⁴⁷ Sophie Gillfeather-Spetere and Amy Watson, *In their own right: Actions to improve children and young people's safety from domestic, family and sexual violence* (ANROWS Insights 1/2024) <<https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2024/11/25125930/CYP-ANROWS-In-their-own-right-Children-and-young-people-Gillfeather-Spetere-Watson-ANROWS.pdf>>.

⁴⁸ Ibid 48.

The most recent Queensland Crime Report released earlier this month shows that over half (53.6%) of victims of crime in Queensland were in a family or domestic relationship with their offender while only 1 in 10 offenders were aged 10–17 years.⁴⁹ Domestic and family violence remains – by a significant margin – the largest crime crisis we are facing in Queensland and it is a crisis that has a clear link with the youth crime problems we are currently experiencing. It is vital that the Government continues to implement and monitor outstanding recommendations from the recent comprehensive reviews of Queensland’s response to domestic and family violence.

Recommendations

16. I **recommend** that the Queensland Government continues to implement and report on the status of the implementation of the outstanding recommendations from the Women’s Safety and Justice Taskforce and Commission of Inquiry into Queensland Police Service responses to domestic and family violence, particularly recommendations that are aimed at improving accountability for people who use violence.
17. I **recommend** that the Queensland Government reviews the *Domestic and Family Violence Protection Act 2012* (Qld) and considers whether children should be able to be recognised as an aggrieved person on a Domestic Violence Order when they require protection from a parent, sibling or other family member having regard to the ANROWS report (*In their own right: Actions to improve children and young people’s safety from domestic, family and sexual violence*), and undertakes consultation with young Queenslanders to design and implement a strategy to ensure that children and young people are recognised as victims of domestic and family violence in their own right by the systems and laws designed to protect them.

Accountability of systems

Building systems accountability towards young people who are victims means strengthening the role of agencies such as the Department of Families, Seniors, Disability Services and Child Safety and the Department of Youth Justice in recognising and responding to young people’s experiences of victimisation. It also requires challenging the binary of seeing children and young people as either victim-survivors or people who harm others.

This requires agencies to uphold the Charter of Victims’ Rights in relation to children and young people with whom they are interacting and who they become aware are victims of violent crime. This means providing information about services and remedies to the young person and treating them with respect, courtesy, compassion and dignity, taking into account their needs.⁵⁰

It also means better access to diagnosis, interventions and treatments that are responsive to a young person’s needs. This should include a recognition and understanding of the intersecting factors that a child or young person might experience, including mental ill-health, disability and cognitive capacity.

Recommendations

18. I **recommend** that the Queensland Government ensures that departments interacting with young people in the context of child protection systems or youth justice systems have accessible information available for children and young people about being a victim of crime, and appropriate supports and services for them to access.

⁴⁹ Queensland Government Statistician’s Office, *Crime report, Queensland, 2023-24: Recorded Crime Statistics* (Report, 2 April 2025) 13.

⁵⁰ VCSVRBA sch 1.

Support and healing

There is an important but complex relationship between crime, mental ill-health and experiences of trauma. People living with mental ill-health and/or experiencing problematic alcohol and other drug use are over-represented in the adult and youth justice systems.⁵¹

The Queensland Mental Health Commission is responsible for driving reform in the state's mental health and alcohol and other drugs systems that provide many services and interventions that contribute to reducing the impact of crime, trauma and family dysfunction on young people.

Shifting Minds: The Queensland Mental Health, Alcohol and Other Drugs, and Suicide Prevention Strategic Plan 2023–2028 emphasises that intervening early in children's and young people's distress, adversity or trauma is critical to mental health and wellbeing throughout life.⁵² The first 2000 days of a child's life can positively shape their developmental trajectory if they experience protection from risk and harm, a sense of security and attachment, and a nurturing family environment.⁵³ *Shifting Minds* contains significant actions to promote an optimal start in life and support the mental health and wellbeing of young people. This includes embedding early mental health and drug and alcohol services in support for children and families in contact with or at risk of contact with the child protection or youth justice systems.⁵⁴

