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Victim's Commission of Queensland
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Dear Commission,

RE: REVIEW OF THE CHARTER OF VICTM'S RIGHTS

"The legal system is designed to protect men from the superior power of the state but not to protect women or children from the superior power of men. It therefore provides strong guarantees for the rights of the accused but essentially no guarantees for the rights of the victim. If one set out to devise a system for provoking intrusive post-traumatic symptoms, one could not do better than a court of law."

Judith Lewis Herman

Thank you for providing the opportunity to provide a submission on the Review of the Charter of Victim's Rights in Queensland. The quote below summarises succinctly the issues many of barriers and issues victim-survivors of sexual violence face when engaging with the criminal justice system.

About QSAN

The Queensland Sexual Assault Network (QSAN) is the peak body for sexual violence prevention and support organisations in Queensland. We have 21 member services, including specialist services for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with intellectual disability, young women, men and children and our membership are located throughout Queensland, including in rural and regional locations.

Our network of non-Government services is funded to provide specialist sexual assault counselling, support, and prevention programs in Queensland. QSAN is committed to working towards ensuring all Queenslander's who experience sexual violence recently or historically, regardless of age, gender, sexual orientation, cultural background receive a high-quality response in line with best practice, client-centred principles. Our work and analysis of sexual violence is from a feminist perspective and addressed within a specialist trauma framework.

We are committed to engaging with government and other bodies to raise systemic issues of concern, and to ensure the voices and experiences of victims of sexual violence are considered in the formulation of policy and legislation that impacts on sexual violence victims in Queensland.

The current landscape

All indications are that sexual violence prevalence in our community is increasing and indeed the latest statistics from the Personal Safety Survey confirm this.[1]

Anecdotal feedback from QSAN services is that over the last near 15 years, the violence associated with sexual offending is getting worse (more sadistic, dangerous and degrading) and the victims are getting younger.

The number of people reporting sexual assaults has continued to increase over the past five years.

According to the 2024 report of the Productivity Commission, the rate of victimisation in sexual crimes in 2022 was 124 per 100,000 population. In 2016, the rate was 95 per 100,000.[2]

The Personal Safety Survey[3] also confirms that younger women are at most risk of victimisation with key findings being:

- The 2021-22 PSS estimated that 1 in 8 (12%) women aged 18-24 experienced sexual violence in the 2 years before the survey.
- In 2022, younger women were most likely to be victims of sexual assault than older women (56% were under 18 years old and 30% were aged 18 – 34).

The extent of sexual violence in our community and the impacts are larger and more widespread than we previously thought[4]:

Australian National Research Organisation on Women's Safety research found:

- 51% of women in their twenties
- 34% of women in their forties
- 26% of women in their late sixties and seventies.

And the Royal Commission into Aged Care Quality and Safety found there are 50 sexual assaults per week occur nationally in aged residential care.

The latest figures from the ABS are only 8 % of women report sexual violence to the police.

[1] Personal Safety, Australia, 2021-22 financial year | Australian Bureau of Statistics (abs.gov.au)
[2] Police services - Report on Government Services 2024 - Productivity Commission (pc.gov.au)
[3] Young women - Australian Institute of Health and Welfare (aihw.gov.au)
[4] https://anrowsdev.wpenginepowered.com/wp-content/uploads/2022/08/ALSWH-Prevalence_SV.pdf

As a community therefore, we have a lot of work to do to appropriately respond and prevent sexual violence and to support victim-survivors in their engagement with service systems, and if they choose to report their experience.

Recognising Human Rights of Victim-Survivors

Despite this recognition of the human rights of victim-survivors of sexual violence being out of scope of this review, QSAN reiterates our strong position that victim-survivor rights should be recognised in the Human Rights Act (QLD) 2019.

A Charter of Rights, even if it is improved and modernised will always be less than and not equal to legally enforceable rights under the *Human Rights Act*, which are not only enforceable but can influence court outcomes, legal decision-making and ensure legislative compliance.

The rights of the offender are historically prioritised in the criminal justice system, and the human rights of the victim-survivor are given, in practice, little attention or focus. A specific protection for victim-survivors would elevate their rights in the system, including to the prosecution. This increased visibility of rights would increase the possibility of them being recognised and proactively protected and upheld in judicial decision-making in the criminal justice system.

