

## INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME

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**Submitted by:** Queensland Sexual Assault Network  
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**See attached:**

Committee Secretary  
Legal Affairs and Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

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Dear Committee Secretary,

**RE: INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME**

Thank you for providing the opportunity to the Queensland Sexual Assault Network (QSAN) to respond to this Inquiry.

**About QSAN**

QSAN is the peak body for sexual violence prevention and support organisations in Queensland. We have 23 member services, including specialist services for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with intellectual disability, young women, men and children and our membership are located throughout Queensland, including in rural and regional locations.

Our network of non-Government services is funded to provide specialist sexual assault counselling, support, and prevention programs in Queensland. QSAN is committed to working towards ensuring all Queenslanders who experience sexual violence recently or historically, regardless of age, gender, sexual orientation, cultural background receive a high-quality response in line with best practice, client-centred principles. Our work and analysis of sexual violence is from a feminist perspective and addressed within a “trauma-informed framework”.

The provision of service to victim-survivors is over and above trauma informed care, as QSAN services are trauma specialists. According to the Royal Commission into Institutional Child Sexual Abuse Responses, trauma specialist services are those *with specialist skills in the provision of services designed to address the impacts and effects of trauma and assist them to recover. While many agencies are required to be trauma-informed (i.e., operate with an awareness of the impacts and effects of trauma), trauma specialists are both trauma-informed and deliver trauma-specific interventions or therapeutic treatments.*

We are committed to engaging with government and other bodies to raise systemic issues of concern and to ensure the voices and experiences of victims-survivors of sexual violence are considered in the formulation of policy and legislation that impacts on sexual violence victim-survivors in Queensland.

Our response to the current inquiry is set out below:

**1. Better coordination of state-wide services to ensure there is trauma informed, victim centric and timely support for victims, from the time of the incident and throughout the subsequent investigation and any prosecution, including:**

- **how the criminal justice system, including the Queensland Police Service, the Office of the Director of Public Prosecutions, and court services currently support victims; and how restorative justice conferences and processes may be improved upon.**

There continues to be a lack of trauma informed responses, especially when responding to sexual violence across all agencies who interact with victims of sexual violence in Queensland. It is important to note just because an agency states they are “trauma informed, and victim centred” does not mean they are in practice. For example, a member service had a male victim of sexual violence contacted them who had been assaulted in a public area and had sought police assistance immediately after the assault. The police asked why they didn’t confront the perpetrator there and then, which was disempowering and confronting for the victim as the statement placed the onus upon them to try to address criminal behaviour.

Although there is much talk about the need for trauma informed responses and this is important, however, some communication is at a very basic level and is no more than engaging in little more than courteous communication and engagement. Courteous interactions should be an expected standard of practice with government agencies, and it should not require extra specialised training.

The recent introduction of Sexual Violence Liaison Officers (SVLOs) is welcome as a point of contact for sexual violence prevention services and victim-survivors, however, there seems to be a lack of clarity of their roles. We would support the roles being separately funded, rather than merely attached to the head of station’s duties. We would also support their role and responsibilities being available publicly to ensure accountability.

The lack of police communication with victim-survivors continues to be an issue. Sometimes QSAN services are assisting clients and trying to obtain information about the investigation for years. Some services are assisting women who have had ongoing investigation for 3 years and there is still no finalisation of outcome. This prolonged time without communication is detrimental and has impacts on the mental health of victim-survivors who are basically left in limbo. We are aware of matters where the detectives will get annoyed with the victim-survivor seeking updates and information about their case and the detective’s response is they are “dealing with other matters”, which makes the victim-survivor feel her case is not important. The detective is probably not intending to give this message, but this is how such a response is interpreted by victim-survivors.

QSAN services question whether there can be a communication officer who can keep a victim-survivor updated, it does not necessarily have to be the detective.

In relation to the waiting periods for court matters, QSAN services wondered whether a portal could be developed for the victim-survivor to log on to and see upcoming court dates and where things were up to.

In our experience, there can be inequity for victim-survivors in legal processes especially when the perpetrator is well resourced and is, therefore able to use a variety of court applications and other legal tactics to prolong the proceedings. This extended waiting time for trial, in turn, places incredible pressure on victim-survivors. A specialist sexual violence court that had appropriate and tightly managed case management processes would limit the ability of defendants and their lawyers to engage in intentional time wasting and system's abuse.

