




Speech By  
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**MEMBER FOR WHITSUNDAY**

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### **VICTIMS' COMMISSIONER AND SEXUAL VIOLENCE REVIEW BOARD BILL**

 **Ms CAMM** (Whitsunday—LNP) (11.33 am): What were you wearing? How many drinks did you have? What did you eat before you went out? Why were you out so late last night? These are the questions women around Queensland are being asked when they come forward pleading for help. They have been raped, stripped of their dignity, left bare, begging for someone to believe them. Instead of stepping up, the government has allowed a culture that has vehemently questioned a victim's legitimacy. It is what victim-survivors tell me when I speak to them. It is what they told the Women's Safety and Justice Taskforce. It is what we witnessed them crying out for in the streets over the weekend. One submitter to the taskforce wrote—

I did not report this to police or tell another person because at the time it was assumed that I had put myself in a position where I was responsible for the outcome.

Another said—

I felt embarrassed that I let it happen to me. I didn't want to go through police and court, and feel as though I would be judged, even though I absolutely know I did nothing wrong.

Another wrote—

I was young when I was sexually assaulted. I knew I could report it, I knew I could tell someone, but I did not think anyone would believe me.

To all the victim-survivors who have felt this way: we must do better, we must believe them. We must emphasise that sexual assault is not a result of a woman's bad behaviour or what she wears and it is not the result of a victim's poor choice; the only one responsible is the perpetrator.

In Queensland, 24 per cent of women have experienced sexual violence since the age of 15. That is essentially one in four. There are women in this House who have experienced sexual violence. It is one in every family; it is at least one in every friendship group. We are at a point of greater anger amongst the community at the violence being perpetrated against women. I was at the rally in Brisbane on the weekend and the feeling was palpable. It is not a woman's problem; it is the perpetrator's problem—it is a man's problem. What people do not want is more talk. Talk does not make people safer.

The LNP has shown our support for the Victims' Commissioner and we want to see the rollout of all of the recommendations of the *Hear her voice* and *A call for change* reports. We want to make sure all of those voices who contributed are heard. However, women should not have to wait so long. The updates on the progress of these recommendations was laid bare at the end of last year and it was clear that the government has fallen behind. So far they have changed the scope of dozens of recommendations in the hope that if they change the time frames maybe no-one will notice that they are behind, but the people who notice are the victims. They are the people watching things stay the same and feeling the same level of fear—if not more fear than in the past. They are concerned for their safety every day and nothing ever changes, and in some cases it has become worse.

Whether it is the effective rollout of the Respectful Relationships Education Program, a statewide victim advocate service or ensuring victims can access rape kits no matter where they are or when they turn up, victims still wait. It is our hope that the establishment of the Victims' Commissioner and the Sexual Violence Review Board will highlight the issues in our system as quickly as possible in an open, honest and transparent way. The Victims' Commissioner and Sexual Violence Review Board Bill establishes the Sexual Violence Review Board, which I will turn to shortly, and the Victims' Commissioner, which the shadow minister for youth justice and victim support will speak to later in the debate.

The Sexual Violence Review Board is intended to identify and review systematic issues in relation to the reporting, investigation and prosecution of sexual offences. The board will: review government policy, practices, procedures and systems to identify systematic issues; review and analyse data and information held by government entities and non-government entities; make recommendations to the minister, government entities and non-government entities about improvements to government policy, practices, procedures and systems as a result of a review carried out by the board; and monitor the implementation of recommendations.

It is my wish, as a member of the opposition, that that information is shared quickly, transparently and in a bipartisan way to ensure victims are heard first and responded to quickly. This will follow through on recommendation 46 of the *Hear her voice* report 2. I understand it is intended to have a broad scope to allow it to review any part of the criminal justice system in relation to a sexual offence ranging from a victim-survivor's initial reporting of an offence to an entity such as a health service, support service or the police to the conduct of a court proceeding. However, the explanatory notes make it clear that the board is not intended to conduct case reviews of individual sexual offence matters or make recommendations regarding disciplinary action for the conduct of individuals in an investigation and prosecution of specific cases. Recommendation 46 specifically states—

The board's function and powers were provided for in legislation and should include the independent review of sexual cases that are not progressed, or cases requested to be considered by the victims' commissioner.

