

## INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME

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Queensland  
**Human Rights**  
Commission

# Inquiry into support provided to victims of crime

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Submission to Legal Affairs and Safety Committee

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# Summary

1. Thank you for the opportunity to comment on this inquiry into support provided to victims of crime in Queensland.
2. Recent public debate has centred on how to effectively address youth crime and protect the safety of the community. A critical part of the response is assessing and improving how the system engages with and supports victims of the crime, and ensuring the participation of victims in both their individual matters and in systemic solutions.
3. Generally, the Queensland Human Rights Commission (QHRC) is supportive of the implementation of changes to reduce the potential trauma experienced by victims of crime. Recent reviews and public discussion have highlighted deficiencies in the current system, including non-compliance with human rights by public entities.<sup>1</sup>
4. The QHRC is not involved on a day-to-day basis with the criminal justice system, however seeks to assist the Committee by providing an overview as to why victims' rights are important from a human rights perspective and what victims' rights are currently protected in Queensland, including complaint mechanisms available to victims when their rights have been allegedly contravened.
5. In this submission, the QHRC identifies the following opportunities to strengthen support and rights for victims:
  - a. Applying human rights when developing new laws, practices or procedures regarding victims will promote a holistic consideration of victims' rights that is balanced against the rights of others and the purpose of the criminal justice system.
  - b. The QHRC supports the establishment of a dedicated victims' commissioner whose functions include advancing systemic issues for victim-survivors and facilitating collaboration between relevant agencies, and the potential to expand pilot intermediary schemes to support vulnerable witnesses and victim-survivors of sexual violence.
  - c. The upcoming review of the *Human Rights Act 2019* (HR Act), and the likely review of the Victims Charter, provide opportunities to consider the appropriate scope of victims' rights, whether greater clarity is needed about

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<sup>1</sup> See for example: the Queensland Women's Safety and Justice Taskforce reports *Hear her voice* (Reports 1 to 3, 2021–2022); the Commission of Inquiry into Queensland Police Service responses to domestic and family violence report, *A Call for Change* (2022); and evidence given to the Queensland Parliament's Economics and Governance Committee in its Inquiry into the Strengthening Community Safety Bill 2023.

the application of the HR Act to victims, and the interaction of the Victims Charter with the HR Act. This could include:

- amendment of the right to fair hearing under the HR Act, which currently only refers to the rights of a person charged with a criminal offence;
  - rights, either under the HR Act or the Victims Charter, that expressly address the impact of trauma on victims and consider further ways victims can be acknowledged and empowered in the criminal justice process;
  - clarification in the Victims Charter of the interface between victims' rights to information and confidentiality obligations owed to the accused, and placing the responsibility for providing information on the relevant agency, rather than relying on the victim to seek it out.
  - ensuring victims' rights are supported by a robust complaints process in which agencies must record and report on numbers of complaints and outcomes, and there is an external complaint body that has adequate powers to resolve the complaint.
6. Any review that concerns support for victims and victims' rights must give priority to the experience and views of victims of crime and their families.

## Introduction

7. The QHRC is a statutory body established under the Queensland *Anti-Discrimination Act 1991* (AD Act).
8. The QHRC deals with complaints of discrimination, sexual harassment, vilification, and other objectionable conduct under the AD Act, and with human rights complaints under the *Human Rights Act 2019* (HR Act).
9. The QHRC also has functions under the AD Act and the HR Act to promote an understanding and public discussion of human rights in Queensland, and to provide information and education about human rights.

## Why are victims' rights important?

10. The importance of protecting victims' rights is reflected in the United Nations Declaration of Basic Principles of Justice on Victims of Crime and Abuse of Power.<sup>2</sup> The Declaration states that victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

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<sup>2</sup> Adopted by the General Assembly on 29 November 1985.

