



Queensland
Family & Child
Commission

Policy Submission

Inquiry Into Support Provided to Victims of Crime

April 2023

Introduction

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the Legal Affairs and Safety Committee to inform its *Inquiry into Support Provided to Victims of Crime*. The QFCC is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland's children and their families. The QFCC shares the community's desire to reduce crime and increase community safety.

Tackling the issue of crime requires evidence-based approaches and actions to understand and address the drivers of offending behaviours.

Providing timely and accessible supports and services to victims of crime and their families regarding the harm they have experienced

All victims of crime deserve to feel safe and supported. They should receive timely support from the time of the incident, throughout the subsequent justice process and well after the justice process is completed to ensure their recovery.

Crime can have a broad and profound impact on victims and their families. Whilst police, lawyers and courts will come into contact with victims in the course of their frontline roles and responsibilities, the experience of victims is not limited to their exposure to these systems.

Some victims of crime will need ongoing and persistent support to overcome the impact of what has occurred. The trauma that arises from crimes, for example a home invasion, can be experienced differently by members of our community that are not always able to be calculated.

In 2022, children and young people in Queensland were recorded as victims in 12,436 offences against the person—such as assaults, sexual offences, robbery or life endangering acts.¹ However the impacts on children and their families will be far greater. The impact of a house invasion on the feeling of safety and security within a family can be profound, and the experiences of crime at a young age can have potentially detrimental impacts on a child's health, safety and development.² We also note that the needs of young victims of crime may not always be considered in adult-oriented systems. The impact of crime on children and families can be complex—causing emotional, financial and social repercussions—and extend beyond the individual victim.

Children and young people who are victims of crime need access to services, for example therapeutic or counselling services, delivered by professionals who are skilled and trained to work with children to support them recover from the short- and long-term impacts of crime. In addition to financial assistance, Youth Advocates cited counselling and informal mental health supports as necessary to help children and young people recover from their experience of crime. Eligibility criteria and guidelines for support and services (such as Victims Assist) must be flexible and responsive to the changing needs of victims. Among Youth Advocates, there was a perception that service provision for victims of crime was focused on adults, and not always suitable for supporting children and young people who were also victims.

¹ Queensland Police Service 2022, *Maps and Statistics—Reported victims number – QLD*, <https://www.police.qld.gov.au/maps-and-statistics> Accessed 5 April 2023.

² Australian Institute of Health and Welfare 2022, *Children and crime*, <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/justice-and-safety/children-and-crime>

Without timely access to support and services (such as counselling and financial assistance) to support their recovery from the short- and long-term impacts of crime, victims and their families can continue to feel victimised well after the incident. Emotional and financial impacts have been described by victims and families who have shared their experiences as part of recent inquiries.³

In their statement to the inquiry into the Strengthening Community Safety Bill 2023, a spokesperson for the Victims of Youth Crime Collective described how families who are victims need to know the *“right questions to ask...people are not forthcoming in giving them information.”* They stressed the importance of the system being proactive in providing information, help, support and programs to support victims, and the challenges for victims to navigate a complex system and to know what to ask for when they typically have limited experience and knowledge of the criminal justice system or the supports available to them.⁴

A Youth Advocate raised concern about the additional barriers experienced when access to assistance relied on a parent or guardian stating that *“This can be hard if guardian is Child Safety Officer [or] parent (when parent supports perpetrator OR when child lives with other family but parent still maintains guardianship).”*

Providing timely and accessible supports and services regarding the justice process

Criminal justice processes can be complex, involving multiple government agencies and courts, and can take place over an extended timeframe. Law enforcement professionals, such as the police, lawyers and courts all have contact with victims throughout the criminal justice process—including during first response and investigation of offences, interviewing victims, referring victims to services and keeping them informed of the process.

Access to information and assistance is critical to support victims to take an active role in participating in these processes. The Women’s Safety and Justice Taskforce identified that a lack of information acts as an impediment to victim-survivors engaging with the criminal justice system and associated support.⁵

Youth Advocates raised the importance of keeping victims informed about police investigations, court, and compensation or support processes, including to ensure that they feel supported and empowered throughout these processes. They stated that *“Often there is no follow up at all which leads young people to believing nothing was done even if it was.”* and that *“The wait after submitting the victims of crime help. It’s anxiety provoking and can make the victims constantly doubt themselves.”* They presented solutions for keeping young victims informed through adopting accessible language and terminology, allocating support persons or advocates to facilitate regular updates and check-ins, and providing training to professionals to deliver trauma-informed and youth-friendly communication and services. One Youth Advocate reflected that it would *“be great to see some form of an online portal where you can check the status/outcome of court processes/investigations”* that you are directly involved in.

