

Review of the Queensland Charter of Victims' Rights

**PeakCare's Submission to The Office of the
Victims' Commissioner**

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Introduction

PeakCare welcomes the opportunity to contribute to the Office of the Victims' Commissioner's Review of the Queensland Charter of Victim Rights (the Charter). This submission builds upon PeakCare's pre-review contribution (19 March 2025), which highlighted the need for greater recognition of children and young people as victims in their own right, enhanced support mechanisms for children and young people, and acknowledgement of non-offending parents as secondary victims. PeakCare members have been engaged to provide input in the development of this submission, which focuses on providing a direct response to the questions from the Victims' Commissioner, relevant to the remit of PeakCare as Queensland's peak body for child and family services.

About PeakCare

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare represents small, medium, and large local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.

PeakCare's Submission

Response to Issues Paper Questions

Q1. Do you have anything to share about victims' needs?

Children and young people who experience crime, abuse or systemic failures have unique needs, shaped by the nature of the harm experienced, their developmental stage, caring arrangements and the dependence on adult-led systems for safety and advocacy. Victims who are children, frequently rely on others to speak on their behalf or interpret their experiences.

PeakCare recommends the Victims' Commissioner considers the need for recognition of children and young people's experiences, culturally and developmentally appropriate communication, safe and consistent support and access to trauma-informed services.

PeakCare would also like to highlight the unique needs of non-offending parents when there is sexual abuse in the home. There is increased recognition in the literature that non-offending parents are secondary victims of child sexual abuse.¹ When a child discloses sexual abuse, the experience for the

¹ Aifs.gov.au. (2025). *Supporting non-offending parents after child sexual abuse*. [online] Available at: <https://aifs.gov.au/webinars/supporting-non-offending-parents-after-child-sexual-abuse>.

non-offending parent/s can be overwhelming. Parents often blame themselves and experience a range of other intense emotions including anger, shame and doubt, making it difficult to support their child.

We recommend the Victims' Commissioner consider the need for practical and emotional support for these victims during this time, resulting in a greater likelihood for parents to provide their child with the support they need. This can contribute to the healing process and better outcomes for both parent and child.

Q6. Do the definitions of 'family member' and 'dependant' adequately reflect culturally diverse understandings of family and dependants?

We emphasise the importance of recognising kinship systems and culturally diverse understandings of family. Aboriginal and Torres Strait Islander communities' concepts of family should be considered in these definitions. PeakCare supports positions advanced by Aboriginal and Torres Strait Islander voices and communities on this issue and would encourage the inclusion of flexible, culturally informed definitions that uphold their perspectives and practices.

Q16. Does the right to be provided information about services and remedies need to be strengthened?

PeakCare supports strengthening this right to ensure information is provided in ways that align with the Child Safe Standards, particularly Standard 1: ensuring children are informed about their rights, participate in decisions affecting them, and are taken seriously. This right should be strengthened to ensure all victims, including children, are provided with information in a way they can understand and act upon. Children must be supported to understand their options and remedies through accessible, age-appropriate, and culturally relevant resources that enable meaningful participation.

Q19. Should there be separate rights for specific services or remedies (for example, special witness measures)?

The Charter should include specific rights that recognise and respond to the needs of certain cohorts, including children and young people. For example, children should have an explicit right to access special witness measures in court, including the use of remote testimony, screens, support persons and video-recorded interviews. These are not just procedural conveniences, they are essential to ensuring participation is possible, safe, and not re-traumatising.

Q22. Should victims have a right to be consulted about certain decisions, or their views to be obtained? If so, what kind of decisions should this apply to?

Victims should have a right to be consulted and have their views heard on decisions that affect their safety, wellbeing, and recovery. For children and young people in particular, consultation is not only a matter of best practice but a right under the *United Nations Convention on the Rights of the Child* and the *Child Safe Standards*. However, this consultation needs to be undertaken in a trauma-informed approach which limits the risks of re-traumatisation for children and young people.

This should include decisions such as whether to proceed with charges, how and when information is shared, and what support arrangements are put in place during investigations and proceedings. Where children are victims of crime, including in institutional or care settings, they must be supported to express their views in developmentally appropriate ways and have those views taken seriously in decisions that affect them.

Q28. Should the Charter include a right which creates a positive obligation on agencies to provide information to victims about their Charter rights and their right to make a complaint under the Charter? If so/not, why?