The failure to recognise the specific rights of the victim-survivors is problematic because:

- It reinforces the historical focus in the criminal justice system on the accused's rights to the detriment of the victim survivor.
- It contributes to the invalidation of victim-survivor's rights and contributes to making them 'invisible in the system'.
- It impacts the evolution and framework of the law and legal principles as judges are required to deliver judgements that align with the Act. The failure to specifically recognise victim-survivor's human rights will, over time, systemically weight the process even more in the accused's favour. Arguably, it allows for inhumane arguments that only consider the rights of the accused to be brought without a counterbalance of the victim-survivor's rights.

The Community Message is Contradictory to Other Government Reform Including the Prioritisation of Victims

Over and above these other issues, the failure to recognise victim survivors' rights in the Human Rights Act, whilst recognising the accused's rights in the criminal justice system sends a powerful message to our community that victim survivor's human rights in the criminal justice system do not matter.

The failure to specifically recognise victim-survivor rights as human rights in the criminal justice system is also contradictory to every other report and policy the government is currently implementing and supporting, including but not limited to the National Plan to End Violence Against Women and Children 2022 – 2032, the Women's Safety and Justice Taskforce Recommendations and Reforms and current government policy prioritising victim's rights.

The Independent Review into Human Rights in Queensland

Though the Independent Review in Human Rights in Queensland, *Putting People at the Heart of Policy,* was not acted upon by the Queensland Government, and, concerningly did not ultimately recommend the specific recognition of victim-survivor rights, it did make some interesting recommendations about victims of crime that could helpful if their applicability were translated to the Victim's Charter.

QSAN supports these recommendations from the Independent Review being incorporated into the Charter:

- A new right be incorporated that recognises victims should be treated in a respectful ***and trauma-informed manner that reduces the stress and trauma on victims***.
- This new right should include being treated with courtesy, compassion, respect and dignity by investigatory and prosecuting agencies, and to being provided relevant information (unless a victim has elected not to receive information) in a timely manner.
- In recognising a victims' right to respectful and trauma-informed engagement, the right should make mention of the need to take into account a victim's age, disability, gender identity, cultural and racial identity, religion, sexual identity, and parental, family, carer or kinship responsibilities, including a specific right to an interpreter for non-English speaking victims and a right to culturally safe processes and support. There should also be an acknowledgement that children who commit crimes are often themselves victims of violence, abuse and neglect, and provision needs to be made for this.
- The new right should relate to victims (and their families and any witnesses to the crime) who suffer personal (not financial/property) harm, in particular victims of serious violent crimes and for DFV victims in civil proceedings (who might be applying for a Domestic Violence Order).

https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0232/5825t232.pdf

We will now consider improvements to the Charter of Victims' Rights

We are drawn to the specific rights for sexual violence victim-survivors in the *New York State Sexual Assault Victim Bill of Rights,* particularly in light of the low reporting rates for sexual violence and the particular DNA issues that are currently being experienced in Queensland. We support these rights and their adaption for the Queensland context.

Please see:

https://acrobat.adobe.com/id/urn:aaid:sc:AP:c47f7bf7-47bc-49f2-a8df-90f792024cdd

New York State Sexual Assault Victim Bill of Rights

Please see the New York rights below that have been supplemented with some additional ideas from QSAN.

General Rights

• You cannot be treated differently based on certain characteristics, such as race, national origin, religion, sexual orientation, disability, age, source of payment, sex, gender identity, or gender expression.

• Your immigration status or national origin cannot affect your emergency care or services. You can ask for an interpreter if it is hard for you to understand or speak English.

• Minors have certain rights to make their own decisions without a parent or legal guardian.

Hospital Emergency Department Rights.

• You can have an advocate from the specialist sexual violence service stay with you during the exam. You can choose to have an advocate at anytime you interface with the criminal justice system including - hospital admissions, forensic medical examinations, interactions with the QPS and ODPP and the Court.

• You can have an exam in any hospital emergency department to collect evidence and provide certain medical care related to the sexual assault at no cost to you. If you do not have health insurance, or you decline to use your health insurance, you can ask the hospital to bill the Office of Victim Services.

• You can have medicine to prevent pregnancy and sexually transmitted infections (STIs, also known as STDs) for free. For HIV prevention, a 7-day pack of medicine can be started at the hospital.