11. It has been noted that victims' rights are an attempt to address the persistent difficulties experienced by institutions and professionals to adequately meet the expectations of victims of crime. Further, the infliction of violence and experience of victimisation separates victims from their social setting. It disrupts the sense of trust and belonging human beings generally (though variably) have in others.<sup>3</sup>
12. The Victorian Law Reform Commission's 2016 report on *The Role of Victims of Crime in the Criminal Trial Process* discussed the principles of a fair trial in some detail.<sup>4</sup> It noted that the state's control of all elements of the criminal process has resulted in a focus on how to address the power imbalance and 'equality of arms' with the accused. This focus has eclipsed the recognition of the victim's inherent interest in the response by the criminal justice system to the crime. The report notes that the Victorian *Charter of Human Rights and Responsibilities Act 2006*, substantially similar to the HR Act, reinforces several rights of the accused relevant to receiving a fair trial. This however does not prevent the interests of the victim being considered:

The legitimate rights of the accused should be protected and fulfilled. So too the rights of the community. The legitimate rights of victims, properly understood, do not undermine those of the accused or of the community. The true interrelationship of the three is complementary. There is a public interest in ensuring that trials are fair. This interest can be served not only by safeguarding the rights of the accused and the objectivity of the prosecution but also by acknowledging the victim's interest.<sup>5</sup>

## What victims' rights are currently protected in Queensland?

13. People engage with many different government entities when they become a victim of crime. This can include the Queensland Police Service, Queensland Corrective Services, the Department of Justice and Attorney-General particularly Victim Assist Queensland, and the Director of Public Prosecutions. These entities may make referrals, including to non-government entities, for support that is outside the scope and expertise of the government entities.
14. Each of these entities have responsibilities under:
  - a. the *Human Rights Act 2019* (HR Act);
  - b. the *Anti-Discrimination Act 1991* (AD Act);

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<sup>3</sup> Robyn Holder, Tyrone Kirchengast and Paul Cassell, 'Transforming Crime Victims' Rights: from Myth to Reality' (2021) 45(1) *International Journal of Comparative and Applied Criminal Justice* 1.

<sup>4</sup> Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process* (Report, August 2016).

<sup>5</sup> Ibid 29.

c. the Charter of victims' rights under Schedule 1AA of the *Victims of Crime Assistance Act 2009* (Victims Charter).

15. Courts also have obligations relevant to victims under the HR Act.

## Victims' rights under the *Human Rights Act*

16. Government entities, non-government entities performing functions of a public nature on behalf of the State, and their employees have obligations under the HR Act to act and make decisions compatible with human rights, and to give proper consideration to human rights when making decisions.<sup>6</sup>

17. Courts have obligations to interpret law compatibly with human rights, and to directly apply rights related to functions the court is performing, for example, the right to fair hearing.<sup>7</sup>

18. An act or decision is compatible with human rights if it does not limit a right, or only limits rights to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.<sup>8</sup>

19. Depending on the circumstances, the HR Act contains a number of rights relevant to protecting victims of crime. The rights protected by the HR Act have been drawn from international law and may be interpreted with reference to international law and jurisprudence, including human rights treaties to which Australia is a party.<sup>9</sup> The most relevant rights are:

- the right to equality and non-discrimination, including the right to enjoy human rights without discrimination;<sup>10</sup>
- the right to life,<sup>11</sup> for example where a person is a victim of domestic abuse and it becomes clear that their life is in danger as a result of ongoing threats or violence, the police must take adequate steps to protect that life. A failure to protect that person may be an unjustifiable limitation on the right to life.
- the prohibition on torture, cruel, inhuman and degrading treatment, including protection from treatment that humiliates a person.<sup>12</sup> If an individual has a domestic violence order that is being repeatedly breached by a perpetrator, but when they call to report this, no action is taken by police, this may be a breach of this right.<sup>13</sup>

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<sup>6</sup> *Human Rights Act 2019* (Qld) ss 9, 58(1).

<sup>7</sup> *Human Rights Act 2019* (Qld) ss 48 and 5(2)(a).

<sup>8</sup> *Human Rights Act 2019* (Qld) ss 8, 13.

<sup>9</sup> *Human Rights Act 2019* (Qld) 48(3).

<sup>10</sup> *Human Rights Act 2019* (Qld) s 15.

<sup>11</sup> *Human Rights Act 2019* (Qld) s 16.

<sup>12</sup> *Human Rights Act 2019* (Qld) s 17.

<sup>13</sup> *Commissioner of Police of the Metropolis v DSD & Anor* [2018] UKSC 11.

