




Speech By
Stephen Andrew

MEMBER FOR MIRANI

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VICTIMS' COMMISSIONER AND SEXUAL VIOLENCE REVIEW BOARD BILL

 **Mr ANDREW** (Mirani—PHON) (12.44 pm): I rise to speak on the Victims' Commissioner and Sexual Violence Review Board Bill. I have just been with the victims of crime who are gathered outside the House. The fact that we have locked the gates to these people sends a really mixed message. This is the people's house. These people have come here to tell us about their situations. We have just heard everyone say that we are listening to the victims, but we locked the gates on them.

A government member: That's security.

Mr ANDREW: What security do they have? I take the interjection. What security are we providing for them? Why is it okay for us and not for them?

Mr DEPUTY SPEAKER (Mr Hart): Pause the clock. Member for Mirani, we will not argue across the chamber. Members, I am trying to listen to the member for Mirani.

Mr ANDREW: Thankfully the Premier did go down and front these people. They have massive concerns about recidivism in their own electorates. It is also a concern in my electorate.

The bill establishes the Victims' Commissioner and the Sexual Violence Review Board which are aimed at protecting and promoting the rights of victims of crime. Both initiatives—the Victims' Commissioner and the Sexual Violence Review Board—were recommendations contained in the Women's Safety and Justice Taskforce's second report of *Hear her voice*. The taskforce heard from victim-survivors about their feeling disempowered within the criminal justice system and noted that this can often deter victims from reporting. According to the taskforce, while the rate of reported sexual assault cases has increased, sexual violence cases have high levels of attrition rates, making prosecution of sexual offences problematic. One study found that only 20 per cent of matters reported to police resulted in actual charges and even fewer cases progress to the court or result in a conviction. Currently, there is no single independent body responsible for looking after victims' rights issues in Queensland and it is hoped that this bill will fill this gap.

The key functions of the Victims' Commissioner are 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 on the criminal justice system and to provide advice to the minister on issues affecting victims. The Victims' Commissioner will also manage complaints about alleged breaches of the Charter of Victims' Rights. The charter provides victims with rights 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—something which we should have extended to those gathered outside by leaving our gates open so that they could come and put their views across. Currently, however, the charter is something of a toothless tiger and its principles are not legally enforceable. It will therefore be up to the Victims' Commissioner to ensure that the charter is adhered to and that these rights are upheld.

The Victims' Commissioner will also manage complaints made by victims about alleged breaches of the Charter of Victims' Rights. The victims' charter is a statement of what victims of crime are entitled to and of the obligation of government entities to uphold these entitlements. In its current format, the proposed victims' charter is not adequate. It needs to be a clear statement of all of the rights and entitlements of victims. Victims will read this section of the legislation more than any other part of the legislation to understand their rights. Entities will be required to understand the extent of these rights and provide this information to victims. For these reasons, the victims' charter needs to be a clear, comprehensive, unambiguous and accessible statement of these rights and obligations. The charter should also speak to the sentencing, parole and appeals process to make it clear and easily understood by victims of crime and responding entities.

Informing a victim of their right to independent legal advice and support should be included in division 2 section 5 of the victims' charter, modelled on the South Australian Victims of Crime Act 2001. In addition, a principle should be added to the legislation that speaks to the protection of the privacy of the victim, as per the South Australian Victims of Crime Act 2001. The charter provides rights for victims in relation to how they should be treated by government and non-government entities throughout the whole process. As noted in the Victorian Victims of Crime Commissioner's submission on the Victorian government's consultation paper titled *Systemic review of police oversight* in February 2022, the role of the VOCC oversees complaints about police from victims of crime in the context of the victims' charter and the victims' charter therefore needs to be clear. Section 48 of the bill should therefore include a time frame for taking all reasonable steps to resolve the complaint.

The bill's inclusion of 'as soon as is reasonably practicable' in subsection (2)(b) is far too vague and open to misuse and delay. Accountability of the justice system is imperative when it comes to dealing with victims of crime. By enshrining a specific time frame in legislation, victims will know that their complaints will be given priority. Currently, the charter is something of a toothless tiger and hard to uphold. While the taskforce found that the rate of reported sexual assault cases has increased, data on sexual violence cases shows that prosecution of a sexual offence is still problematic. The bill also implements other recommendations and all the situations that surround it.

I would like to talk about my electorate and the situations that unfold there. There are burnt out cars along the roads everywhere. People are complaining about the fact that there are drivers on the road who are absolutely out of control every day. There are young ones who are stealing cars and breaking into houses. We have people worried about their safety all of the time, and older people especially are locking up all of their things. They will not go out early in the morning or in the evening, and they are frightened to walk on their own. This is impinging on their life as Queensland citizens.

As the member for Theodore and most members here have said, it is a situation that we have to get hold of and we have to make changes. We cannot keep going on throughout our terms here in government and seeing the crime increasing and the situations becoming more and more dangerous. People are dying. Rhys Bosley was down there before. He had a petition in the House in relation to nonlethal ways we could use to protect ourselves, say, with pepper spray. One has to wonder about the risk assessments that would be involved with the people who have died recently through those terrible knife attacks. What could have happened if they were able to use pepper spray to protect themselves and other citizens? People say, 'It's dangerous.' It is okay to say it is dangerous if you are down there with the police and your own security team protecting you with firearms and able to use lethal force. It is okay from that respect, but none of us can protect ourselves. The victims cannot protect themselves.

The victims of homicide have said that they would like the rules changed so they know where the perpetrators who enacted the crimes on them are when they leave prison or at any stage of their lives so they do not interact with them. That is not much to ask. They are not asking about their personal life or anything else; they just do not want to face these people. They do not want to see them face-to-face because of the heinous crimes they have committed on their family members or people who are close to them. We need to look at the entirety of what goes on here. There are people out there who are trying to make a difference. The police are fighting this every day. The watch houses are full and the police are sometimes being told that they cannot arrest any more people who are committing crimes. It is a sad situation and a sad indictment on this state.

I believe the people in Queensland are some of the best people in Australia, not that I am biased. I grew up in country towns and everyone looked after each other. We all had each other's backs. We have to get back to the stage where we can leave our doors open. I know that would be difficult to achieve but we work better when we work together in a bipartisan manner. The member for Noosa tried very hard. I saw the trials and tribulations she went through to try to deliver some good outcomes. We need to go back and revisit it and make sure those good outcomes are delivered here in parliament. It

does not matter which side of the House is in government. We have to come to some consensus and deliver something that is workable for the people of Queensland and the victims of crime. We need to work through this together. We wasted all of that time and taxpayers' money just for a political football. We should play the ball and not the man with this because there are enough people getting played out there. They are being threatened and they are worried every day of their life because we are not doing our job.