




Speech By
Hon. Leanne Linard

MEMBER FOR NUDGE

Record of Proceedings, 6 March 2024

VICTIMS' COMMISSIONER AND SEXUAL VIOLENCE REVIEW BOARD BILL

Message from Governor

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Innovation) (3.22 pm): I present a message from Her Excellency the Governor.

Madam DEPUTY SPEAKER (Ms Bush): The message from Her Excellency the Governor recommends the Victims' Commissioner and Sexual Violence Review Board Bill 2024. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

VICTIMS' COMMISSIONER AND SEXUAL VIOLENCE REVIEW BOARD BILL 2024

Constitution of Queensland 2001, section 68

I, DR JEANNETTE ROSITA YOUNG AC PSM, Governor, recommend to the Legislative Assembly a Bill intituled—


A Bill for an Act to establish the Victims' Commissioner and the Sexual Violence Review Board, to declare and implement a charter of rights for affected victims, and to amend this Act, the Evidence Act 1977 the Integrity Act 2009, the Penalties and Sentences Act 1992, the Public Sector Act 2022 and the Victims of Crime Assistance Act 2009 for particular purposes

GOVERNOR

Date: 5 March 2024

Tabled paper: Message, dated 5 March 2024, from Her Excellency the Governor recommending the Victims' Commissioner and Sexual Violence Review Board Bill 2024 [309](#).

Introduction

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Innovation) (3.22 pm): I present a bill for an act to establish the Victims' Commissioner and the Sexual Violence Review Board, to declare and implement a charter of rights for affected victims, and to amend this act, the Evidence Act 1977, the Integrity Act 2009, the Penalties and Sentences Act 1992, the Public Sector Act 2022 and the Victims of Crime Assistance Act 2009 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights on behalf of the Attorney-General. I nominate the Community Safety and Legal Affairs Committee to consider the bill.

Tabled paper: Victims' Commissioner and Sexual Violence Review Board Bill 2024 [310](#).

Tabled paper: Victims' Commissioner and Sexual Violence Review Board Bill 2024, explanatory notes [311](#).

Tabled paper: Victims' Commissioner and Sexual Violence Review Board Bill 2024, statement of compatibility with human rights [312](#).

The Queensland government is committed to supporting victims of crime and ensuring their rights are promoted and protected. In August 2023, the Attorney-General announced that the government was working to introduce a bill to establish a Victims' Commissioner in early 2024 and that an Interim Victims' Commissioner would be appointed to engage with and support victims of crime. On 2 September last year, the Queensland government announced the appointment of Mr Jon Rouse APM as the Interim Victims' Commissioner. Since being appointed, the Interim Victims' Commissioner has: facilitated regional listening tours across Queensland including in Townsville, Cairns, Toowoomba, Mount Isa, Brisbane, Gold Coast, Redland Bay and Logan; conducted online surveys with victims of crime and those who support victims of crime; and supported the development of online materials for victims of crime such as easy-read version of the Charter of Victims' Rights to support those victims who may have lower levels of literacy.

To further this work and provide greater support to victims of crime in Queensland, I am pleased to introduce the Victims' Commissioner and Sexual Violence Review Board Bill 2024. The bill will seek to establish a permanent Victims' Commissioner to promote and promote the rights of victims. The bill will establish the Sexual Violence Review Board, which will identify systemic issues in relation to the reporting, investigation and prosecution of sexual offences. These two important initiatives were recommended by the Women's Safety and Justice Taskforce in its second report *Hear her voice—report two: Women and girls' experiences across the criminal justice system*. The establishment of a Victims' Commissioner was also supported by the Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence and the Legal Affairs and Safety Committee inquiry into the support provided to victims of crime.

The taskforce heard that victim-survivors often felt disempowered in the criminal justice system, sometimes resulting in secondary victimisation, and that this can deter victims from reporting. It noted that there is no single independent body responsible for identifying and monitoring systemic issues or issues of concern and no oversight of complaints made about compliance with the Charter of Victims' Rights. To address these existing shortfalls, the Victims' Commissioner will have key functions: to identify and review systemic issues relating to victims; to conduct research into matters affecting victims; to consult with victims of crime about their experience in the criminal justice system; to publish information in relation to the criminal justice system; 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 Victims' Commissioner.

The Victims' Commissioner will also manage complaints made by an affected victim about alleged contraventions of the Charter of Victims' Rights. The charter, which is currently prescribed in the Victims of Crime Assistance Act 2009, provides rights to victims in relation to how they should be treated by government and non-government entities throughout the criminal justice process, including the right to be treated with courtesy, compassion, respect and dignity and the right to particular information while a matter progresses.