- freedom of expression, which includes the right to seek out and receive information.<sup>14</sup>
  - the right to privacy and reputation, which protects against unlawful or arbitrary interference with a person's family, home or personal information.<sup>15</sup>
  - the protection of families and children,<sup>16</sup>
  - cultural rights generally and the cultural rights of Aboriginal peoples and Torres Strait Islander peoples, including ensuring that services provided to people are culturally safe.<sup>17</sup>
  - the right to liberty and security, including ensuring the physical safety of people who are in danger of physical harm.<sup>18</sup>
20. These rights must be balanced against the rights of accused people and offenders, which in particular include rights in criminal proceedings, privacy, and the right to a fair trial.<sup>19</sup>
21. Victims, to the greatest possible extent, should not be retraumatised by criminal justice processes. This may mean ensuring the victim has adequate support or providing reasonable adjustments. Failure to do so without reasonable justification may amount to a contravention of the rights to equality, the prohibition against torture, cruel, inhuman and degrading treatment, and to privacy.
22. For many victims, opportunities to be acknowledged and empowered in criminal justice processes plays an important role in their recovery and establishing their trust in the system. As noted by the Victorian Law Reform Commission's report, participation can take many forms and not all will be appropriate when balanced against the purpose of the trial process, the rights of the accused and available resources.<sup>20</sup> However, based on the rights to equality, privacy, and freedom of expression, there is clearly a role for victims to be at least:
- a. treated with respect and without discrimination;
  - b. provided with relevant information in a timely way, particularly information that might be necessary to protect the victim's dignity and safety; and
  - c. able to meaningfully put forward their views as part of the process, other than as a witness.

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<sup>14</sup> *Human Rights Act 2019* (Qld) s 21.

<sup>15</sup> *Human Rights Act 2019* (Qld) s 25.

<sup>16</sup> *Human Rights Act 2019* (Qld) s 26.

<sup>17</sup> *Human Rights Act 2019* (Qld) ss 27, 28.

<sup>18</sup> *Human Rights Act 2019* (Qld) s 29.

<sup>19</sup> *Human Rights Act 2019* (Qld) ss 25, 31, 32, 33.

<sup>20</sup> Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process* (Report, August 2016) 132 - 133.



23. Families of victims who have died or who do not have legal capacity should be entitled to exercise rights on behalf of the victim, and possibly, given rights to privacy and family, in their own right.<sup>21</sup>

## Complaint mechanisms under the HR Act

24. A complaint regarding an alleged contravention of the HR Act must first be made to the public entity.<sup>22</sup> Where the contravention of the HR Act might also be in breach of the Victims Charter, discussed below, this initial complaint can alternatively be made to Victim Assist Queensland.
25. If the complaint remains unresolved after 45 business days, a person may make a complaint to the QHRC.<sup>23</sup>
26. If the QHRC accepts the complaint, then the QHRC may take reasonable action to try and resolve the complaint. This could include making enquiries, asking parties for information or submissions, or holding a conciliation conference.<sup>24</sup>
27. Where a complaint cannot be resolved, the QHRC must prepare an unresolved complaint report which may include details of action the QHRC considers the respondent for the complaint should take to ensure its acts and decisions are compatible with human rights.<sup>25</sup> There is no further action a complainant can take using the HR Act complaints process, although they may be able to piggy back HR Act grounds on other legal proceedings that the complainant is entitled to commence.

## Victims' rights under the *Anti-Discrimination Act*

28. All people have obligations under the AD Act, which makes unfair discrimination, sexual harassment, vilification, and victimisation unlawful in Queensland.
29. The AD Act prohibits discrimination on the basis of 16 attributes in certain areas of activity, including in the administration of state laws and programs and in the provision of goods and services. Discrimination occurs where a person with a protected attribute is treated less favourably than a person without the attribute would be treated in circumstances that are the same or not materially different. Discrimination also occurs where uniform treatment results in a discriminatory

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<sup>21</sup> The Victorian Law Reform Commission noted that reforms in that state have recognised family members as victims who are entitled to receive information and assistance in the recovery process: Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process* (Report, August 2016) 23 [3.7].

<sup>22</sup> *Human Rights Act 2019* (Qld) s 65.

<sup>23</sup> The Commissioner may accept a complaint before 45 business days have elapsed because of exceptional circumstances: *Human Rights Act 2019* (Qld) s 65(2).

<sup>24</sup> *Human Rights Act 2019* (Qld) s 77.

<sup>25</sup> *Human Rights Act 2019* (Qld) s 88.

impact for persons with a protected attribute – this is known as indirect discrimination.

