



QUEENSLAND POLICE SERVICE

RIGHT TO REVIEW POLICY

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The Queensland Police Service (QPS) acknowledges that victim-survivors of sexual violence may experience trauma and may feel anxious, unsafe, or worried because of the justice process. Whilst this policy does not contain specific or graphic details of sexual assault, victim-survivors may wish to read the policy with a support person. Localised and national supports are available and can be accessed by visiting the [Queensland Government website](#) which has a full list of these support services and how to contact them.

The QPS respectfully acknowledge First Nations peoples as the Traditional Owners and Custodians of Queensland. QPS recognise their connection to land, sea and community. QPS pay respects to them, their cultures, and to their Elders, past, present and emerging. QPS acknowledge that First Nations peoples are disproportionately represented as victim-survivors of sexual violence and is committed to working in partnership with First Nations peoples to improve outcomes through culturally responsive and trauma-informed approaches.

1. Overview

The Queensland Police Service's (QPS) Right to Review Policy outlines:

- Why the policy was developed;
- The purpose of the policy;
- Who the policy applies to and who is eligible to make a request;
- The review process; and
- What happens after a review is completed.

This policy is underpinned by three important principles:

- QPS respects the rights of victims of crime under the Charter of Victims' Rights at Schedule 1 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) and acknowledges the challenges they face while participating in legal processes.
- QPS recognises the importance of transparency and good communication in decision-making.
- QPS listens to and considers the views of victims of crime while maintaining independent policing and prosecutorial discretion.

This policy will be regularly reviewed to ensure policy approaches and legislative changes driven by significant reviews, such as those implemented in response to the recommendations of the Women's Safety and Justice Taskforce are incorporated in a timely manner. This will occur in consultation with relevant parties in the sexual assault sector.

2. Background

The Women's Safety and Justice Taskforce, established by the Queensland Government in 2021, published their second report, *'Hear her voice – Report Two – Women and girls' experiences across the criminal justice system'* (Report) in 2022.

Recommendation 50 of the report stated:

"The Queensland Police Service and the Office of the Director of Public Prosecutions establish a clear, robust, transparent and easily accessible internal 'right of review' process of police and prosecutorial decisions for victim-survivors of sexual violence. The internal right of review will include an ability for a victim-survivor to request that a police decision to discontinue charges, and a prosecution decision made on behalf of the Director of Public Prosecution, be reviewed by another more senior officer. The outcome of the review could be for the decision to be changed, affirmed or an alternative decision made.

The outcome of an internal review process including the reasons for the decision will be clearly communicated, using plain English to the victim-survivor.”

In response to this recommendation, the QPS has created a Right to Review policy. The QPS is committed to providing victim-survivors of sexual violence a formal review process which is victim-centric and trauma-informed. The QPS embraces transparency and continual improvement in responding to victim-survivors of sexual violence.

3. Purpose

The purpose of this policy is to:

- Create an accessible pathway for victim-survivors of sexual violence to request a review of a relevant QPS decision, without interfering with the independence of police and police prosecutors; and
- Implement a process that supports continuous improvement in police responses to sexual violence, including investigative and prosecutorial decision-making.

4. Scope

This policy relates strictly to QPS sexual violence investigations and prosecutions, and applies to:

- All QPS members who make a relevant decision in relation to a sexual violence investigation or prosecution and;
- All relevant QPS decisions made after the commencement of this policy on 2 March 2026.

A relevant QPS decision is:

- The decision not to charge a suspect, where a suspect has been identified;
- The decision to unfound¹ a matter;
- The decision to discontinue a charge or prosecution; and
- The decision to substantially change or reduce a charge.

For the purposes of this policy, these decisions will be referred to as ‘relevant decisions’ and ‘sexual violence’ refers to any criminal act of a sexual nature². It is important to note this policy acts as an internal Service policy and not a judicial review process or legislation.

Decisions not to charge a suspect and to unfound a matter are considered ‘investigative decisions’. The process for conducting reviews on investigative decisions is outlined in Section 7 of this guide.