The ODPP engagement, in our experience can also be inconsistent, including the timing of the preparation interview for trial, the time that is provided to victims before the trial or court proceeding and the extent of the information that is provided, which is critical to them understanding the basics of the trial process, including cross examination, the calling of witnesses and other issues.

QSAN members report that victims often do not have an interview with the ODPP until an hour before or the day before a court event. It is often difficult to establish consistent communication with the ODPP. There is a lack of consistency across the State about how much or how little the ODPP communicate with victims.

In cases where there is early and clear communication about the process and what to expect, it can set the victim-survivor up for a better experience throughout the whole process.

There can be difficulty in victim-survivors being supported to report to the police and when going to court, both highly stressful activities. Sexual violence prevention services in Queensland are critically underfunded and are not able to assist with these important activities, though many try to do so when they can, and resources allow. Communication between victim-survivors and the police and ODPP could be improved if QSAN services were adequately funded and able to provide an advocacy and support role.

We also strongly support specific funding being provided to specialist sexual violence services to provide court support and reporting to the police as this work is already being conducted by services albeit in an unfunded capacity.

Investigations of sexual violence can take years and without any consistent communication with victims. Many victims are reluctant to contact the police to follow up as they have been made to feel a burden or their enquiries are bothersome.

The Immigrant Women's Support Service continue to have major difficulties in the use of interpreters for their clients who engage with the system and often an interpreter is only used if IWSS advocates for this. This is unacceptable.

QSAN would support all services interacting with sexual violence victim-survivors to undertake trauma informed training from an external and accredited provider, for example, Blue Knot. One of our services was recently told that ODPP lawyers have not been trained in a trauma informed approach, which is a concern to our services.

We would also support the funding of a victim's support legal service for victim-survivors of sexual violence, to provide a 'one stop shop' to obtain legal advice and assistance about issues such as the court process, bail and parole, the victim's registry, legal issues about privacy, defamation and speaking out in public about the case, victim's compensation and other legal issues that arise from time to time. We understand that the federal government is currently undertaking consultations on the development of trauma informed legal services for sexual violence victim-survivors.

QSAN's experience of restorative justice has mainly been through the youth justice program in Queensland and their feedback about this program is:

- There is little transparency about which cases are chosen as suitable and on what basis.
- Sometimes questionable cases are involved in the process including those with high levels of violence and potential for it to be ongoing (eg. family related).
- In one example, the member service supported a young woman who had experienced a one-off incident of sibling rape. They were now both adults. The woman had made "amends" with her sibling, but he was charged, and the matter went through criminal justice system. The young woman was horrified as she would have preferred a restorative justice option, but this was not offered.
- QSAN members question whether some cases are chosen because the offender is Caucasian, middle class and 'lawyered up' and can argue their way into the process.
- The process, in their experience is very offender centric. Very little attention is given to the impact on the victim or what is best for them.
- One member was a support person for youths when they went through the process, and she said that by the time the youth are 15 – 17 years they are learning the image management tricks and DARVO (Deny, attack, reverse victim and offender) responses.
- That any restorative justice model should be developed at the same time as substantial changes to the criminal justice system itself otherwise the restorative justice model will become the "poor person's" method of justice. Or it will not be under-utilised because the chances of success at trial are so good there is no incentive to plead guilty and utilise the process.

We note the Women's Safety and Justice Taskforce has recommended that an independent review be undertaken of the youth justice conferencing program in cases involving sexual violence and that the Queensland Government develop a sustainable long-term plan for the expansion of the adult restorative justice in Queensland and appropriately fund the program for victim-survivors to access this option. We recognise in some circumstances victim-survivors do want to pursue the option of restorative justice, especially if the offender was a friend of someone they dated for a few times. Their purpose is to hold the offender accountable and to make them aware of the impact of their actions on the victim-survivor and to (hopefully) influence their future decision making.

- **how to ensure victims are kept informed and included in an appropriate and timely way throughout the investigation, prosecution, and parole period.**

Criminal justice processes are traditionally very defendant focussed and/or focussed on the needs and convenience of the 'system' rather than of victim-survivors. As many victims are considered 'mere witnesses' to their own crime, their needs can, unfortunately be ignored or dismissed. For example, a member service reported they have been involved in cases, supporting a victim-survivor at sentencing and the defendants have received a non-custodial sentence on the basis if it was custodial, they may be deported. Our services question in these circumstances whose rights are being put first?