30. Unlawful discrimination may arise in the course of a victim's dealings with various criminal justice entities. Discrimination can occur if a victim who does not speak English is not provided with an interpreter, a person with intellectual disability is unable to have a support person, or a victim from a particular racial background is asked culturally inappropriate questions. In one discrimination matter, Queensland Police Service did not provide an Auslan interpreter to a woman with a hearing impairment and did not take her internal complaint seriously.<sup>26</sup>
31. Further, a person who alleges contravention of the AD Act in good faith, or proposes to be involved in proceedings under the AD Act, must not be victimised because of their actions.<sup>27</sup>

## Complaints mechanisms under the AD Act

32. Complaints under the AD Act must first be made to the QHRC.
33. If the complaint is accepted by the QHRC, then generally the parties are directed to attend a conciliation conference. If the complaint is not resolved by conciliation then the complainant may require the QHRC to refer the complaint to a tribunal for determination.<sup>28</sup>
34. Where a complaint is made against a public entity and alleges contraventions of both the AD Act and the HR Act, then complainants often elect to make the complaint under the AD Act because of the ability to have the complaint referred to the tribunal for an enforceable decision. Such a complaint will commonly 'piggy back' grounds under the HR Act which can also be determined by the tribunal.<sup>29</sup>

## Victims' rights under the Victims Charter

35. As the public briefing material notes, the Victims Charter describes the way victims can expect to be treated by Queensland Government and non-government entities that provide services to victims of crime, including the right to be treated with respect, courtesy, compassion, and dignity, taking into account the victim's needs.<sup>30</sup>
36. The Victims Charter details the types of information the victim can expect to receive, including each major decision made about the prosecution of a person accused of committing the crime, and the name, details of arrest and progress of

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<sup>26</sup> *Woodforth v State of Queensland* [2017] QCA 100.

<sup>27</sup> *Anti-Discrimination Act 1991* (Qld) Ch 5, Pt 4.

<sup>28</sup> *Anti-Discrimination Act 1991* (Qld) ss 143, 158, 159, 164A.

<sup>29</sup> *Human Rights Act 2019* (Qld) s 59.

<sup>30</sup> Department of Justice and Attorney-General, Briefing Paper to Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into support provided to victims of crime* (30 March 2023) 8.

court proceedings for that person. It also states victims will be protected from unnecessary contact with the accused, and victims can make a victim impact statement for consideration during sentencing of a person.

37. The rights under the Victims Charter also belong to family members and dependants of a person who has died or suffered harm because a crime was committed against them, and to a person who has suffered harm as a direct result of trying to help a victim of crime.<sup>31</sup>
38. Victims have a right to make a complaint about conduct that is inconsistent with the Victims Charter to the entity they consider has breached their charter rights. Once a complaint is received, the entity must inform the victim of the process and take all reasonable steps to resolve the complaint as soon as reasonably practicable.<sup>32</sup> A complaint can also be made to Victim Assist Queensland who has the power to liaise with the relevant entity and facilitate resolution of the complaint or refer the complaint to the relevant entity concerned.<sup>33</sup>

## Opportunities to better protect victims' rights

### A dedicated victims' commissioner

39. In Queensland both the Women's Safety and Justice Taskforce as well as the recent Commission of Inquiry into Queensland Police Service responses to domestic and family violence have recommended some updates that may shift us closer to recognition of the victim-survivor as a participant.
40. Establishing a dedicated victims' commissioner would provide an independent advocate tasked with addressing systemic issues for victim-survivors with a special focus on domestic and family violence victim-survivors, including where they have had negative experiences of police and other service providers' responses.<sup>34</sup>
41. Such a commissioner could also play a role in facilitating collaboration between relevant agencies in the justice system.

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<sup>31</sup> *Victims of Crime Assistance Act 2009* (Qld) s 5.

<sup>32</sup> *Victims of Crimes Assistance Act 2009* (Qld) ss 19, 20, Schedule 1AA Division 3.

<sup>33</sup> *Victims of Crimes Assistance Act 2009* (Qld) s 20A.

<sup>34</sup> In its submission to the recent review of the *Public Interest Disclosure Act 2010*, the QHRC noted that there is a clear a role for an independent authority to support disclosers. In the absence of a Victims' Commission this role might be able to be taken up by Victim Assist Queensland.