Decisions to discontinue a charge or prosecution, or to substantially change or reduce a charge are considered ‘prosecutorial decisions’. The process for conducting reviews on prosecutorial decisions is outlined in Section 8 of this guide.

A review is not an inquiry into the conduct of the investigating officer or the prosecutor. The purpose of the review process is not to blame investigators or prosecutors for a previous decision made, but to focus on continuous improvement, throughout the Service.

¹ The QPS defines a matter as “unfounded” where there is evidence the offence did not occur.

² For the purposes of this policy, ‘criminal acts of a sexual nature’ are defined as any act outlined in Chapters 22 and 32 of the Criminal Code.

5. Eligibility Requirements

WHO MAY REQUEST A REVIEW?

Any person who has made a complaint to police about sexual violence or a charge contained within chapters 22 and 32 of the Criminal Code, may request a review. For the purposes of this policy, this person is referred to as a 'victim-survivor'.

The following people may also request a review of a QPS decision on behalf of the victim-survivor:

- A parent or guardian, where the victim-survivor is under 16 years or is under legal guardianship, and;
- A support person or carer for the victim-survivor, provided the victim-survivor consents.

The QPS may consider the appropriateness of a support person acting on behalf of the victim-survivor on a case-by-case basis and must obtain written confirmation, where appropriate, that the support person has the authority of the victim to act on their behalf.

WHAT DECISIONS ARE REVIEWABLE?

There are two types of reviewable QPS decisions:

- Investigative decisions; and
- Prosecutorial decisions.

An investigative decision is a decision made about the investigation and whether to lay a charge as a result of it. A prosecutorial decision is a decision made about charges which are already before the court.

A victim-survivor can request a review of the following relevant QPS decisions relating to sexual violence:

- The decision not to charge a suspect, where a suspect has been identified (investigative decision);
- The decision to unfound a matter (investigative decision);
- The decision to discontinue a charge or prosecution (prosecutorial decision); and
- The decision to substantially change or reduce a charge (prosecutorial decision).

Instances where a victim-survivor has requested the discontinuance or withdrawal of charges are not considered relevant decisions under the Right to Review policy.

Investigators and Prosecutors who make relevant decisions in relation to sexual violence must inform victim-survivors of the Right to Review policy and process at the time they are communicating the relevant decision.

6. How to Request a Review

INVESTIGATIVE AND PROSECUTORIAL DECISIONS

Channel:	Access details:
Online form:	This form can be found on the QPS website by searching 'Sexual Violence Right to Review'.
Email:	A paper copy of the form can be downloaded from the QPS website and emailed to SexualViolenceReviews@police.qld.gov.au
Via post:	<p>A paper copy of the online form can be printed and sent via post to:</p> <p><i>Queensland Police Service Attention: Sexual Violence Response Team, Crime and Intelligence Command GPO Box 1440 Brisbane QLD 4001</i></p> <p>Where a paper copy of the online form is not practicable or accessible, a letter can be posted to the above address. This letter must contain the victim-survivor's name, date of birth, QPRIME number (where known), investigating officer's name, decision they wish to have reviewed and the reasons for the review.</p> <p>For purposes of communicating outcomes and updates to the victim-survivor, this letter must also contain at least one method of return contact e.g. phone number or email address.</p>
In person:	By attending a police station where a QPS member will assist the victim-survivor to complete and submit the online form.
Directly to the investigating officer/prosecutor:	The victim-survivor may request a review directly from the investigating officer or prosecutor. In these circumstances, the investigating officer/prosecutor should assist the victim-survivor to complete and submit the online form.

WHAT HAPPENS NEXT?

Upon receiving a request for review, the QPS will provide a written acknowledgement of receipt to the applicant.

If a request is not eligible

If a request does not relate to a relevant QPS decision, a QPS member will contact the victim-survivor via their preferred method of contact to provide reasons as to why their request is not eligible. A written response will be provided to the victim-survivor outlining same, if it is requested.