• You will be provided information on appropriate follow-up medical care.

Law Enforcement Rights

• You can choose to report to the police or not.

• You can choose to have or not have an advocate from the specialist sexual violence service stay with you during your interview with the police or prosecutor.

• You will be given contact information for the police or prosecutor handling your case.

• You can contact the police or prosecutor for information on the criminal investigation or legal proceedings. The police or prosecutor will inform you of any updates or legal action related to your case.

• If you choose to report to the police, your forensic medical evidence will be tested within (insert time period) days. You may contact the police for information on a DNA match.

• If you choose not to report to the police, your evidence will be stored for (insert time period) years, or until you decide to release it. You will be notified if your evidence is moved and before the storage period ends.

• Right to be provided information about specialist sexual violence counselling and support.

Court Rights

- Right to specialist witness protections when giving evidence in court.
- Right to meet your prosecutor before a trial.
- Right to not be subject to cruel, abusive and/or inhumane cross examination.
- The right to a timely court outcome.

Additionally, the following rights could be considered specifically addressing the DNA delays in Queensland:

- That if there are delays in relation to current matters concerning DNA testing, you have a right to be kept informed of where your case is up to, when it is anticipated testing will occur, when testing does occur and the outcome of the testing.
- That any police investigation will prioritise your safety and will refer you to a specialist sexual violence service to provide you with safety planning and other options.
- That in relation to historical DNA testing issues in Queensland, you have a right be told if there is enough evidence for your matter to be re-prosecuted and to decide about whether you would like this to occur.

EU Victims" Rights Directive

Some additional relevant rights taken from the EU Victims' Rights Directive for consideration:

· right to safeguards in the context of restorative justice services.

· right to protection of victims during criminal investigations.

· right to protection of victims during criminal proceedings.

Specific Questions:

1. **Do you have anything to share about victims' needs? You could think about: • how victims' needs differ for different types of victims of crime • whether there are other needs that we haven't talked about.**

The impact of sexual violence is profound and has detrimental impacts across a person's life including their social life, mental health, health in general, relationships, education and financially and alcohol and drug use and wellbeing in general. If the sexual violence occurred in childhood the impacts can impact on the development of a person's whole self and can increase their risk of

being susceptible to further sexual violence and domestic and family violence and/or targeted by perpetrators and causing ongoing harm, into adulthood.

"The main finding is that sexual violence causes persistent suffering for women and girls. In childhood and adolescence, the main consequences include a feeling of unbearable secrecy, threat and humiliation; disconnection of body and soul; great fear and constant insecurity; damaged self-image, self-accusation and guilt; experiencing being compelled to take full responsibility for the crime; as well as various physical and mental health problems, e.g., suicidal thoughts. In adulthood, the consequences are also multifaceted and varied, including vaginal problems, recurrent urinary tract infections, widespread and chronic pain, sleeping problems, chronic back problems, and fibromyalgia, eating disorders, social anxiety, severe depression, and chronic fatigue. In conclusion, sexual violence has these extremely negative and long-term consequences because of the interconnectedness of body, mind, and soul. The seriousness of the consequences makes a trauma-informed approach to services essential to support the healing and improved health and well-being of survivors."

"Our body is designed to be healthy and has built-in balance management to maintain the equilibrium of the various systems of the body. When women and girls are sexually violated, everything in the body tries to prevent the immune system from being damaged and, therefore, decreasing the chances of the person suffering from a physical or mental illness. Psychoneuroimmunology is an interdisciplinary field of study in which the emphasis is on understanding the relationship between what happens to us and the resulting consequences for the central nervous system, endocrine system, and the immune system."

Please see https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7918207/ for further information about the impact of this stress on all aspects of the health of women and girls who have been sexually violated and the strong links between trauma, and disease and a discussion about why sexual violence is a much more serious crime than people realise.

The needs of sexual violence victim-survivors are unique to other victims of crime because the crime involves a transgression of their body and bodily autonomy which can result in profound psychological trauma. They may face a range of emotional, cognitive and behaviour effects immediately and long term that can persist for days, weeks, years or are lifelong.

Victim-survivors can struggle with shame and self-blame which can lead to under reporting and a lack of support. Myths and insensitive responses that blame the victim-survivor or question their motives can create a culture of silence, making it difficult for victim-survivors to seek help. Holistic, specialised and individually tailored response are required to sensitively and appropriately meet their needs.