The taskforce found that the charter currently lacks visibility and consequence. While the rights in the charter are not legally enforceable, the Victims' Commissioner will have a focus on ensuring that complaints are dealt with appropriately and that these rights are upheld—for example, victims are appropriately informed and provided with reasons for key decisions made as part of a criminal proceeding.

The bill will also ensure victims' complaints are managed in a transparent and accountable manner. To support trauma informed, victim-centric and culturally appropriate engagement with victims, the Victims' Commissioner must have specific regard to the vulnerability of particular cohorts of victims of crime including: victims of domestic family or sexual violence; Aboriginal victims and Torres Strait Islander victims; and victims who have characteristics that may make them particularly vulnerable to harm such as women, children, elderly and victims with a disability.

The Victims' Commissioner will be an independent statutory appointment by the Governor in Council for a period of no more than five years. The Victims' Commissioner will be supported to achieve their functions and exercise powers through the establishment of the Office of the Victims' Commissioner. Following a recruitment process, it is proposed to appoint the permanent Victims' Commissioner by the end of June this year. It is intended that, once established, the Victims' Commissioner will work in conjunction and collaboratively with Victim Assist Queensland. Victim Assist Queensland will continue to administer the financial assistance scheme and will help victims of crime to access information about supports available to them. The Victims' Commissioner will be required to provide an annual report to the minister for tabling and may also provide other reports about a matter relevant to the performance of its functions, such as a report about a systemic issue impacting on victims of crime in the criminal justice system.

The Victims' Commissioner will have access to a wide range of information to support its systemic review function. This information will support the Victims' Commissioner to inquire into matters that may be impacting on victims of crime and their experience in the criminal justice system. The bill provides several protections for this information and requires that the Victims' Commissioner not publicly disclose confidential information in its annual report or any other report it may make.

The bill also seeks to establish the Sexual Violence Review Board. The taskforce found that, while the rate of reported sexual assault cases has increased, data on sexual violence cases shows significant attrition during each stage of an investigation and prosecution of a sexual offence. This data shows that the reporting of sexual violence matters by women to police is as low as 13 per cent of all matters. One study found that only 20 per cent of those matters reported to police result in charges and even fewer cases progress to court and result in a conviction.

With a view to increasing the reporting of sexual offences and the number of successful prosecutions of sexual offences in Queensland, the taskforce made several recommendations, including the establishment of a permanent board to identify opportunities for future and ongoing system improvements to address attrition rates for sexual offence reporting and prosecution. The Sexual Violence Review Board's main function will be to identify and review systemic issues in relation to the reporting, investigation and prosecution of sexual offences in Queensland. The board will be chaired by the Victims' Commissioner and comprise eight other members to complement and inform its systemic focus. There will be four government members appointed to the board, being:

- the Police Commissioner or their nominee;
- the Director of Public Prosecutions or their nominee;
- a public sector officer who is appropriately qualified in forensic services or clinical forensic medicine; and
- a public sector officer who is appropriately qualified in the court system.

There will also be four other community members appointed to the board who must have knowledge or experience in at least one of the following areas:

- professional expertise in the field of sexual offence matters;
- providing support services to victims of sexual violence;
- or lived experience as a victim of sexual violence.

In considering the membership of the board, it will be a requirement that at least one member is a person with lived experience as a victim of sexual violence and one member is an Aboriginal person or a Torres Strait Islander person. The minister must also ensure that the board's membership reflects the social, cultural and linguistic diversity of the Queensland community to ensure an appropriate mix of representatives are appointed to the board.

This bill is a testament to the Queensland government's commitment to not only implement the recommendations of the landmark Women's Safety and Justice Taskforce but also build on the extensive work we are already doing to better support victims of crime. This work includes:

- increasing the amount of financial assistance available to victims, particularly victims of domestic and family violence, under the financial assistance scheme;
- the establishment of the Independent Ministerials Advisory Council to ensure victims' perspectives are heard when considering reforms to the criminal justice system; and
- legislative amendments to ensure the appointment of a person with lived experience as a victim of crime on the Queensland Sentencing Advisory Council.

This bill provides an enduring opportunity for the voices and experiences of victims to be heard and their rights protected. Accordingly, I commend the bill to the House.

First Reading

Hon. LM LINARD (Nudgee—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Innovation) (3.32 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Community Safety and Legal Affairs Committee

Madam DEPUTY SPEAKER (Ms Bush): In accordance with standing order 131, the bill is now referred to the Community Safety and Legal Affairs Committee.