



Office of the
Victims' Commissioner

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Child Safety Commission of Inquiry

Submission

10 March 2026

Background to Inquiry

The Queensland Government launched an independent Commission of Inquiry into Queensland's Child Safety system in May 2025.¹ The announcement followed concerning findings in the 2024 *Children in Care Census*, which revealed high rates of abuse, mental illness, and unmet needs among children in residential care.

The terms of reference for the Inquiry aim to identify and address systemic issues within the Child Safety system with the goal of improving outcomes for children, carers and families across Queensland. The Honourable Paul Anastassiou KC was appointed as Commissioner to lead the inquiry.

The Inquiry began on 1 July 2025 and was originally due to provide its final report to the Government by 30 November 2025. However, in February 2026 an earlier reporting date was announced, so that recommendations from the Inquiry could be considered in tandem with the Queensland Child Death Review Board's findings in the *In Plain Sight Report*.² The new reporting date is 22 May 2026.

Role of the Victims' Commissioner

The Victims' Commissioner was established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld)* (VCSVRB Act). My role is to protect and promote the rights and needs of victims of crime.

Under section 6 of the VCSVRB Act, a victim includes a person who suffers harm because a criminal offence (including domestic violence) was committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependants of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.³

The VCSVRB Act defines harm as including physical, psychological or emotional harm, damage to or loss of property, and financial or economic loss.⁴ This definition recognises the range of impacts that a crime can have on an individual.

My statutory functions include:

- providing information to victims of crime to help them navigate the criminal justice system
- dealing with complaints under the Charter of Victims' Rights
- conducting systemic reviews
- listening to victims to hear about their own, lived experiences
- advocating for victims' rights by making recommendations and providing advice to government and non-government entities about improvements to policy, practices, procedures and systems to uphold the rights of victims and better meet their needs
- monitoring the implementation of recommendations.⁵

My office began receiving complaints, enquiries and feedback from victims who believe their rights have not been upheld on 2 September 2024. Previously, the Victim Services Coordinator, Victim Assist Queensland had responsibility for receiving Charter of Victims' Rights complaints, however the powers and functions in relation to those complaints are significantly enhanced under the VCSVRB Act.

The Charter of Victims' Rights

The Charter of Victims' Rights (the Charter) is set out in schedule 1 of the VCSVRB Act. The Charter describes the way in which a victim of violent crime should be treated, as far as practicable and appropriate, by government and non-government entities. It sets out the rights of an affected victim⁶ that are to be upheld by prescribed persons⁷ when dealing with the victim.

The Charter applies to victims of 'relevant offences' defined as:

- an offence against the person of someone
- a domestic violence offence within the meaning of the Criminal Code, section 1
- an offence against the *Domestic and Family Violence Protection Act 2012*, section 177(2), 178(2) or 179(2)
- an offence of attempting to commit, or conspiring to commit, one of the above offences.⁸

The Charter sets out:

- three general rights which relate to: how a victim should be treated, the right to personal information being kept confidential and the right to be informed about available services and remedies⁹
- eight rights related to the criminal justice system which include rights about being informed about the investigation, prosecution and bail application, being informed about the trial process and the victim's role as a witness, making a victim impact statement¹⁰
- the right to make a complaint if Charter rights are not upheld and to receive information about how to complain¹¹
- rights relating to being kept informed about matters relating to the detention of offenders such as the period of detention, transfer or escape.¹²

Systemic review of the Charter of Victims' Rights

In February 2025, my office commenced a systemic review of the Charter of Victims' Rights, pursuant to my functions under section 9(a) of the VCSVRB Act. The review was recommended by the Women's Safety and Justice Taskforce¹³ and the Queensland Parliament's Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime¹⁴ and aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime.

Detailed discussion papers have been publicly released during the course of the review and are available on the [Office of the Victims' Commissioner's website](#). I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services on the outcomes of the Review by December 2026.