This bill overlooks that core element of recommendation 46—to conduct independent reviews of sexual violence cases. This is a clear restriction on the recommendation that was put forward by the taskforce and Justice McMurdo, whose contribution we greatly respected. It highlights the value in reviewing sexual violence cases that are not progressed or are requested to be reviewed by the Victims' Commissioner. The Domestic Violence Prevention Centre on the Gold Coast supported this recommendation. They stated—

The scope of the matters that the Board can review is not broad enough to cover all the systemic barriers that victims of sexual assault face in the criminal system.

The Board will not be able to provide meaningful advice on systems reform if it does not include in its review matters where the prosecution has been successful, however there were systemic issues apparent, including during sentencing, during the offenders' time in custody or parole proceedings.

The scope of the board should include:

- review of cases where sentencing has been inadequate.
- review cases that Victims Commissioner may refer to the board, which may have had a finding of guilt but where there were issues in the reporting, investigation, prosecution or sentencing of sexual offences.

We in the opposition certainly support that position. The Queensland Sexual Assault Network agreed, stating—

Sexual Violence Case Review Board should comply with WSJT recommendation and undertake both individual and systemic reviews.

...

QSAN strongly supports this approach ...

The Gold Coast Centre Against Sexual Violence made the comments—

... GCCASV is concerned that the model proposed in this Bill is not entirely consistent with the WSJT recommendations and must be amended in order to maximise community confidence and the safety and wellbeing of victim/survivors of sexual and domestic violence.

...

GCCASV believes that if this Bill is amended to accurately reflect the WSJT recommendations in their entirety, it will enhance safe, ethical, trauma informed, support to victim/survivors of sexual, domestic, and family violence and improve community and system responses.

Ending Violence Against Women and Children Queensland echoed these sentiments, stating—

EVAWQ supports that the WSJT recommendation be implemented in full to ensure both individual and systemic accountability for victims of sexual violence.

Legal Aid Queensland stated—

LAQ supports the implementation of the Victims Commissioner and Sexual Violence Review Board to review cases that are not progressed or fail to be successfully prosecuted.

knowmore stated that often their clients feel marginalised or excluded from criminal proceedings and encouraged the bill to be expanded to include independent reviews. DVConnect stated—

While the Bill suggests that individual issues may be considered indicators of larger systemic issues, this leaves a broad gap in response and accountability. First, individuals who have experienced this highly personal, highly traumatic, and severely poorly responded to crime, deserve to have a body that oversees all matters. Further, this capability will increase the opportunity to identify systemic issues that could be easily dismissed without this closer inspection. There are many examples of how individual cases, if more closely examined may have highlighted the significant systemic issues that have been raised across the WSJT reports, Call for Change Report and the Forensic DNA Inquiry well before such taskforces and inquiries were needed.

We saw this come from one of the biggest systemic failings our justice system has ever seen with the DNA lab. We know over 41,000 cases will need to be reviewed by the legal-led review team. With only 440 case samples tested so far and 193 returning profiles where they previously did not have the potential, the situation cannot be understated. It could genuinely mean thousands of offenders of assault, of rape and of murder are walking free amongst Queenslanders and have been for some time. This is the most abhorrent case of government maladministration in living memory—the monumental failure of the state-run forensic services lab overseen by the Palaszczuk-Miles government where it was found that the DNA lab was failing in its most fundamental task: to find DNA. That was uncovered from one single case. One single case that was more closely examined uncovered a systemic failing.

I will turn now to the membership of the board. It is intended to be chaired by the Victims' Commissioner and comprise eight other members: four government members, being the Police Commissioner or their nominee, the Director of Public Prosecutions or their nominee, a public sector employee who is appropriately qualified in forensic services or clinical forensic medicine and a public sector employee who is appropriately qualified in matters relating to the court system; and up to four non-government members who have skills, knowledge and experience in sexual offence matters, providing support services to victims of sexual assault and/or a victim of sexual violence. As per the explanatory notes, the board must include at least one person who has lived experience as a victim of sexual violence and at least one member who is an Aboriginal or Torres Strait Islander person. This is critical to ensure that there is informed and supportive outcomes.

The Public Advocate noted in their submission that they would like to see a member of the community with lived experience of disability be included on the board. Legal Aid Queensland believe there should be a member of the community with legal experience on the board specifically from a criminal defence perspective. The Domestic Violence Prevention Centre from the Gold Coast also noted that anyone with a domestic violence or sexual offence, whether summary or indictable, against them should be disqualified from appointment as commissioner of the board. It is my sincere hope that the Sexual Violence Review Board is a step in the right direction towards uncovering and resolving the systemic issues plaguing victims of sexual violence and preventing them from receiving justice; that the recommendations provide a validation for victims, a recognition of how system failures have translated to failing victims and an opportunity for government to respond, resource and improve outcomes for victims.