There are a range of specific legislative protections that are specific to sexual violence matters.

2. **Do the current purposes of the Charter outlined in section 42 of the Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld) reflect community expectations? If not, what other purpose/s should the Charter have?**

We support the Australian Capital Territory (ACT) Charter which 'acknowledges the central role of victims in the criminal justice process' and has objects which are to:

• help victims deal with the effects of criminal offences and other harmful behaviour
• recognise and establish appropriate ways for justice agencies to engage with victims to minimise adverse outcomes and prevent trauma for victims.

Additionally, we agree with international jurisdictions, which is to focus on promoting victims' interests and rights.

3. **Should the Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld) or the Charter of Victims' Rights include introductory language that more clearly frames the experience of victims, and their rights, within a broader community and public interest or community context?**

Yes, there should be introductory language that provides context for the need for the Charter. There is merit in the identified Canadian provinces and Californian rights documents that broaden the issue out from the individual victim-survivor to a societal issue that requires a collective response.

- *The Canadian provinces of Newfoundland and Labrador similarly recognise that: The hardships created by an offence against the laws of society should be shared by society as a whole, and victims should be helped in addressing their particular needs and concerns*.
- *California's Declaration of Rights for victims' rights begins with the statements: Criminal activity has a serious impact on the citizens of California. The rights of victims of crime and their families in criminal prosecutions are a subject of grave statewide concern... Victims of crime are entitled to have the criminal justice system view criminal acts as serious threats to the safety and welfare of the people of California*.

4. **Should the Charter be extended to cover types of crime not involving violence?**

QSAN does not oppose the extension of the definition to economic loss similarly to the ACT definition or injury, damage or loss as defined in South Australia

In relation to resourcing and response, we believe that sexual violence should be prioritised because of its low reporting, charging and conviction rates and the high level and serious impact of the crimes on women and children. These crimes have historically not been viewed as "true crime" and can be downplayed or dismissed by police and the legal system, so we have a duty to ensure they are responded to appropriately.

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

The definitions need to be broader perhaps similar to the *Domestic and Family Violence Act 2012*.

7. Are there any issues with these rights being contained in the Charter? (Eligible to join the Victim's Register)

We would suggest adding in to the following paragraph the following:

- a person whose safety may be at risk because of the prisoner, such as a witness, *or a family member or associate of the primary victim of DFV or sexual violence whose safety is also at risk from the offender.*

8. Does the definition of 'government entity' need to be amended?

Yes, and broadened such as in NSW and Tasmania use broad terms such as 'government agency' or 'criminal justice system services', though defining these would be helpful.

14. Does the right to be treated with courtesy, compassion, dignity and respect, taking into account a victim's needs need to be strengthened? If so/not, why? You could think about whether the right should make reference to: • certain personal characteristics or non-discriminatory treatment.

Please see previous suggestions of additional approaches in our submission.

16. Does the right to be provided information about services and remedies need to be strengthened? If so/not, why? You could think about whether it should include: • a right to have access to services. • a right to be referred to services.

It may be difficult to include a right to access to services, when many specialist sexual violence services have wait lists, so a right to be referred to relevant services.

17. Is the phrase 'at the earliest practicable opportunity' helpful or should a different phrase be used? What might a better phrase be and why?

Consideration could be given to the following:

At the earliest opportunity.
At the earliest reasonable opportunity.

18. Should examples about what services and remedies means be provided? If so, what examples should be prioritised and why?

Yes, victim support services should be prioritised to provide assistance with information and system's navigation, in a trauma informed way.

19. Should there be separate rights for specific services or remedies (for example, special witness measures)? If so, what specific services and remedies should be included?

Yes, a specific provision on special witness provisions would be supported.

20. Does the right to be provided information about the investigation and prosecution need to be strengthened? If so, how?

Yes, these rights should be strengthened and be made more specific.

Victim-survivors should be provided relevant information within a reasonable time including:

• the progress of the investigation.

• each major decision about the prosecution, and the reasons for the decision, including:
  - the charges brought against the accused;
  - not bringing charges, or substantially changing the charges, against the accused;
  - accepting a plea of guilty to a lesser or different charge.