The Queensland Trauma Strategy 2024-2029 takes forward Queensland's commitment to enhance wellbeing through a whole-of-government and whole-of-community approach to trauma. It includes many actions that will contribute to reducing both the experience of trauma among young people and the harmful impacts of trauma on young people's lives when it occurs. These actions include expanding community-based support for new parents and their children, strengthening integration between services for young people in contact with child protection, youth justice or child and youth mental health services, and greater responsiveness to adverse childhood experiences throughout services so that long-term impacts are identified and managed as soon as possible.⁵⁵

Recommendations

19. I **recommend** that the Queensland Government implements in full the actions of *Shifting Minds: The Queensland Mental Health, Alcohol and Other Drugs, and Suicide Prevention Strategic Plan 2023–2028* and *The Queensland Trauma Strategy 2024-2029*.

Impact on First Nations children and young people

I note that the Statement of Compatibility acknowledges that amendments in the Bill are expected to have a greater impact on Aboriginal and Torres Strait Islander children, who are already disproportionately represented in the youth justice system and could 'result in more Aboriginal and Torres Strait Islander children being imprisoned for longer periods of time'.⁵⁶

As noted above, more than a quarter of Aboriginal and Torres Strait Islander young people had recorded contact with police as both a victim and offender.⁵⁷ There is limited information about the prevalence of Aboriginal and/or Torres Strait Islander children's experiences as victims of crime.

⁵¹ Queensland Mental Health Commission (QMHC), *Shifting Minds: The Queensland Mental Health, Alcohol and Other Drugs, and Suicide Prevention Strategic Plan 2023-28* (2018) 30 <https://www.qmhc.qld.gov.au/sites/default/files/qmhc_2018_strategic_plan.pdf>.

⁵² QMHC (n 51) 23.

⁵³ QMHC (n 51) 23.

⁵⁴ QMHC (n 51) 26.

⁵⁵ Queensland Mental Health Commission (QMHC), *Queensland Trauma Strategy 2024-2029* (2024) 29 <https://6232990.fs1.hubspotusercontent-na1.net/hubfs/6232990/QMHC_Qld_Trauma%20Strategy_Report_Accessible.pdf>.

⁵⁶ Explanatory Notes, Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025, 4.

⁵⁷ (n 38).

It is extremely problematic that these amendments will exacerbate First Nations over-representation in our criminal justice system, without resolving the underlying causes of offending behaviour, such as socioeconomic factors, a young person's history of victimisation and the effect of systemic disadvantage and intergenerational trauma on Aboriginal and/or Torres Strait Islander children and young people.

This Bill's purpose is centred on community safety, but community safety is not served by perpetuating these patterns and entrenching First Nations over-representation.

Accessibility of legislation-making process

Section 93(2)(b) of the *Parliament of Queensland Act 2001* (Qld) provides that the Justice Integrity and Community Safety Committee is responsible for monitoring the operation of Part 4 of the *Legislative Standards Act 1992* (Qld) in relation to this Bill.

The laws of the state should be accessible and understandable by all people who they are designed to protect, which is in this case, victims of crime. However, if a victim of crime was to try and understand why the Government has chosen these particular offences to keep them safer, the explanatory notes to the Bill would provide them no assistance.

The explanatory notes accompanying this Bill do not provide an overarching rationale for the approach adopted by the Government, nor detail the factors considered by the Expert Legal Panel in making their recommendation around the addition of the 20 serious offences. This approach does not appear to me to meet the intention of section 23(1)(c) of the *Legislative Standards Act 1992*.

Following the introduction of the Making Queensland Safer laws late last year, victim-survivors have conveyed to me their confusion about the inclusion and exclusion of particular offences in the first tranche of 13 offences.

