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Submission on the Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026

About Sisters Inside

Sisters Inside is an Aboriginal led, abolitionist organisation that has worked alongside criminalised and incarcerated women and girls for more than 30 years. Our work begins with a truth too often excluded from debates about victims' rights: women and girls in prison are victims too. Many have survived sexual violence, domestic and family violence, childhood abuse, racism and violence by state institutions. Imprisonment does not erase what has happened to them or their right to be heard.

We welcome measures that give people harmed by crime greater control over whether and how they tell their stories. However, rights that exist on paper are of little use to a woman who cannot make a private phone call, access an advocate, obtain her records or communicate freely with a prosecutor from prison. Nor should recognising harm be treated as a reason to expand imprisonment. This Bill should be assessed against both realities.

Our recommendations

Sisters Inside recommends that the Committee:

1. Affirm expressly that a person's imprisonment, criminalisation or history of offending does not diminish their standing as a victim or their access to the rights and processes provided by the Bill.
2. Fund independent, culturally safe advocacy for victims in custody, including confidential communication, assistance to prepare a victim impact statement, interpretation and practical access to the means of presenting it.
3. Preserve the victim's control over their statement. Another person should not speak on their behalf contrary to their wishes, and a statement should never be presented as inherently therapeutic.
4. Require meaningful consultation before a community impact statement is prepared, with safeguards against speaking for a community that has not authorised that account.
5. Constrain the power to add further offences eligible for community impact statements by regulation and examine the effect of these statements on sentencing and imprisonment during the Bill's two year review.
6. Ensure families affected by a death in custody receive timely, accessible notification and independent support when an inquest is ordered or an investigation or inquest is reopened.

7. Protect procedural fairness at sentencing. A court should not increase a sentence on the basis of a disputed claim in a victim or community impact statement unless the person being sentenced has had a meaningful opportunity to know and answer that claim. The court should give reasons identifying the material it relied on and should not treat a statement as proof of facts beyond the offence established.
8. Invest in practical support for victims beyond sentencing, including housing, healthcare, income security and independent support for people in custody

Victimhood does not end at the prison gate

The Bill expands who may provide a victim impact statement and the offences for which one may be provided. Its proposed definition includes people harmed directly, as well as people harmed through close personal relationships, witnessing an offence or intervening to help someone else. These changes may allow more people to describe harm that the existing process has overlooked.

The Committee must nevertheless be clear about who can use these provisions. A woman in prison may be a survivor of an offence committed before her imprisonment. She may be harmed by an offence while in custody. She may be grieving a family member who has been killed. She may also have been criminalised in circumstances closely connected to the violence she survived. None of these experiences makes her less credible, less deserving of support or less entitled to participate.

In practice, however, a victim in prison depends on correctional systems for access to information, communication and appointments. Preparing a statement may require confidential conversations, time, literacy support, records, an interpreter and contact with someone she trusts. If those things are unavailable, an expanded legal entitlement will still exclude her.

We recommend that implementation guidance expressly address victims in custody and that government fund advocacy independent of corrective services. Women must be able to seek help without having to disclose sensitive experiences to prison staff as the price of access. Corrections staff should not decide whether a woman's account is credible or whether she is a sufficiently "deserving" victim to receive assistance.

A victim impact statement must remain the victim's choice

The Bill recognises an opportunity to provide a victim impact statement as having a potential therapeutic benefit. It broadens the ways a statement can be presented and allows, in specified circumstances, another person to prepare one on a victim's behalf. More choice over how to speak can matter, particularly for women facing language, cultural, disability or access barriers. Yet giving an account in court is not therapeutic for everyone. For some women it may mean revisiting violence in a process over which they have little control. For women in prison, the possibility that a statement will be read, stored or shared can carry additional concerns about privacy and safety. A victim must be free to make a statement, decline to make one, change her mind or choose how much to disclose without being told that participation is part of her healing.

The proposed provision permitting another person to prepare a statement calls for particular care. Considering the victim's wishes is necessary, but those wishes should carry decisive weight wherever the victim can express them. A trusted supporter can help someone find her words; they should not replace her account with what a prosecutor, institution or family member thinks she ought to say. Access to an interpreter or communication support must come before any assumption that someone else should speak for her.