• matters arising during court proceedings, including:
  - the name of a person charged with an offence in relation to the relevant offence;
  - the issue of a warrant for the arrest of a person accused of committing the relevant offence;
  - details of relevant court processes, including when the victim may attend a court proceeding and the date and place of a hearing of a charge against the accused;
  - details of any diversionary programs available to the accused;
  - the outcome of a criminal proceeding, including the sentence imposed and the outcome of an appeal.
  - the outcome of a bail application made by the accused and any arrangements made for the release of the accused, including any special bail conditions imposed that may affect the victim's safety or welfare.

Victim-survivors should also be informed of any bail applications within a reasonable time to enable safety precautions to be taken in advance of the hearing, if the accused is released.

In addition to bail, victim-survivors should also be informed about parole decisions within a reasonable time to enable safety measures to be considered and implemented before the offender's release.

21. Should victims have the right to be informed about decisions prior to decisions being finalised (for example when a decision is going to be made about the charges)? If so/not, why?

Yes, they should be informed as they are intricately involved in the case and should have a right to know information about the case including any key changes.

22. 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?

Changing or dropping charges.

23. Does the right to be protected from unnecessary contact with the accused during a court proceeding need to be strengthened? If so/not, why? You could think about whether: • the right should be extended to enable a victim to attend court hearings virtually, where appropriate • the right should contain a specific reference to separate waiting rooms or safe rooms.

We would support strengthening the right but are unsure it is practicable to have a right to a safe room, when they do not exist in some court rooms.

It might be that the police/prosecution should discuss court safety strategies with the victim-survivor and implement those that are practicable.

Yes - currently the onus is on the victim and their supporters to manage their own safety. There onus should be on the perpetrators to be mandated through their bail conditions to specifically avoid contact with the victim in the lead up to, during and after any legal proceedings. Victims-survivors should also be allowed to give evidence in court while the perpetrator removed to a private room and video-conferenced into proceedings.

24. Does the right to make a victim impact statement need to be strengthened? If so/not, why? You could think about whether: • the right should include a specific reference to a victim having a right to be provided information about a VIS • victims should have a specific right to be provided with assistance for the preparation of a VIS • the right should refer to flexible arrangements for giving a VIS, such as giving a victim impact statement via video-link or telephone link.

The ACT approach seems the most feasible and practical - The ACT requires that the police and DPP tell victims about who may make a VIS, what information may be included and how the statement may be used in a court proceeding.

25. Does the right to return property held by the State for an investigation or as evidence 'as soon as possible' need to be strengthened? If so/not, why? Should the right have specific regard to: • digital evidence or the impact of having a phone taken to collect digital evidence? • property being returned to family members of deceased victims? • information about how to collect property?

A combination of both ACT, Victoria and NSW is supported, that is:

That property will be returned as soon as practicable and in a way that minimises the inconvenience to the victim and will be otherwise stored in a lawful, respectful and secure manner.

26. Does the right to make a complaint need to be strengthened? If so/not, why?

It should be clear in the legislation, who has responsibility for advising victims about their right to make a complaint and how? There should then be clear communication about this to victims.
Yes – the complaints process needs to be more transparent, and victims should be supported by a sexual violence victim's advocate through a specialist sexual violence service. Victims should not be disadvantaged or discriminated against in anyway by making a complaint during the criminal justice process. Victims often do not complain as they worry their matters will be dropped or deprioritised. In addition, we support that the making of a complaint will have no adverse impacts on the victim-survivor's case,

28. 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?

Yes, otherwise agencies do not know of their obligation to advise victims of their right to make a complaint. The ACT approach seems appropriate.

The ACT requires victims to be told about their rights, stating that justice agencies must provide victims with information about their rights 'in a way the victim understands.

29. Should the Charter include a right for criminal justice proceedings to be free from unreasonable delay and for inconvenience to the victim to be minimised? If so, what should the scope of this right be, and what obligations should it create for a prescribed person?

Yes, we support this inclusion of measures to minimise inconvenience to victim-survivors, avoiding unnecessary delays are appropriate.

30. Should the Charter include a right to be protected from repeated victimisation, intimidation or retaliation? If so, what should the scope of this right be, and what obligations should it create for a prescribed person?

Yes, we agree and are also supportive of the Scottish approach:

The Victims' Code for Scotland provides that police will protect victims from repeat victimisation, intimidation or retaliation through measures such as only interviewing victims when necessary; keeping interviews to a minimum; and using specialised facilities for interview.