Victims of crime and survivors of sexual violence have been made vulnerable by the Palaszczuk-Miles government over the course of the last nine years in failings that I have outlined in particular around the DNA forensic lab. The lack of leadership and the lack of action by this government have left our community vulnerable and, in the case of many victims, unsafe. While those opposite may preach about community safety efforts and new plans that have been released, Queenslanders understand and know better because they are living the experience of the failings each and every day. The hundreds of people who marched on parliament with Voice for Victims over the course of this day know better. The families and friends of victims who have been murdered in Queensland since those opposite came to power know better. Most concerning for all Queenslanders is that perpetrators have worked it out and they know better.

It was the state Labor government that watered down the Youth Justice Act. It was the state Labor government that have dragged their feet in failing to roll out the recommendations of the *Hear her voice* report in a timely manner and it is the current state Labor government that have allowed murderers and rapists to potentially be walking free as a result of the forensic lab failure, with no hope for justice in sight for many of those victims. It was this government's failing in providing a substandard

rape kit and a lack of trained and available staff to carry out procedures associated with collecting critical evidence. This came to light only through brave victims like the young woman in Central Queensland who came forward after she was sent away to photograph her own injuries and collect her own evidence.

In fact, the number of victims of rape and sexual offences has grown without fail year on year. Last year it was up 105 per cent since the state Palaszczuk Labor government came to power, and already in the first two months of this year there have been 1,648 victims of rape and sexual offences. Tragically, of those, 674 were children. That is almost half, a growing cohort. This is an absolute disgrace and those leading the government should hang their heads in shame. This is just another reason why the Sexual Violence Review Board should be given the full powers recommended by the taskforce and Justice McMurdo almost two years ago.

The *Hear her voice* report is not the only review where we have seen unacceptable delays. We have seen report after report and recommendation after recommendation put on the shelf by those opposite because it is not publicly palatable to be up-front with Queenslanders. Enough is enough. The systemic issues that have been allowed to fester under this state Labor government must stop. It is our hope that the Sexual Violence Review Board will contribute to this greatly.

While we know those opposite are not known for transparency, I want to raise an issue that we have seen in relation to far too many bills coming before this House, and that is the time given for consultation. Transparency aside, which is clearly where it is located under this government, there is a great impact on frontline services and community organisations—those that are already hard pressed to deliver services to long waitlists of victims of sexual violence and domestic violence. They are pulled away from their core business at the will and the whim of this state government without any extra resourcing to undertake lengthy engagement that should be meaningful and should be co-designed. Instead, they are given short time frames within which to contribute their insights about legislation. The frontline workers in these services have a passion to change the ongoing scourge of domestic and family violence.

We are on the eve of Domestic and Family Violence Awareness Month and I would like to pay tribute to the fantastic domestic violence support services across our communities and our state. They are compassionate. They are generous. They are exhausted. They provide refuge for those at their lowest moment. They help to rebuild their lives. They give them strength when they are required to do so. They are passionate about making change for the long term. Also, many are not funded by the government and do not receive any support. While the opposition welcomes any announcement to increase funding, a number of organisations that do incredible things across our state deserve recognition and funding to be able to work collaboratively in the interests of victims.

I want to address some of the statements made by the government in reference to politicking. Since I have held this portfolio as the shadow minister for the prevention of domestic, family and sexual violence, the opposition has taken a bipartisan approach. We have endorsed every recommendation and supported the government's approach to the Women's Safety and Justice Taskforce. Like many members on this side of the House, I engaged with Justice McMurdo as part of that work. However, we hear members of the government, particularly female members of the government, playing politics with what is a very important issue. Women across our state expect the government and the opposition to work together. They do not expect to see disgraceful media releases, scaremongering women and victims of violence across the state.

I have given an undertaking to every women's service that is funded by the government that we will work with them. We will ensure that they will receive the resourcing they need and that it goes to help victims who endlessly contact the opposition because of the failings of this state Labor government. Ours is the bipartisan approach that Queensland women expect, not the politicking of this House. We will support the bill in the interests of not just victims but all Queensland women.