Being heard must not make a sentence harder to contest

Sisters Inside supports a victim's ability to describe harm in her own words, without unnecessary editing or a presumption that she must withstand cross-examination. We are also concerned about what happens when a statement contains a claim that goes beyond the offence established in court, disputes the circumstances of what happened, or is used to argue for a more severe sentence. This matters to criminalised women and girls. A woman's own history of violence and coercion may already have been poorly understood by the criminal legal system. At sentencing, she may have limited legal support and little practical ability to obtain records or answer new claims. The court's obligation to listen to a victim must sit alongside its obligation to sentence on a fair and reliable basis.

The Bill would permit a court to receive a victim impact statement containing otherwise inadmissible material, while requiring the court to disregard that material. It would also restrict cross-examination unless the content may materially affect the sentence *and* cross-examination is in the interests of justice. We understand why a victim should be protected from questioning that serves no proper purpose. However, the safeguard for the person being sentenced must work in practice: if a disputed claim could increase her sentence, she needs adequate notice and a meaningful way to answer it. That may involve legal submissions, other evidence or, where genuinely necessary, carefully managed questioning that protects the person who made the statement from unnecessary distress.

We ask the Committee to make clear that a victim impact statement is a way to convey the harm caused by an offence, not a means of establishing further disputed offending without a fair process. A sentencing court should identify and give reasons for any statement material that affects the sentence. It should not infer that declining to challenge a statement amounts to accepting every claim in it, particularly where the woman's legal representation or access to evidence is limited.

Victims' rights must extend beyond sentencing

A victim impact statement may allow a person to tell the court what happened to them. It cannot, by itself, provide safe housing, income, healthcare, protection from further violence or the support needed to live beyond that harm. For a woman in prison, the gap is especially stark: she may be invited to describe violence she survived while remaining in conditions that deny her privacy, safety and control over her life.

We reject the idea that victims' rights are measured by the severity of someone else's sentence. A person can want to be heard and still oppose imprisonment. She can need safety without wanting another woman removed from her family. The law should make room for those positions instead of assuming every victim wants a harsher punishment.

If Queensland is serious about strengthening victims' rights, it must invest in independent, culturally safe support that people can actually use, including while they are in custody. It must listen to victims about what they need without making punishment the measure of whether their harm has been taken seriously.

Community impact cannot be presumed by the state

The Bill would allow the Victims' Commissioner to prepare a community impact statement for specified offences. The Commissioner may consult an affected community, and further eligible offences may be added by regulation.

Sisters Inside understands the importance of recognising harms experienced beyond an individual victim. We also know that a government official cannot simply claim to speak for a community. Communities differ internally. Aboriginal and Torres Strait Islander people, including criminalised women and girls, have repeatedly had their experiences invoked in support of responses they did not seek. Consultation with an affected community should therefore be a requirement, with an explanation of whose views were sought, how disagreement was handled and what limits apply to the statement's claim to represent that community. People directly affected should be able to contribute without surrendering control of their experiences. The Committee should also consider whether adding offences by regulation gives insufficient parliamentary scrutiny to a measure introduced into sentencing proceedings.

The Bill's two-year review should examine whose statements were made and heard, whether victims in custody could participate, how communities were consulted, and whether community impact statements contributed to longer sentences or more imprisonment. Recognition of collective harm should lead to resources, care and accountability for affected people; a longer prison sentence alone cannot provide those things.

Families must be supported when a death is investigated

The Bill proposes notification to a family member when a decision or order is made to hold an inquest or reopen an investigation or inquest. Notification matters, including for families seeking answers after a death in custody. It should arrive promptly and in a form the family can understand, with a clear explanation of what happens next and access to independent support. The person best placed to receive that information may be an Aboriginal family member recognised under kinship, or a family member who is herself in prison. Processes for identifying and contacting family must account for both. A formal notice that cannot reach someone, or that leaves them without any way to participate, is not meaningful inclusion.

The review should also examine whether people being sentenced had adequate notice and a meaningful opportunity to answer disputed claims in victim and community impact statements, and whether courts recorded which material they relied on when imposing sentence.

Conclusion

Sisters Inside asks the Committee to judge this Bill by whether its rights reach people routinely denied them. A woman does not stop being a victim when she is criminalised, sentenced or imprisoned. Strengthening victims' rights means ensuring that she can obtain independent support, speak in her own words if she chooses, and be heard without having to prove that she is an acceptable kind of victim.

Yours sincerely

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Chief Executive Officer

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