**2. The operation and effectiveness of the *Victims of Crime Assistance Act 2009* (the Act) for victims of violence, including:**

- **expanding the eligible victim's category to include home invasion; and enhancements to provide better, trauma informed and timely assistance and support to victims**

We support any responses relating to improving the timeliness of the application and processing of compensation under the Victims of Crime Assistance Act 2009 as some outcomes can take years before payment is made. The payments are important and can make a real difference to victims not only financially but emotionally. This is because the payment represents the only official recognition, for some victims that a crime has been committed against them and they have been 'wronged'. Currently payments can take up to two years and to provide support to victim-survivors we feel an appropriate time should be 3 months. We understand a specialist team has been set up within VAQ to process applications for HRT clients and believe the same approach should be provided to sexual violence clients because waiting for payments can prolong their trauma and because it may be some victim-survivors only public acknowledgement they were harmed which can accelerate their healing.

- **mapping victims' experiences through the financial assistance application process to identify the ways to reduce the burden on applicants.**

No comment.

- **reviewing the Charter of Victims' Rights to identify common complaint themes from victims to inform future sector training needs.**

**Victims Rights Charter**

The current Charter of Victim's Rights do not give legal rights, are not enforceable and a breach is not a ground to have a government decision reviewed. It is the experience of QSAN that it is commonly breached in Queensland with no real or practical impact or recourse for victims.

The complaints processes regarding the Victim's Charter are of little consequence and clearly do not act as a deterrent for the numerous breaches that occur.

Our members advise that on occasions, where some local victim's interagency groups raise issues and concerns and VAQ is a member of these groups, there may be some consequences or change to the problematic issue. However, this change more likely relates to the interagency environment and the relationships that have developed, rather than the complaints mechanisms itself, that is not formally activated in these circumstances.

A complaint to the VAQ director can only be pursued after the victim has utilised the internal complaints mechanism of the agency/body they have an issue with. This is lengthy, unwieldy, and impractical. Most victim-survivors are too exhausted by the legal process already engaged in and/or traumatised by the violence assault and are not able to make a complaint to the agency and then to VAQ (who in the end have no power over the agency in any case). When some victim-survivors have made complaints about for example the police, the outcomes can take an exceedingly long time.

It is also difficult to complain without support to do so and most services are so underfunded that it is difficult to find the resources to support victims through the process.

The current Charter of Victims' Rights is therefore rarely invoked to protect victim-survivors in our experience.

We recommend and support the rights of victims of gendered violence be specifically protected in Queensland under the Human Rights Act, as this will elevate the rights of victims in the criminal justice system process. Currently only the specific rights of defendants in the criminal justice system are protected under the Human Rights Act, which entrenches the traditional disadvantage of victims in the process.

We note the Women's Safety and Justice Taskforce recommended the rights of victims should be specifically included for consideration in the next review of the Human Rights Act in Queensland.

### **Systemic Issues**

These are outlined below:

- The waiting periods are incredibly long for compensation with some victim-survivors waiting 3 years and a normal wait is up to 2 years. This has a large impact on the victim-survivor not only financially but also in their healing process as they it delays getting the recognition of being 'wronged' and cannot get closure.
- QSAN identified a particular 'circular' systemic issue with the application process where victim-survivors cannot afford to see a psychologist to obtain a quote from the psychologist about the costs of future sessions. They then apply and must wait 2 years for compensation in which they then see a psychologist and then must apply again under the special recognition component of the compensation to cover the costs of seeing the psychologist.
- Urgent needs are hardly ever paid.
- Poverty and homelessness are not adequately considered.
- Victim-survivors are confused and overwhelmed by the compensation process— how much detail is required, what they claim or not claim and not enough clarity and what is the process and how do they receive support.
- Although it is a fairly simple process but where victim-survivors are at they find the process incredibly difficult to undertake themselves. Many find it very triggering emotionally having to relive the event by explaining what happened to them in the application process.

- IWSS reports they have good communication and links with VAQ who assist their clients. However, there are concerns for CALD clients who are not linked with IWSS or another service.
- If matters are heard in the magistrate's court they are not entitled to compensation. For example, a service was assisting a first nation's client– the offender pled guilty at the magistrate's court level, but this meant the client was not eligible for VAQ thought the police had told her that she was. We would seek a recommendation that this exemption for magistrate's court matters be changed.
- **revising the existing government initiatives in relation to the Act's operation and effectiveness.**

No comment

Once again, thank you for this opportunity to contribute to the Inquiry and if more information is required, please do not hesitate to contact the Secretariat.