If a request relates to an Office of the Director of Public Prosecutions (ODPP) decision

If a request relates to a decision made by the ODPP, the request will be referred to that office for review. The applicant will be notified of the referral and contact details for the ODPP via their preferred method of contact. The ODPP Right to Review policy can be found on their [website](#).

7. Review Process for Investigative Decisions

THE ALLOCATION OF A REVIEWING OFFICER

If the review request relates to a relevant investigative decision, the request will be allocated to a Sexual Violence Liaison Officer (SVLO)³, who is stationed in a different office to the original decision-maker, and who is of a higher rank than the original decision-maker⁴.

SVLOs are responsible for ensuring a victim-centric, trauma-informed response to victim-survivors of sexual violence. This responsibility includes ensuring continuous improvement through reviews and audits of investigations.

The allocated reviewing officer will not have had any prior involvement in the matter.

Once the request has been allocated to a reviewing officer, the reviewing officer will contact the applicant via their preferred method to ensure the victim-survivor is aware of their name and contact details for further communication.

WHAT IS REVIEWED?

The reviewing officer will conduct a review of the relevant materials to determine an outcome. The role of the reviewing officer is to consider the original investigation and to reach their own conclusion as to an appropriate outcome. This will involve a review of all available evidence, including any additional evidence arising after the original decision was made.

The reviewing officer will consider a range of factors, including whether investigative responsibilities have been met, to determine whether they agree or disagree with the original decision.

Timeframe for review

The review will be conducted within 28 days of allocation, and the outcome communicated to the victim-survivor within that timeframe. If the QPS requires further information or requires additional time to consider the request, the victim-survivor will be notified via their preferred method of contact. The reviewing officer will contact the victim-survivor once a decision is reached.

OUTCOME OF REVIEW

There are two possible outcomes of a review:

- The reviewing officer agrees with the original decision and no further action is taken (decision is affirmed);
- The reviewing officer disagrees with the original decision (recommends that the decision is changed). This may lead to the matter being allocated to a SVLO (stationed at the original investigating officer's location) to undertake further investigation.

The reviewing officer must complete the review and discuss the outcome and reasons for their decision with the victim-survivor as soon as reasonably practicable within 28 days of receipt of request, or within such further time as indicated to the victim-survivor.

³ An SVLO is an Officer in Charge of a Child Protection and Investigation Unit (CPIU) or Criminal Investigation Branch (CIB).

⁴ If the original decision maker is someone who holds the title of SVLO, the review will be conducted by a more senior officer. This could be a Senior Sergeant or Detective Inspector (DI) stationed in a different office. If a DI was the original decision maker, a Regional Crime Coordinator (RCC) will conduct the review.

A reviewing officer can make recommendations concerning future actions but cannot direct that a defendant is charged.

OUTCOME MEETINGS

Once an outcome is decided upon, the reviewing officer will contact the victim-survivor to explain the outcome of the review and the reasons for the decision. The outcome must be communicated to the victim-survivor in plain English and in accordance with the victim-survivor's preferred method of contact. All communication with the victim-survivor regarding this conversation must be recorded on QPRIME.

The victim-survivor may request a meeting to discuss the outcome if they wish. If a meeting is requested, the victim-survivor must be informed they can have a support person attend this meeting. Consideration should be had to the communication needs of the victim-survivor and how the victim-survivor can be supported in the meeting. An interpreter must be arranged for the victim-survivor if necessary.

The reviewing officer must provide a written copy of the advice of the outcome and reasons for the decision if requested by the victim-survivor.

8. Review Process for Prosecutorial Decisions

TIMEFRAME FOR REQUESTING A REVIEW OF A PROSECUTORIAL DECISION

When must a victim-survivor be informed of their right to request a review?

A victim-survivor must be advised of their rights under this policy at the time they are informed of the decision to discontinue, or substantially change or reduce any or all charges against a defendant relating to them, but before the charge/s are formally discontinued/amended.

When can a victim-survivor request a review?

