

Review of the Charter of Victims' Rights

**PeakCare's Submission to the Victims'
Commissioner**

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Introduction

Thank you for the opportunity to provide a submission in response to Stage Two of the Review of the Queensland Charter of Victims' Rights. PeakCare previously provided a submission to Stage One of the Review on 13th October 2025¹ and welcomes the Commission's further consideration of specific rights for children and young people.

This submission focuses specifically on the Commission's questions regarding the recognition and protection of children and young people within the Charter. We emphasise the importance of explicitly recognising children and young people as victims in their own right, ensuring that any reform carries meaningful enforceability, improving accessibility and awareness through child-appropriate and culturally appropriate formats, and embedding robust monitoring and review processes grounded in the lived experiences and views of victim survivors, including children.

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

The need for explicit recognition

No Australian jurisdiction currently has a standalone legislated Children's Charter of Victims' Rights. However, several jurisdictions have strengthened recognition of children within their broader victims' rights frameworks.

Victoria's recent review of the *Victims' Charter Act 2006* recommended explicitly recognising children and young people as victim survivors in their own right.² Internationally, the UK Government announced in February 2026 that they will be developing the first child-friendly version of the Victims' Code³ aimed at addressing systemic barriers that prevent children from understanding and exercising their rights within the criminal justice system. Northern Ireland has incorporated child specific

¹ PeakCare Queensland. (2025, October 13). [Submission regarding the review of the Queensland Charter of Victims' Rights](#).

² Victims of Crime Commissioner (Victoria). (2025, September). [Review of the operation of the Victims' Charter Act 2006 and its benefits for victims](#).

³ Ministry of Justice. (2026, February 5). *Children to get swifter justice thanks to renewed Victims' Code*. GOV.UK. <https://www.gov.uk/government/news/children-to-get-swifter-justice-thanks-to-renewed-victims-code>

protections within their Victim's Charter and includes the provision of youth-friendly guidance materials.⁴

The absence of standalone children's charters across comparable jurisdictions suggests that structural separation is not necessarily the defining feature of best practice. What distinguishes stronger models is the clarity with which children are recognised as victims of crime in their own right, and the degree to which those rights are operationalised in practice.

In the initial round of submissions for the Charter of Victims' Rights, 54 Reasons in Submission 22 drew attention to the current work of the UN Committee on the Rights of the Child to develop authoritative guidance about children's right to access to justice, through a new 'General Comment'⁵ that will soon be finalised.

The Charter's treatment of child victims' rights should be guided by the important principles provided by the draft new General Comment, including:

- Children have a right to access to justice and to an effective remedy.
- The child's best interests should be a primary consideration in all actions concerning them, and all mechanisms should demonstrate they have effectively considered the best interests of the child.
- Children have a right to be heard and taken seriously, in other words, the right to participate, which includes a requirement that opportunities to be heard are safe, meaningful and voluntary.
- Mechanisms must be available, accessible and adapted to children.
- Avoiding unnecessary delays and protection of privacy and confidentiality are particularly important when children are involved.
- Children have the right to access to information in a manner they can understand. This requires the development of child-friendly information and material.
- Multidisciplinary, coordinated and holistic support should be made available to children to enable them to access their rights.
- All procedures must be specifically designed for children, including being trauma-informed and designed to support children's agency while protecting and safeguarding them from harm including secondary victimisation.

In Queensland, children are included within the definition of victim, but the Charter does not explicitly articulate children's distinct rights, nor does it reflect children's developmental needs, participatory rights, or heightened vulnerability to secondary harm caused by justice system processes. This creates a risk that children's needs are treated as derivative of adult victims' needs, rather than distinct and requiring tailored responses.

Due to legislative changes introduced through the Queensland Community Safety Bill 2024, which was assented to in August 2024 under the former government and enacted by proclamation in April 2025, children are no longer identified or recorded as victims in domestic and family violence incidents when the matter involves violence between a child and a family member.

⁴ Department of Justice (Northern Ireland). [The Victim Charter: A charter for victims of crime, a guide for young people by young people](#). Department of Justice.