To support the Charter Review, my office has been engaging with victims of crime, their advocates, family members and professionals who work with victims of crime. Among the issues being explored in the Charter Review is how different cohorts experience the Charter, including children and young people. This submission is informed, in part, by the views and experiences shared with my office thus far, as well as the victims who have provided feedback or made complaints to my office.

Young people's experience of victimisation

In my role, I must have specific regard to victims who have characteristics that may make them particularly vulnerable to harm, including children.¹⁵

What research tells us

Recent research undertaken by the Queensland Government Statistician's Office indicated that approximately one in 12 (8.1%) young people in Queensland had been the victim of personal crime by 17 years of age, including:

- more than one in six (17.8%) young Aboriginal and Torres Strait Islander females had been victimised
- one in nine (11.1%) young Aboriginal and Torres Strait Islander males had been victimised
- about one in 13 (7.6%) young non-Indigenous females had been victimised
- about one in 19 (5.3%) young non-Indigenous males had been victimised.¹⁶

I also note the Queensland Family and Child Commission's 2024 report *Growing Up In Queensland* which identified that rates of victimisation among children and young people, including victims of sex offences and child exploitation offences, had increased over the past five years.¹⁷ The report further highlighted that 'the number of domestic and family violence applications lodged at the Queensland Magistrates Courts where the victim was a juvenile is increasing, especially for non-Aboriginal and Torres Strait Islander young people'.¹⁸

We know that many children and young people in residential care, foster care and kinship care have been victimised before entering care. The 2024 *Children in Care Census* found that 11% of children in care had been sexually abused before entering care, 46% had been physically abused and 68% had been exposed to domestic violence; 69% had experienced 3 or more types of abuse (sexual, physical, emotional, neglect, exposure to domestic violence).¹⁹

Victimisation can continue while children are in care. A 2020 Centre for Excellence in Therapeutic Care research brief cited studies highlighted the particular risks facing young people living in residential care, who may be more susceptible to child sexual exploitation. This is due to factors including the lack of consistent parental care and supervision, placement instability, social isolation and marginalisation, and complex needs arising from their trauma, poverty and abuse histories.²⁰ The report also cited research that children and young people were at risk of sexual exploitation by peers and carers while in residential care, noting that these incidents were challenging to address and were often be ignored.²¹

A recent example of exploitation of children in care in Queensland was uncovered in Operation Uniform Kalahari, involving grooming, sexual assault and drug offences against Queensland children living in residential care in Cairns.²²

What we have heard

In my office's engagement with victims of crime, their families and supporters, we have heard that there is limited awareness of victims' rights amongst agencies interacting with vulnerable children, and that the people who would normally advocate for child victims (such as a parent) may not be available for children and young people within the Child Safety system.

We have heard that a child or young person's experience as a victim of crime can be minimised, ignored, or overlooked within Child Safety systems. As the Commission of Inquiry has already reportedly heard, unaddressed experiences of victimisation are linked with both children who have contact with the Child Safety and Youth Justice systems.²³

Relevantly, our office has heard from:

- parents and guardians whose children, while in the care of Child Safety, have experienced a violent crime (by a third party), who feel that their children have not been adequately responded to, or that they (as parents) have not been adequately communicated with about these events.
- adult victim survivors who were offended against as children when they were in the care of Child Safety.

Across all government systems, we must give greater attention to recognising and responding to the needs of children who are victims of crime, and to upholding their rights. It is critical that agencies acknowledge young people's experience of victimisation and the impact of intersecting factors such as mental ill-health, disability and cognitive capacity. They should respond appropriately by providing options for trauma-informed support, recovery and rehabilitation.

Through consultation to inform the review of the Charter of Victims' Rights, we have heard that, generally, government entity awareness and understanding of victims' rights is limited.

I note the *Charter of rights for a child in care* along with the tailored and accessible versions for children, young people. However, the *Charter of rights for a child in care* does

not reference rights that arise when a child is a victim of crime and nor do the supporting documentation documents provide such references.