Requests for review of a prosecutorial decision must be made by the victim-survivor within 10 business days of the victim-survivor being notified of the decision sought to be reviewed. Any requests made outside of this time may not be accepted.

If after 10 business days a victim-survivor does not request a review, the prosecutor may proceed to action their decision in relation to the charges.

If a request is lodged outside of the timeframe

If a request is made outside of the timeframe of 10 business days, the allocated reviewing officer may decide whether to accept the request.

THE ALLOCATION OF A REVIEWING OFFICER

The request will be allocated to a Prosecutor or Service Legal Officer (the 'reviewing officer') who is senior to the original decision-maker to conduct the review. The allocated reviewing officer will not have had any prior involvement in the matter.

Once the request has been allocated to a reviewing officer, the reviewing officer will contact the applicant via their preferred method to ensure the victim-survivor is aware of the reviewing officer's name and contact details for further communication.

WHAT IS REVIEWED?

The decision to discontinue, substantially change, or reduce charges will be considered afresh by the reviewing officer. This will involve the reviewing officer conducting a review of all the relevant materials to determine an outcome. The role of the reviewing officer is to consider the original decision. This will involve a review of all available evidence, including any additional evidence arising after the original decision was made.

The reviewing officer will consider a range of factors, including:

- investigative and prosecutorial responsibilities have been met;
- the law was incorrectly applied;
- the relevant ODPP Director's Guidelines and QPS policies were applied; and
- the original decision-maker applied flawed reasoning.

The reviewing officer will consult with the victim-survivor as part of their review. The reviewing officer may also consult with the investigating/arresting officer.

Timeframe for the review

The review will be conducted within 28 days of allocation to the reviewing officer, and the outcome communicated to the victim-survivor within that timeframe.

If the reviewing officer requires further information or requires additional time to consider the request, the victim-survivor will be notified.

OUTCOME OF REVIEW

If the reviewing officer agrees with the original decision-maker's decision to discontinue, substantially change or reduce charge/s, the reviewing officer will affirm and explain this decision to the victim-survivor. The original decision will then be actioned and the charge/s discontinued, substantially changed or reduced at an appropriate time.

If the reviewing officer disagrees with the original decision-maker's decision, they will consult with the Superintendent of Prosecution Services, who will determine to either:

- maintain the prosecution of the charge/s without any discontinuance, substantial change or reduction; or
- if for some reason the original decision-maker's decision has already been actioned, and it is possible and appropriate to so do, the Superintendent of Prosecution Services will recommence the prosecution of the charge/s and/or take action to reverse the actioned decision. However, this will only occur in exceptional circumstances that are consistent with the ODPP Director's Guidelines and QPS policies.

The victim-survivor will be notified of the outcome of the review process by the reviewing officer via their preferred method of contact.

The original decision-maker will also be notified of the outcome of the review process.

OUTCOME MEETINGS

The victim-survivor may request a meeting to discuss the outcome. If a meeting is requested, the victim-survivor must be informed they can have a support person attend this meeting. Consideration should be had to the communication needs of the victim-survivor and how the victim-survivor can be supported in the meeting. An interpreter must be arranged for the victim-survivor if necessary.

9. Alternative complaint options

A victim-survivor has the right to make a complaint about their rights not being upheld under the Charter of Victims' Rights. This complaint can be made to the Office of the Victim's Commissioner (OVC) or to the agency the complaint is about. Information about how to make a complaint about a Charter breach to the OVC can be found by visiting their [website](#). Charter of Victims' Rights complaints relating to the QPS should be made in accordance with existing QPS practices, which includes reporting on the QPS website. In accordance with the Charter of Victims' Rights, victim-survivors must be informed at the earliest practicable opportunity about services available to the victim-survivor and about their right to make a complaint.

For all other concerns or complaints about QPS services or officers that fall outside the scope of this policy, please refer to the [QPS website](#).

Complaints can also be made over the phone through Policelink on 131 444 or by postal mail addressed to:

Queensland Police Service
Attention: State Coordinator, Complaint Management
GPO Box 1440, Brisbane QLD 4001