## Review of the *Human Rights Act*

42. The relevance of human rights to victims of crime and the synergies between the work of victim advocates and human rights principles has been recognised in other jurisdictions. For example, the ACT Human Rights Commission encompasses both a Human Rights Commissioner, with functions under the *Human Rights Act 2004* (ACT) and a Victims of Crime Commissioner, who administers a financial assistance scheme for victims of crime and promotes the rights of people who experience crime.
43. The ACT Human Rights Commission also administers the ACT's witness intermediary program.<sup>35</sup> As discussed in *Hear Her Voice* (Report 2) an intermediary scheme pilot program in Queensland commenced in July 2021.<sup>36</sup> The pilot was due to conclude on 30 June 2023, but in its briefing to the Committee the government indicated the pilot has been extended until 30 June 2024.<sup>37</sup> The pilot phase is limited to certain prosecution witnesses in child offence matters. The Women's Safety and Justice Taskforce recommended that the Department of Justice and Attorney-General, after receiving the evaluation of the pilot program, consider whether the scheme should be expanded to apply to proceedings involving adult victim-survivors of sexual violence. The Commission agrees with this recommendation, as such a scheme has the potential to positively protect and uphold the rights of victims without relying on complaint mechanisms, and prevent further trauma.
44. The independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence also identified key human rights considerations for victims of domestic and family violence in its report. As the report notes:
- Where the Commission has identified failings or shortcomings by police in the investigation of domestic and family violence, those same shortcomings often also amount to a failure to act or make decisions in accordance with the human rights of victim-survivors.<sup>38</sup>
45. The QHRC suggests the upcoming review of the HR Act provides an opportunity to consider greater clarity about the application of human rights to victims and how the Charter of Rights for Victims interacts with the HR Act. Recommendation

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<sup>35</sup> See ACT Human Rights Commission, *ACT Intermediary Program* (Web Page) <<https://hrc.act.gov.au/act-intermediary-program/>>.

<sup>36</sup> Women's Safety and Justice Taskforce, *Hear Her Voice* (Report 2, 2022) vol 1.

<sup>37</sup> Department of Justice and Attorney-General, Briefing Paper to Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into support provided to victims of crime* (30 March 2023) 2.

<sup>38</sup> Commission of Inquiry into Queensland Police Service responses to domestic and family violence, *A Call for Change* (Report, 2022) 36. The QHRC assisted the Commission in this work.

20 of the Women's Safety and Justice Taskforce *Hear Her Voice* (Report 2) was that:

The Queensland Government, in the next statutory review of the *Human Rights Act 2019*, include a specific focus on victims' rights and consider whether recognition of victims' rights or the Charter of victims' rights in the *Victims of Crime Assistance Act 2009* should be expanded and incorporated into the *Human Rights Act 2019*. The review should involve consultation with victims, First Nations peoples, service providers (including those working with victims of domestic, family and sexual violence victim-survivors) and legal stakeholders.<sup>39</sup>

46. In response, the Queensland Government has committed to considering whether victims' rights are appropriately protected in the next statutory review of the HR Act.<sup>40</sup>
47. The QHRC looks forward to participating in the review of the HR Act noting the following potential areas are worthy of consideration.

### Right to fair hearing

48. Presently, section 31(1) of the HR Act provides that a person charged with a criminal offence or a party to a civil proceeding has the right to a competent, independent and impartial court or tribunal after a fair and public hearing.
49. In contrast, the equivalent right under section 21 of the *Human Rights Act 2004* (ACT) states that *everyone* has the right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

### Additional victims' rights

50. The Victorian Law Reform Commission's 2016 Report on the Role of Victims of Crime in the Criminal Trial Process recommended that the Victorian *Charter of Human Rights and Responsibilities Act 2006* should be amended to include a right for a victim of a criminal offence to have certain specific minimum guarantees including to be acknowledged as a participant with an interest in the proceedings, to be treated with respect at all times and to be protected from unnecessary trauma, intimidation and distress when giving evidence.<sup>41</sup>
51. On its face, the QHRC supports this level of clarity in victims' rights, but suggests a full assessment will be needed to determine whether such a proposal is

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<sup>39</sup> Women's Safety and Justice Taskforce, *Hear Her Voice* (Report 2, 2022) vol 1, 14.

<sup>40</sup> Department of Justice and Attorney-General, Briefing Paper to Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into support provided to victims of crime* (30 March 2023) 12.

<sup>41</sup> Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process* (Report, August 2016) xxi.

necessary, and if so whether it should be added to the HR Act or sits better within the Victims Charter.