³ See, for example Public Hearing – Inquiry into the Strengthening Community Safety Bill 2023, Tuesday 28 February 2023 (Brisbane), <https://documents.parliament.qld.gov.au/com/EGC-A022/YJDRAFTTIT-9F73/Transcript%20-%2028%20February%202023%20-%20EGC%20-%20Strengthening%20Community%20Safety%20Bill%202023.pdf>, Women’s Safety and Justice Taskforce 2021, *Hear her voice-Report 2, Volume 1*, https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf,

⁴ See Public Hearing – Inquiry into the Strengthening Community Safety Bill 2023, Tuesday 28 February 2023 (Brisbane), <https://documents.parliament.qld.gov.au/com/EGC-A022/YJDRAFTTIT-9F73/Transcript%20-%2028%20February%202023%20-%20EGC%20-%20Strengthening%20Community%20Safety%20Bill%202023.pdf>

⁵ Women’s Safety and Justice Taskforce 2021, *Hear her voice-Report 2, Volume 1*, https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf

The QFCC notes the Committee is not alone in reviewing and enhancing supports for victims of crime. We acknowledge the harrowing experiences of the criminal justice system that were shared as part of the Women's Safety and Justice Taskforce's *Hear her Voice – Report Two* and the associated recommendations to increase specialist supports, improve systemic advocacy for victims and improve practices across the criminal justice system to victims-survivors of sexual violence.⁶ We consider that the Taskforce's report, and the associated recommendations, present critical evidence and first-hand experiences of victims in Queensland for the Committee's consideration.

Specifically, we note the recent government commitment of \$9 million to better respond to victims of property crime and \$3 million to boost counselling services. We also note that, in response to the Women's Safety and Justice Taskforce, the Queensland Government supports the recommendation to establish a victims' commissioner to promote and protect the needs of victims and determine the most appropriate model for Queensland. These initiatives should give specific consideration to the accessibility and availability of youth-specific, culturally safe and trauma-informed counselling and support services needed by young victims of crime.

Employing restorative justice processes to empower victims

The QFCC supports greater use of restorative justice processes— particularly in youth justice. A restorative justice process empowers victims to choose to have their voices and experiences heard and contribute to how offenders are to be held accountable. For victims who are appropriately supported this can be a positive justice experience.

The foundational principles of a restorative approach are to cause no further harm, work with those involved and set relations right. Maintaining social order, restoring moral balance, and promoting deterrence are all legitimate outcomes of a justice system, but relying primarily on punishment to restore balance and teach lessons can be ineffectual, even counterproductive, particularly for marginalised young people.

Restorative justice holds that an official response to crime should not only (i) respond to the specific incident and the harm it has caused, but also work to: (ii) prevent harmful behaviour from recurring, and (iii) promote the wellbeing of those affected. This work typically requires that an intervention effect some sort of 'restoring right relations', or 're-setting relations' within the community of people affected by the harm. Authorities that focussed primarily on punishment can tend to neglect the needs of victims of crime. In contrast to retributive justice, the core ideas of restorative justice are that:

- because crime causes harm, a core requirement of justice should be to repair that harm for the victim and the community,
- the people most immediately affected should be supported in their search for compensation/restitution,
- members of a broader community (including professionals) may also participate in that search.

In restorative justice approaches the authorities are primarily responsible for providing a suitable process, rather than imposing an outcome. An appropriate process should enable the people involved to agree on how they will:

- respond to the specific harm,
- prevent further harm in general,
- promote wellbeing.

⁶ Women's Safety and Justice Taskforce 2021, *Hear her voice-Report 2, Volume 1*, https://www.womenstaskforce.qld.gov.au/data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf

Reviews of restorative justice processes have shown that they are better able to help offenders understand the impact of their behaviour and change it.

The QFCC welcomes the comment from the Economics and Governance Committee in its report on the Strengthening Community Safety Bill 2023, for the Queensland Police Service to liaise closely with relevant government stakeholders, such as the Queensland Aboriginal and Torres Strait Islander Child Protection Peak and the QFCC, to look at how restorative justice conferences and processes can be improved. We have commenced seeking information from police and the Department of Child Safety and Youth Justice regarding the outcomes and practices within Queensland's restorative justice conferencing programs and we look forward to supporting improvements to restorative justice processes for both victims.

Charter of Victims' Rights

In response to the Committee's second term of reference relating to review of the Charter of Victim's Rights, the QFCC recommends that the Committee include complaints from children and young people. Children and young people may face barriers in making complaints, particularly if complaints processes are not clearly communicated to them throughout the criminal justice process.

Further, while beyond the scope of the Committee's terms of reference, the QFCC notes that a frequently raised issue during consultations by the Women's Safety and Justice Taskforce was that victims did not have sufficient rights in criminal justice processes or that these rights were secondary to those afforded to the accused person. The Taskforce further identified that the 'rights' set out in the Charter were not enforceable and made recommendations to review and improve the Charter of Victim's Rights.⁷

⁷ Women's Safety and Justice Taskforce 2021, *Hear her voice-Report 2, Volume 1*, https://www.womenstaskforce.qld.gov.au/data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf, p. 148.