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Submission on the Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026

Sisters Inside welcomes the opportunity to comment on the *Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026*. For more than three decades, we have worked alongside criminalised and incarcerated women and girls in Queensland. Their experiences make one point impossible to ignore: people in prison are victims of crime too.

A woman does not cease to be a victim when she enters prison. She may be living with the consequences of violence committed before her imprisonment. She may experience sexual assault, physical violence, threats or other harm while inside. She may need information about a prosecution, assistance to apply for victim support, or a safe way to report violence. Imprisonment can make every one of those steps harder.

The Bill proposes a central entry point to help victims navigate information and services. If that promise is to mean anything, the Victims' Advocate Service must be available to people in prison in practice, including when the person alleged to have caused harm works for the state.

Victimhood does not depend on a person's criminal record

Public discussion often divides people into "victims" and "offenders", as though a person can only be one or the other. That division bears little resemblance to the lives of women and girls we work alongside. Many have survived violence, including family and sexual violence, long before their first contact with the criminal legal system. Criminalisation does not erase that violence or their right to support.

The proposed definition of "victim" in section 137A does not expressly exclude a person who is imprisoned or has a criminal record. We support that breadth. However, a definition alone will not overcome the barriers created by imprisonment. The Bill and the service model should expressly affirm that a person remains entitled to access the Victims' Advocate Service while detained, whether the alleged offence occurred before or during their imprisonment and whether or not it has been reported to police.

We recommend an express provision stating that imprisonment, detention, criminal history, pending charges or a person's status as an accused or convicted person in another matter does not, of itself, affect access to the service.

The prison cannot be the gatekeeper to victim support

A "central front door" is of little use to someone who cannot independently reach it. People in prison face restrictions on telephone calls, internet access, correspondence and visits. They may not know the service exists. They may be unable to make a private call, keep documents safely, obtain identification or follow up an unanswered request. These barriers become especially serious when the alleged harm occurred in prison. A woman should not have to disclose an allegation to the same institution, or through the same staff, about whom she is seeking help. She should not have to rely on a prison officer's assessment that her experience is sufficiently serious to warrant a referral.

The service must provide confidential, direct ways for people in prison to make contact, including free calls, private written correspondence and in-person outreach. Information about the service should be given at reception and remain available throughout imprisonment in accessible formats and relevant languages. Independent community organisations should be able to assist a person to contact the service with her consent.

Sisters Inside recommends that implementation be developed with incarcerated and formerly incarcerated women and girls, particularly Aboriginal and Torres Strait Islander women and girls. Their involvement must shape how the service actually operates inside prisons, not simply how it is described outside them.

Assistance must extend to making an application

Proposed section 137D allows the service to help victims access information and services, but expressly excludes making, signing or submitting an application on their behalf. The Bill gives an application for victim assistance as an example of what the service cannot do. This limitation risks leaving people in prison at precisely the point where they need practical help most. Understanding that financial assistance exists is different from obtaining the form, gathering evidence, completing it and submitting it within the required time. A referral to another service may be useful, but only if that service can be reached from prison and has the capacity to help.

We recommend removing the blanket exclusion in section 137D(2). At a minimum, the service should be required to arrange effective, timely assistance with applications and to follow up until the person can access that assistance. This should include applications for victim assistance arising from violence experienced in custody.

Protect confidentiality and the victim's control over disclosure

People in prison may reasonably fear retaliation, disbelief or further surveillance if they disclose violence. They need to know who will receive their information, why it will be shared and whether it could reach the prison authority or the person they have identified as responsible.

The Bill provides for authorisation by a victim or an eligible person, and section 137I requires the chief executive to have regard to the victim's views or wishes. "Have regard to" is too weak where sensitive information may be sought or passed on. The person directly affected should control disclosure wherever they have capacity to do so. Authorisations should be specific, explained in accessible language and capable of being withdrawn without jeopardising access to other support.

We are also concerned about the proposed confidentiality exception in section 140(3)(d), which permits disclosure where it is considered necessary to lessen or prevent a serious threat to a person's life, health, safety or welfare, or to public health, safety or welfare. For a woman in prison, a disclosure described as protective may result in increased observation, isolation, restriction or other coercive responses. The service should have clear safeguards requiring consideration of the person's wishes, the likely consequences of disclosure and less intrusive ways to address the risk. A person should be told about a disclosure unless doing so would itself create a serious risk.

These safeguards matter particularly for Aboriginal and Torres Strait Islander women, women with disability, and women who have experienced both psychiatric and prison confinement. Support should not become another route by which information about their distress is passed to institutions that control them.

Information must lead to meaningful support

Proposed sections 137C and 137N leave the decision to disclose information with the government entity holding it. We recognise that some limits on disclosure may be necessary. However, people in prison already face considerable difficulty obtaining records and explanations from state agencies. A service that can ask for information but has no effective way to address an unexplained refusal or prolonged delay, may reproduce the very barriers it is intended to remove.

Where information is refused or delayed, the victim should receive a clear explanation in an accessible form and help to pursue any available review or alternative route. The service should record and report on these outcomes, including requests involving people in custody. Its effectiveness should be measured by whether victims actually receive information and support, rather than by the number of referrals made.

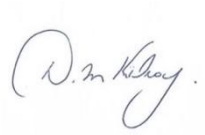
Recommendations

Sisters Inside recommends that the Committee:

1. Expressly affirm that people in prison are victims too, and that imprisonment, criminal history or legal status in another matter does not of itself restrict access to the Victims' Advocate Service.
2. Require direct, free and confidential access to the service from prisons, without correctional staff controlling whether a person may seek help.
3. Ensure people can seek support for violence experienced before or during imprisonment, including alleged violence by state employees.
4. Remove the blanket exclusion on assistance with applications in proposed section 137D(2) or require the service to secure practical application assistance and follow it through.
5. Strengthen the victim's control over authorisation and disclosure of personal information, with specific safeguards for disclosures that may expose a person in prison to retaliation or coercive intervention.
6. Require accessible explanations and follow-up when a government entity delays or refuses information requested through the service.
7. Design and evaluate the service in partnership with incarcerated and formerly incarcerated women and girls, including Aboriginal and Torres Strait Islander women and girls, and report publicly on access and outcomes for people in custody.

Queensland cannot claim to have created a service for victims of crime while leaving people in prison dependent on the prison's permission to reach it. Women and girls inside must be able to seek support safely, privately and on their own terms. Their experiences of violence must be heard whether the violence happened before imprisonment or behind prison walls.

Yours sincerely



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