31. 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?

We support the England and Wales approach:

To provide a right to all victims 'to be given information in a way that is easy to understand and to be provided with help to be understood, including, where necessary, access to interpretation and translation services.

We would add in that it should be recognised, although victim-survivors may be able to speak English in everyday life, in times of stress they may be better able to process in another language, and this should be accommodated.

32. Should there be a Charter right to interpretation or translation? If so, what should the scope of this right be, and what obligations should it create for a prescribed person?

Yes, there should be a right to an interpreter.

33. Should the Charter include a right for victims to request to be interviewed by officials of a particular gender, and to have that request accommodated where possible? If yes/no, why?

Yes, in circumstances of sexual violence, this is essential for the emotional safety of the victim-survivor.

34. Should the Charter reflect a victim's access to reimbursement for witness expenses, compensation paid by an offender, or financial assistance provided by the State? If yes/no, why? If yes, • should the right include being provided information about financial assistance generally, with specific references to relevant legislation? • who should be responsible for administering the right, for example the police, prosecuting agency or another agency (such as Victim Assist Queensland)?

QSAN supports the right include a right to be provided information about compensation processes with specific references to relevant legislation and time limits. Those responsible for administering the right, should include the police, prosecuting agency and Victim Assist Queensland.

36. Should the Charter of Victims' Rights include a right to receive a victim recognition statement or request a victim recognition meeting? If yes, • what should the purpose of victim recognition statements or meetings be? • who should be responsible for providing victim recognition statements or facilitating victim recognition meetings? • when should victim recognition statements or victim recognition meetings occur?

This may provide an alternative approach to recognition and justice that might be an option for some victim-survivors of sexual violence, as the official reporting rates are so low.

The Victorian approach seems sound whereby victims are recognised after the final decision in relation to financial assistance has been made.

We would strongly recommend that any approach, of developed, be informed by engagement with QSAN services.

41. Should the Charter include rights specific to alternative justice pathways, such as restorative justice processes? If yes – why and what should those rights look like?

A right to be informed on all available justice pathways could be considered in the Charter.

43. Should the Charter provide for specific rights in response to recent or emerging issues? If yes, should this include: • a right to notification once DNA has been tested? • a right to notification for historical case reviews?

Please see previous response to this issue.

It is important to be careful that victim-survivors hopes of justice are not raised unnecessarily if there is no chance that their historical matter will proceed to a new court trial, as this will cause unnecessary grief and exacerbate trauma.

If a victim-survivor specifically seeks information about a historical DNA matter, they have a right to be provided this information and be kept up to date about decision-making concerning their matter.

If there is sufficient evidence in a historical DNA matter to be re-prosecuted, then the victim-survivor has a right to decide if this occurs.

48. Should the Charter of Victims' Rights specifically include rights of victims whose matters have been diverted to the Mental Health Court? If so: • what rights should be included? • should the principles for victims in the Mental Health Act 2016 continue to exist?

Yes, we support the Charter specifically including rights of victims whose matters have been diverted to the Mental Health Court.

The rights could include a combination of the NSW and ACT approach specifically:

In the ACT, the Victims of Crime Act 1994 provides specific rights for victims in relation to mental health orders by the Administrative Appeals Tribunal (ACAT).

We support these rights translated to the Queensland context:

- The right to be told that the ACAT is considering making a mental health order, forensic mental health order, or order to release offender from custody under a mental health order, and if ACAT makes an order, to tell the victim that the order has been made and the nature and length of the order.
- The right to appear and give evidence (or provide a statement), at the hearing.
- The right to be told about how to apply for leave to participate (if required) in a hearing in relation to the order, how to participate in the hearing, and to assist the victim to participate (if the victim accepts offer).

QSAN supports the following NSW rights being adopted:

In NSW, the NSW Mental Health Review Tribunal, is specifically required to have regard to the NSW Charter of Victims' Rights in making orders in relation to the treatment, care, detention and release of forensic patients. Victims can make submissions to the Tribunal when the Tribunal are considering either a release of a forensic patient or leave for a forensic patient.

If you require further information, please do not hesitate to contact the Secretariat.

Kind Regards,

Angela Lynch

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QSAN