⁵ The draft General Comment on children's right to access to justice and to an effective remedy: https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/cfi-gc27/crc-gc27_public-consultation.docx.

In practice, this change allows police officers responding to such incidents to consider an “alternative” response, as the previous requirement to investigate the matter as a domestic and family violence incident no longer applies when one of the parties involved is under 18 years of age.

Whether Queensland adopts a standalone Children’s Charter or embeds explicit child specific rights within the existing Charter, the critical reform required is clear statutory recognition that children are victims, including where they witness, are exposed to, or are otherwise affected by violence. That recognition should be framed consistently with the principles of the United Nations Convention on the Rights of the Child and the principles established in the *Child Safe Organisations Act 2024*.⁶ Children are the most vulnerable victims in our criminal justice system and amendments to Community Safety legislation is failing those who have no voice in the criminal justice system.

Enforceability and compliance

Any reform must have meaningful weight. Symbolic recognition without enforceability risks perpetuating the invisibility and powerlessness that many children and young people experience within justice systems.

A Children’s Charter, whether standalone or embedded explicitly, must therefore:

- Impose clear, positive obligations on prescribed entities to uphold children’s rights.
- Identify which agencies are responsible for particular rights at different stages of the justice process.
- Provide accessible and independent complaint pathways.
- Include consequences for non-compliance.

A Charter without enforceability risks continued underutilisation, and for children the risks are amplified. Children are less likely to self-advocate, less able to navigate complaint systems, and more dependent on adults and institutions to uphold their rights. Without accountability mechanisms, a Children’s Charter will not provide protection from justice system related harm, including re-traumatisation, exclusion from decision-making and failure to provide clear information.

Awareness and accessibility

Children cannot exercise rights they do not understand nor know that they have. Regardless of legislative amendments, reform must be accompanied by substantial improvements in awareness and accessibility. This includes:

- A child-friendly version of the Charter developed with children and young people.
- Materials tailored to different age groups and developmental stages.
- Visual and multimedia formats, including short videos, interactive digital tools and plain language summaries.
- Culturally safe materials for Aboriginal and Torres Strait Islander children.
- Accessible formats for children with disability.
- Materials that recognise diverse family structures and experiences, including children who are subject to child protection interventions.

Importantly, child-friendly materials must not simply restate adult rights in simplified language. These materials need to be developed and co-designed with children and young people, enshrining their voices into the Children’s Charter of Victims’ Rights. They should explain processes at an age and

⁶ Child Safe Organisations Act 2024 (Qld). <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2024-049>

cognitive appropriate level, outline what children can expect, clarify who will make decisions, and describe how children can seek help if they feel unsafe or unheard.

Monitoring, review and evaluation

Measuring reform success should include mechanisms to monitor and review whether the Charter is effectively protecting children from harm caused by the justice system. This harm may include repeated interviews, adversarial questioning, delays, lack of information, exclusion from decision making, and exposure to unsafe environments.

Critically, evaluation must be informed by the views of children themselves. Mechanisms should be established to hear directly from children about whether they felt safe, informed, respected and heard. Participation must be supported in ways that are voluntary, trauma-informed and developmentally appropriate. Embedding participatory feedback processes for children and young people aligns with the Child Safe Organisations Principles and would support reform which is responsive to lived experience rather than solely institutional perspectives.

Conclusion

Queensland has the opportunity to strengthen its Charter by ensuring that children are explicitly recognised as victims in their own right, and that their rights are not merely aspirational but enforceable, accessible and measurable.

PeakCare urges the Commission to create a Children's Charter, and for it to be included in legislation. At a minimum PeakCare urges the Commission to include updates in the Charter of Victims' Rights that are:

- Clear in its recognition of children's distinct rights.
- Operationalised through enforceable obligations.
- Supported by child-friendly and accessible materials.
- Monitored and reviewed against the feedback and lived experiences of children and young people.

Reform should ensure that children who encounter the justice system as victims are protected not only from the original harm, but from additional harm caused by the system itself.

Thank you for considering this submission.

Yours sincerely,



Estelle Abela

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