




Speech By
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MEMBER FOR MAIWAR

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VICTIMS' COMMISSIONER AND SEXUAL VIOLENCE REVIEW BOARD BILL

 **Mr BERKMAN** (Maiwar—Grn) (3.55 pm): I rise to give my contribution on the Victims' Commissioner and Sexual Violence Review Board Bill 2024. I want to speak in support of the establishment of the Victims' Commissioner for Queensland and the Sexual Violence Review Board as the bill proposes. There is no doubt that victim-survivors of violence, especially sexual violence, need greater support in this state. A couple of years ago I heard from a woman who had just moved into my electorate to escape domestic violence. She contacted me after trying to access financial payments from Victim Assist Queensland to help get her back on her feet and she was told that the wait could be months. Now we were able to help her out with some fairly limited financial support, but it was clear at that point that this instance was not isolated; it was part of a much bigger problem.

When I asked the state government about processing times for Victim Assist claims they told me there were almost 400 domestic violence victim-survivors who were still waiting to have their applications processed after more than two years. They said that they had introduced a new streamlined process but that people were still waiting up to four months. That is an incredibly long time when you are seeking financial support and the means to escape a violent relationship. In fact, that is the kind of wait time that could clearly put those people's lives at risk. I want to acknowledge right now that this government has made efforts to fix this with additional funding for Victim Assist to engage more staff and to improve the assessment process. I understand wait times are falling, which is a relief to hear, although I came out of a meeting with Voice for Victims only an hour ago and it is clear from hearing their experience that there must be further work on that process both in terms of the eligibility for Victim Assist and the difficulties with the processes and wait times that people are still encountering.

Moreover, financial compensation is just one part of supporting victims, potentially a relatively small part, and this bill acknowledges that. It establishes the Victims' Commissioner to promote and protect the right of victim-survivors in Queensland. I am genuinely pleased that the government is implementing this key recommendation from the Women's Safety and Justice Taskforce in its *Hear her voice* report. Establishing the commissioner as an independent statutory body to address the systematic issues facing victim-survivors on an ongoing basis and to deal with complaints is a positive and essential step forward.

In particular, I am glad to see that the Victims' Commissioner will have functions that deal with the experience of victim-survivors beyond just the criminal legal system. In their submission on the bill, LawRight pointed out that the victim-survivors they support are 'generally more concerned with recovering from the violence and the consequences of it rather than seeking redress from the criminal justice system'. It is increasingly clear and it has been exposed by a number of inquiries, including the inquiry into police responses to domestic and family violence, that victim-survivors face discrimination, belittling and even further victimisation when seeking support through the criminal legal system.

It is also clear that the problem extends to how our economy and society are structured and how this affects people's vulnerability to victimisation as well as their ability to survive and recover from violence. Victim-survivors are isolated and made vulnerable by underfunded social services and

governments that would prefer to protect the profits of the big corporates rather than fund the things that could have kept them safe and prevented further harm. I speak, for example, of building social housing to give people a safe place to go, raising social security rates to limit financial dependence on a violent partner or investing in a properly funded public health system where victim-survivors know they can get help. I am hopeful that the commissioner as well as the Sexual Violence Review Board might highlight some of these systemic failings and underfunding. Whether the government is willing to respond may be another question.

We have seen that the government can and will provide piecemeal funding increases for support services like those in the domestic and family violence sector, and that is welcome. However, we have also seen an unwillingness to act on underlying problems if there is any risk to the big corporations and wealthy investors which apparently run this state. Their total refusal to limit rent increases or build enough social housing is a case in point. They do not want to limit property investor profits or create any genuine competition with private developers. As a result, more Queenslanders—

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order. Again, these are important issues, but they are not part of the long title of the bill. I ask the member be brought back to the bill.

Madam DEPUTY SPEAKER (Ms Lui): Member, I ask you to stay within the long title of the bill.

Mr BERKMAN: Certainly, Madam Deputy Speaker. The point I am making is that, as a result of this context, more Queenslanders than ever are facing housing insecurity, which we know is one of the most common underlying vulnerabilities, especially for victim-survivors of domestic and family violence.