I am pleased to note that the Child Safety Practice Manual explicitly references obligations to victims of crime²⁴, and that there is a specific policy relating to responding to children who have been sexually abused while in care which includes exploring options for financial assistance.²⁵ I am unable to comment on the extent to which this guidance is, or is not, contributing to appropriate responses at an operation level. This may be something the Commission of Inquiry may like to consider in the course of its inquiry.

Notably, the abovementioned policy does not refer to the Charter of Victims' Rights or state whether Child Safety will assist with making a complaint under the Charter if these rights are not upheld. It is essential for children, young people, and their caregivers to be informed of their rights as victims throughout the process. Strengthening the information available within the Child Safety system would better support children in understanding and exercising their rights as victims.

Agencies need to build their awareness and understanding of the Charter of Victims' Rights in relation to children and young people who they become aware are victims of violent crime. This means developing accessible information about services and remedies available to the young person and treating them with respect, courtesy, compassion and dignity, taking into account their specific needs.

To support the implementation of these practices, it would be beneficial to have accessible information for children and young people, as well as parents of children in care.

Opportunities for reform

We have heard from some stakeholders that the Charter should be amended to explicitly recognise children as victims in their own right, whether they experience harm directly or are impacted by witnessing or being otherwise exposed to violence.

Several stakeholders have raised the poor accessibility of the Charter for children and young people as an issue, and have suggested that the Charter should better articulate, promote and protect the rights of children and young people who are victims.

Stakeholders have shared that:

- Children and young people who are victims often do not have a voice in court proceedings – even when the decisions under consideration directly affect them²⁶.

- Children and young people should have the right to be provided with information in a way they can understand so they can make informed decisions and participate in the criminal justice system, independent of a parent or guardian.
- The Charter should incorporate child-sensitive complaints processes, support mechanisms and remedies.

There has also been stakeholder support for the Charter to recognise fundamental rights of children and young people as enshrined in the United Nations Convention on the Rights of the Child (UNCRC), particularly the obligation for the best interests of the child to be a primary consideration in decisions affecting them (Article 3, UNCRC) and upheld across Queensland's child protection, youth justice, and victims' support systems.

In our Stage 2 consultation papers, I have sought stakeholder feedback on whether there should be

- specific rights for children in the Charter of Victims' Rights, and if so, what rights should be included?
- a separate Children's Charter of Victims' Rights which contains specific rights for children and young people; or do the Child Safe Standards sufficiently recognise their different needs and protect their interests?
- a child-friendly version of the Charter of Victims' Rights?²⁷

Recommendation to the inquiry

It is recommended that the Child Safety Commission of Inquiry consider making a recommendation that the Department of Families, Seniors, Disability Services and Child Safety develop accessible information for children, young people and parents of children in care about their rights should they be victims of crime, and services and remedies available to them.

¹ The Honourable David Crisafulli (Premier and Minister for Veterans) and The Honourable Amanda Camm (Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence), *Commission of Inquiry into Queensland's*

broken Child Safety System (Joint Media Statement, 18 May 2025)

<<https://statements.qld.gov.au/statements/102583>>.

² The Honourable Deb Frecklington (Attorney-General and Minister for Justice and Minister for Integrity) and The Honourable Amanda Camm (Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence), *Crisafulli Government accelerates child protection reforms* (Joint Media Statement, 12 February 2026) < <https://statements.qld.gov.au/statements/104501>>.

³ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.

⁴ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.

⁵ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 9.

⁶ 'Affected victim' includes a person who has suffered personal harm because of a violent crime or domestic and family violence committed against them, a family member or dependant of that person or a person who dies as a result of the offence, a person who is harmed when intervening to help another person who is harmed or dies because of the offence. See ss 38 and 39 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) for more detail.

⁷ 'Prescribed person' includes government entities, and non-government entities that are funded by government to provide support to victims as its primary function (s 40 and sch 2 *Victims' Commissioner and Sexual Violence Review Board Act 2024*).

⁸ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 39.

⁹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) Schedule 1, Div 1.

¹⁰ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) Schedule 1, Pt 1, Div 2.

¹¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) Schedule 1, Pt 1, Div 3.