A positive obligation should be included to ensure victims are proactively informed of their rights under the Charter and how to make a complaint. This is particularly important for children and young people, who may not independently seek out this information or may be reliant on others, such as caseworkers or service staff to explain it to them. This right should also include the obligation for information to be provided in a child friendly and age-appropriate format.

Q31. Should there be a Charter right to understand and be understood? If so, what should the scope of this right be, and what obligations should it create for a prescribed person?

A right to understand and be understood is essential to ensuring all victims, including children and young people, can meaningfully participate in justice processes and access support. This right should apply across all stages of engagement, from initial disclosure through to investigation, court proceedings, and access to services or remedies. The scope of this right should include the use of language, formats, and communication methods that are age-appropriate, culturally safe, and tailored to individual needs, including for children or young people with a disability.

Q36. Should the Charter of Victims' Rights include a right to receive a victim recognition statement or request a victim recognition meeting?

Recognition plays a powerful role in validating the experiences of victims and supporting recovery. For children and young people, especially those harmed while in the care of the State or in institutional settings, formal recognition can affirm that what happened to them was wrong and that they were not at fault. PeakCare supports the inclusion of a right to receive a victim recognition statement or request a recognition meeting. This mechanism should be flexible, trauma-informed, and optional, allowing victims to decide if, when, and how they engage. Queensland's learnings from the delivery of Direct Personal Responses as part of the National Redress Scheme should be considered in informing this right.

Q47. Are there any issues that arise from how the Charter interacts with other legislative frameworks?

There are important tensions between the rights of victims under the Charter and the confidentiality provisions in the *Youth Justice Act 1992* (Qld) and *Child Protection Act 1999* (Qld). When the alleged offender is a child, this can limit the information that can be shared with the victim, even where the victim is also a child. This can create confusion, restricts transparency, and can undermine a victim's sense of safety and fairness. The need to protect children and young people within youth justice is also important considering recognising that many of these children and young people are victims of crime also in their own right also.

PeakCare affirms the rights of victims' to certain information such as confirmation the young person is serving time in a detention centre, whilst upholding children's right to privacy protections as written in current legislation within the *Youth Justice Act 1992* (Qld) and *Child Protection Act 1999* (Qld). We recommend a thorough review of these legislative intersections to clarify how victims' rights to information can be balanced with the rights and privacy of young people in conflict with the law.

"We're victims too. I'm a victim of being shown drug use when I was little. I'm a victim of growing up with violence"

– Queensland young person with an experience of youth justice²

The *Child Safe Organisations Act 2024* (Qld) requires all entities to implement and comply with the child safe standards, including that "children are informed about their rights, participate in decisions affecting them and are taken seriously."³ PeakCare requests that the Victim's Commissioner considers how the Charter of Victims' Rights will support our collective requirement to listen and respond to children's voices.

The Charter could be aligned more clearly with the Child Safe Standards, particularly in areas concerning children's rights to information, consultation, support, and safety. Stronger alignment would reduce duplication, improve system responsiveness, and promote a consistent child rights framework across sectors.

Conclusion

PeakCare appreciates the opportunity to contribute to the review of the Charter of Victims' Rights and commends the Victims' Commissioner for recognising the importance of elevating the experiences and voices of all victims, including children and young people. The responses provided reflect our strong view that the Charter must more clearly and consistently uphold the rights of children as victims in their own right, recognising also that many of the young people who encounter the youth justice system are often victims themselves.

Across the questions addressed, a consistent theme emerges: the need for child-centred, trauma-informed, and culturally responsive approaches to victims' rights. This includes ensuring children are recognised, informed, consulted, and supported in ways that are appropriate to their age, background, and individual needs. The Charter should also be aligned with the Child Safe Standards and support the broader system shift toward embedding children's voices in all aspects of service delivery and justice processes.

Yours sincerely,



Tom Allsop

Chief Executive Officer

² PeakCare Qld (2024) *Young People's Voices: Submissions 2023–24*. Brisbane: PeakCare Qld. Published July 2024. Available at: <https://peakcare.org.au/wp-content/uploads/2024/07/Young-peoples-Voices-2023-24.pdf>.

³ Child Safe Organisations Act 2024 (Qld), Act No. 49 of 2024, assented to 19 September 2024. Available at: <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2024-049>.