This government folds under pressure from the property lobby every time, but there is another group that it seems totally powerless to stand up to, and that is the Queensland Police Union. This bill responds to some of the recommendations of multiple inquiries in recent years that have examined the experience of victims in this state. One of the things we have heard most frequently and emphatically in those inquiries is that the criminal legal system and particularly the Queensland police do not respond appropriately to victims of crime, especially victim-survivors of domestic and family violence and sexual violence. In fact, they frequently contribute to the retraumatisation and further harm of victim-survivors. The inquiry into police responses to domestic and family violence heard evidence of how appallingly the QPS has failed victim-survivors at every turn—from the officer who leaked personal information about a domestic violence survivor to her abuser, to the senior officer who told a co-worker that they did not investigate a suspicious death because the woman and her husband lived 'in a shit area in a shit house'—yet the government is bending over backwards to dodge the key recommendation—

Mrs MULLEN: Madam Deputy Speaker, I rise to a point of order. I believe the member has used unparliamentary language and must withdraw.

Madam DEPUTY SPEAKER: Member, you have used unparliamentary language. I ask you to withdraw.

Mr BERKMAN: I withdraw, yet the government is bending over backwards to dodge the key recommendation arising from that inquiry, and that is to establish an independent police integrity unit led and staffed by civilians to deal with all complaints against police. The inquiry's final report was clear that this unit should be up and running in May 2024. For anyone who has not checked the calendar today, that is tomorrow.

What has Queensland Labor been doing for the past 18 months? They have paid consultants more than \$400,000 to find a way out of the commission of inquiry's recommendations. They are unwilling to take this crucial step to hold police to account. While they bow to Ian Leavers and the Queensland Police Union, 99 per cent of the complaints against police officers are investigated by other police.

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order on relevance. I ask the member be brought back to the bill. You cannot discuss what you would like the bill to contain. Members must discuss what is actually in the bill.

Madam DEPUTY SPEAKER: Member, I will ask you to stick to the long title of the bill or I will ask you to sit down.

Mr BERKMAN: Certainly, Madam Deputy Speaker. I would put that it is relevant to this bill because, although it establishes the Victims' Commissioner with the ability to receive and deal with complaints regarding breaches of the Charter of Victims' Rights, the commissioner would be able to simply refer complaints on to another department if they think it would be better dealt with there. Given the broad scope of the commissioner's responsibility, it is not unforeseeable that resources will be limited to deal with complaints and that complaints involving police responses would be referred back to the Ethical Standards Unit—back to the police to investigate themselves. I understand that the bill does require the commission to have specific regard to the vulnerability of particular cohorts of victims of crime, including victim-survivors of domestic and family or sexual violence and First Nations

victim-survivors. I would hope that this means not referring complaints made by marginalised people back to the police, who have demonstrated disproportionate and systemic levels of racism, sexism and violent prejudice.

I also share the concerns raised by a number of stakeholders that the information-sharing provisions in the bill could be inadequate to protect victim-survivors' privacy. In addition to potentially putting victim-survivors at further risk, organisations like LawRight said this could undermine people's trust in service providers and even deter victim-survivors from seeking help. The issue is that the services may be required to provide information to the commissioner, for example as part of a complaints process, without the express consent of the victim-survivor. This includes information that would otherwise be protected by a sexual assault counselling privilege. This creates a risk of alleged perpetrators accessing the information through a subpoena. Although access could be rejected using this privilege as a legal defence, the process itself is likely to cause further trauma and other information such as, for example, details provided regarding domestic or family violence would not be protected. LawRight suggested amending the bill so that the Victims' Commissioner or Sexual Violence Review Board can require a non-government entity to provide only information that its victim-survivor clients have consented to being provided. I urge the government to consider adding this small additional protection.

On the whole, this is a good bill that implements two broad recommendations from the Women's Safety and Justice Taskforce, the parliamentary committee inquiry into support for victims of crime and the inquiry into police responses to domestic and family violence. However, I remain concerned that the government is avoiding perhaps the most significant recommendation of that latter inquiry to stop police investigating themselves and that this could affect victim-survivors' ability to access just outcomes through the newly established Victims' Commissioner. I urge the government to take not just piecemeal steps but broad, systemic changes to give victim-survivors the security and support they deserve including access to safe and affordable housing, fully funded public health care and a secure income.

(Time expired)