Leah* the victim of sexual violence I referred to earlier in my submission expressed her distress that sexual violence offences were not included in the first tranche of offences legislated under these reforms, reinforcing the perception that these offences are not treated seriously by our criminal justice system. I note that sexual violence offences have now been included in this second tranche of offences.⁵⁸

While it has been stated that the Panel 'have reviewed and analysed crime data, case law, harm indexes and the impact of these offences on victims and the broader community',⁵⁹ the absence of rationale and information in the explanatory notes weakens the community's capacity to understand the rationale for why certain offences were selected for inclusion and undermines the community's confidence that a robust evidence-based approach has been adopted. For example, sentencing data indicates that only six children have been sentenced for drug trafficking in the previous year and while available crime harm index indicates that the harm of trafficking dangerous drugs is perceived to be less harmful than sexual assault and rape, but more harmful than burglary, the explanatory notes are of little assistance in understanding if this is the reasoning for this offence's inclusion.

The explanatory notes state 'The Expert Legal Panel conducted consultation with stakeholders'⁶⁰ without elaboration. It has been stated that the Panel have engaged in 'thorough' consultations 'across Queensland with stakeholders and sector service providers, including workers in our youth detention

⁵⁸ Peta McEachern, 'Fight for the Forgotten: Survivor speaks out on broken justice system after harrowing rape' *Toowoomba Chronicle* (online, 10 April 2025) < <https://www.heraldsun.com.au/news/regional/survivor-speaks-out-on-broken-justice-system-as-her-teen-rapist-is-soon-to-be-released/news-story/290f16bc089424f5110077a36154ffa0?btr=803f7c4c62a43ca16e7bd597e3cafff4>>.

⁵⁹ Queensland, *Parliamentary Debates*, 1 April 2025, 603 (Laura Gerber, Minister for Youth Justice and Victim Support and Minister for Corrective Services).

⁶⁰ (n 51) 5.

centres, legal professionals and victim support groups'.⁶¹ However, no detail about these consultations has been included in the explanatory notes. I can think of no reason why this information could not be shared with the public and, in particular, victims of crime who wish to understand the process. I think disclosure of this information would assist with ensuring that victims of crimes not included in this Bill have greater understanding of the process so that they will not feel the same anxiety experienced by victims of sexual violence after the first tranche of reforms. Disclosure of this information would also be more consistent with the intent of section 23(1)(g) of the *Legislative Standards Act 1992* (Qld) and the Department of Premier and Cabinet's Guidelines for the preparation of Explanatory Notes⁶² which provides specific guidance on reporting consultation activities undertaken by independent panels.

It is critical that legislation created in the name of any part of the population should incorporate the explicit input of the affected population. As indicated above, my consultations with victim-survivors indicate a diverse range of views regarding these laws, and I expect many would be frustrated by the lack of openness in how these laws have been developed. If the Panel has consulted with victim organisations and service providers in developing this legislation, then victim-survivors are entitled to know whose voices have been heard, and whose have not.

Recommendations

20. I recommend that the Committee considers whether it would be appropriate for an Erratum to the explanatory notes for the Bill to be tabled that provides further information about the rationale for the selection of the additional offences in the Bill and the consultation engaged in by the Expert Legal Panel. This will allow victims of crime and the general public to better understand the consultation process and the legislation itself in accordance with the intention of section 23 of the *Legislative Standards Act 1992* (Qld).

Concluding remarks

My expectation, and that of the community, is that all victims be respected, seen and heard in a justice system that anticipates their needs. This submission makes recommendations based on victims' needs both by amending the Bill itself and with respect to the implementation of the Bill in the context of the broader purpose of these reforms.

In doing so, the intent of the proposed amendments to prioritise the rights and needs of victims, can be better fulfilled – by ensuring that victims are seen, have choices about their path through the criminal justice system, and receive support and information that is important to their own healing. It aims to prevent future victimisation, by better identifying and responding to children who are being harmed by the adults meant to protect them and increases accountability of those adults and agencies.

Achieving access to, and equity in, justice requires listening to the diverse perspectives of victims to ensure that reform is genuinely informed by their voices. This also means ensuring that the information available about reform is accessible and transparent.

⁶¹ (n 53).

⁶² Department of Premier and Cabinet (Qld), Guidelines for the preparation of Explanatory Notes (2015) <<https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/cabinet-handbook/legislation/assets/guidelines-preparation-of-explanatory-notes-2015.pdf>>.