## Review of the Victims Charter

52. The Queensland Government has committed to writing to the new victim's commissioner, once established, suggesting the commissioner review the Victims Charter.<sup>42</sup>
53. The Review of the Victims Charter, along with the review of the HR Act, would provide an opportunity to consider how the Charter interacts with human rights.

## Complaints by victims

54. The terms of reference for this inquiry explicitly cite the operation and effectiveness of complaints made by victims under the Victims Charter. The QHRC suggests that the role of the new victims' commissioner in relation to complaints made under the Charter, and how that interacts with existing complaints mechanisms (such as complaint to the QHRC) is a key consideration in such a review.
55. The *Victims of Crime Assistance Act 2009* specifically states that the rights contained in the Victims Charter:
  - a. are not enforceable by criminal or civil redress;
  - b. do not affect the validity, or give grounds for review, of anything done or not done, or a decision made or not made in contravention of those rights
  - c. do not affect the operation of any other law and
  - d. do not effect confidentiality obligations applying to a government or non-government entity.<sup>43</sup>
56. These limitations clearly weaken the protections offered by the Victims Charter. The last limitation in particular gives rise to conflict and confusion over what information can lawfully be provided to victims in accordance with the Victims Charter.
57. The government acknowledges that the Act limits the actions Victim Assist Queensland may take in relation to Victims Charter complaints:

There is no requirement for agencies to report on complaints lodged directly with them that may involve the charter of victims' rights nor is VAQ able to direct an agency in the investigation and resolution of complaints lodged.

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<sup>42</sup> Department of Justice and Attorney-General, Briefing Paper to Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into support provided to victims of crime* (30 March 2023) 12.

<sup>43</sup> *Victims of Crime Assistance Act 2009* (Qld) s 7.

The Women's Safety and Justice Taskforce has noted these limitations and made a number of recommendations in relation to the oversight of complaints and enforcement of the charter.<sup>44</sup>

58. The preliminary view of the QHRC is that it would remain the most appropriate body to handle complaints under the HR Act (potentially amended to include specific victims right(s)) and the AD Act, but further consideration is necessary as to how best to handle complaints made under the Victims Charter.

## Clarification of Victims Charter rights

59. While potentially implicit in the right to 'be treated with courtesy, compassion, respect and dignity, taking into account the victim's needs'<sup>45</sup>, the Victims Charter does not expressly refer to mitigating or reducing stress or trauma on victims, trauma-informed practices, or timeliness regarding the provision of information. Further consideration could be given to mechanisms that would increase victim participation and empowerment of victims in the criminal justice process.
60. As already noted above, the Victims Charter would benefit from greater clarity regarding the interface between victims' rights to information and confidentiality obligations owed to the accused.
61. Additionally, research has found female victims of sexual offending have experience communication difficulties during the criminal justice process. The conclusion of this research is that victims' rights regimes in New South Wales, Queensland, South Australia, Tasmania and Western Australia be amended to remove the responsibility for obtaining information about the criminal investigation and trial process from the victim and instead place the onus to actively provide that information on the relevant agency, as is the case in the ACT, Northern Territory and Victoria. The researchers also recommend piloting automated notification systems, which could further assist agencies to fulfil their obligations to provide victims with relevant information on an ongoing basis.<sup>46</sup>

## Engagement with victims

62. The Commission suggests that any review concerning support for victims and victims rights, including both the review of the Victims Charter and the HR Act, should give priority to engaging with victims of crime, including their families, about their experiences with the criminal justice system in light of the evidence heard by recent reviews and inquiries.

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<sup>44</sup> Department of Justice and Attorney-General, Briefing Paper to Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into support provided to victims of crime* (30 March 2023) 9.

<sup>45</sup> *Victims of Crime Assistance Act 2009* (Qld) Sch 1AA (item 1).

<sup>46</sup> Rhiannon Davies and Lorana Bartels, 'Challenges of Effective Communication in the Criminal Justice Process: Findings from Interviews with Victims of Sexual Offences in Australia' (2020) 9(4) *Laws* 31.

# Conclusion

63. This Inquiry is an opportunity to take stock of the various recommendations of recent reports and the experiences of victims of crime which led to those recommendations.
64. It is clear that more reform is needed to ensure that the rights of victims of crime are upheld by all participants in the system, and that victims receive the support, empowerment and engagement they need for justice to be achieved.