

Jasmina Joldić PSM
A/Director-General
Department of Justice and Attorney General
1 William Street
Brisbane Qld 4001

VictimsCommissionerBill@justice.qld.gov.au

18 December 2023

Dear Ms Joldić,

RE: QDN Response to the Victims' Commissioner and Sexual Violence Case Review Board Bill 2024

Queenslanders with Disability Network (QDN) is pleased to provide this brief response to the Department of Justice and Attorney General with regards to the Victims' Commissioner and Sexual Violence Case Review Board Bill 2024. QDN supports the overall intent of the Bill to provide consistent and accessible support to victims of crime and sexual violence.

Background and Context

Queenslanders with Disability Network (QDN) is an organisation of, for, and with people with disability. The organisation's motto is "nothing about us without us". QDN operates a state-wide network of over 2,000 members and supporters who provide information, feedback and views from a consumer perspective to inform systemic disability policy and disability advocacy.

It is now well known that compared to women without disability, women with disability experience significantly higher levels of all forms of violence, more intensely and frequently. Their experiences of violence last longer¹; more severe injuries result; women with disability are far less likely to receive service support to address violence; they are often not believed when reporting sexual

¹ Dowse, L., Soldatic, K., Didi, A., Frohmader, C. and van Toorn, G. (2013). Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia. Background Paper. Hobart: Women with Disabilities Australia. Available online at: http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf

assault and other forms of violence; they are often denied the right to legal capacity² and effective access to justice³; and they have considerably fewer pathways to safety⁴.

QDN response

QDN's response is informed by the lived experience of our members, all of whom have disability, which includes an online women's network of 53 members from around the State.

QDN supports the implementation and proposed functions of both the Victims' Commissioner and Sexual Violence Case Review Board Bill 2024.

In the implementation of this legislation, consideration is required to include the voices of people with disability. QDN commends the Department of Justice and Attorney General for including accessibility in both pieces of legislation however we recommend the following be considered and addressed:

- Given women with disability experience higher levels of violence, QDN recommends a person with lived experience of disability be appointed as a member of the Sexual Violence Case Review Board. This will ensure systemic issues faced by people with disability in sexual violence matters be captured and addressed.
- The Victims Commissioner has special consideration of victims of sexual, domestic and family violence, and Aboriginal and Torres Strait Islander people. This should be expanded to include other groups who experience high levels of victimisation including people with disability, those from refugee and migrant backgrounds and LGBTQI+ community.
- In the case where the affected victim cannot make a complaint without assistance by someone else and that person be authorised by the commissioner to make the complaint on behalf of the victim (refer to Part 3, 47 (3)(a)), QDN recommends the decision of who makes the complaint be based on the choice of the victim.
- Information and resources provided to victims should be made available in accessible formats including easy read, audio, Auslan, video and multimedia, braille and screen reader friendly formats. Equally, where victims are required to make submissions, these should be accepted in all accessible formats. (For example, Part 3, 48 (2)(a); Part 3, 56).
- QDN recommends payment of sitting fees for the community members who are members of the Sexual Violence Case Review Board.

² United Nations General Assembly, Human Rights Council (2013) Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E Méndez; 1st February 2013; UN Doc. A/HRC/22/53.

³ Frohmader, C. (2014). 'Gender Blind, Gender Neutral': The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities. Prepared for Women with Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-2-1.

⁴ Women with Disabilities Australia (WWDA) (2020). 'Submission to the House Standing Committee on Social Policy and Legal Affairs' inquiry into family, domestic and sexual violence'. August 2020. WWDA: Hobart, Tasmania.

Thank you for this opportunity to present this submission regarding the Victims' Commissioner and Sexual Violence Case Review Board Bill 2024. QDN commends the Department of Justice and Attorney General on this important legislation.

We look forward to hearing the outcomes and QDN is happy to provide further advice if required. Please call us on 3252 8566 if you require further information on our submission.

Yours sincerely,

Michelle Moss
Chief Executive Officer
Queenslanders with Disability Network