¹² *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) Schedule 1, Pt 2.

¹³ Women's Safety and Justice Taskforce. *Hear her voice: Women and girls' experiences across the criminal justice system* (Report 2, 2021) 14.

¹⁴ Legal Affairs and Safety Committee, *Inquiry into support provided to victims of crime* (Report No. 48 to 57th Parliament, 2023) vi.

¹⁵ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 11.

¹⁶ Queensland Government Statistician's Office, *The Victim-Offender Overlap Among Young People in Queensland* (Report, 2024) 10 <<https://www.qgso.qld.gov.au/issues/12151/victim-offender-overlap-among-young-people-qld.pdf>>.

¹⁷ Queensland Family and Child Commission (QFCC), *Growing up in Queensland* (Report, 2024) Figure 44 <https://www.qfcc.qld.gov.au/sites/default/files/2024-02/9022_QFCC_Growing%20Up%20in%20Queensland.WCAG%20reading%20order_01%20COMPRESSED.pdf>.

¹⁸ QFCC (n 13) 47, citing unpublished 2023 Queensland Courts Performance & Reporting Unit data.

¹⁹ Department of Families, Seniors, Disability Services and Child Safety, *Children in Care Census* (Report, 2024) 7 <https://performance.dcssds.qld.gov.au/_media/documents/2024-children-in-care-census-full-report-for-publication.pdf>.

²⁰ Kathomi Gatwiri et al, *What is known about child sexual exploitation in residential care?* (Centre for Excellence in Therapeutic Care, Research Brief, 2020) 5-6 <<https://www.cetc.org.au/wp-content/uploads/2022/07/child-sexual-exploitation-research-brief.pdf>>.

²¹ Kathomi Gatwiri et al (n 16)) 7.

²² Meghan Dansie, 'Cairns man Ian Alexander Peachey given jail sentence for grooming, abusing children in state care' (ABC Far North, 13 September 2023) <<https://www.abc.net.au/news/2023-09-13/ian-peachey-jailed-abusing-children-in-state-care-cairns-court/102849590>>; Nino Bucci and Ben Smees, 'Dozens of vulnerable children allegedly preyed upon in Cairns, upending Queensland's youth crime debate' (The Guardian, 25 September 2023)

<<https://www.theguardian.com/australia-news/2023/sep/25/police-operation-uniform-kalahari-cairns-youth-abuse-children-allegations-charges>>.

²³ Aisling Brennan, 'Woman tells Queensland child safety inquiry of abuse and lack of support in state care' (ABC News, 17 February 2026) <<https://www.abc.net.au/news/2026-02-17/child-safety-commission-hearing-in-toowoomba/106350486>>

²⁴ Queensland Government, *Child Safety Practice Manual*, 9 January 2026

<https://cspm.csyw.qld.gov.au/our-approach/principles#Obligations_to_victims_of_violent_crime>

²⁵ Department of Families, Seniors, Disability Services and Child Safety, Child Safety Policy: Response to children who have been sexually abused while in care (Policy No. 627-5) <https://www.families.qld.gov.au/_media/documents/foster-kinship-care/627-response-children-sexually-abused-while-in-care.pdf>.

²⁶ For example, in family court matters where a young person has been exposed to domestic and family violence. See Australian Law Reform Commission, *Family Court practice and procedure: the right of the child to be heard* (ALRC Report 84, 2010) 16.27-16.30

<<https://www.alrc.gov.au/publication/seen-and-heard-priority-for-children-in-the-legal-process-alrc-report-84/16-childrens-involvement-in-family-law-proceedings/family-court-practice-and-procedure-the-right-of-the-child-to-be-heard/>>.

²⁷ Office of the Victims' Commissioner (Qld), *Review of the Queensland Charter of Victims' Rights - Stage 2 detailed paper* (January 2026) 3.3

<https://www.victimscommissioner.qld.gov.au/_media/documents/our-work/review-of-the-charter-of-victims-rights-stage-2/OVC_Charter-review-stage-2_detailed-paper.pdf>.