

AUSTRALIA, Victoria

Victims' Charter

The Victims' Charter sets out principles on how the criminal justice system and victim support agencies respond to victims of crime. The Victims' Charter is contained in legislation called the *Victims' Charter Act 2006* which became law on 1 November 2006.

As a result of the Victims' Charter, victims of crime can expect to be treated with courtesy, respect and dignity by the police, the Office of Public Prosecutions and victim support services at all times.

The Victims' Charter sets out principles which criminal justice agencies must follow in their dealings with victims of crime. If you feel that any of these principles have not been followed in your particular case, then the Victims' Charter also includes a complaints process.

The Victims' Charter principles

If you are the victim of crime, you have the right to:

1. be treated with courtesy, respect and dignity by all criminal justice and victim support services
2. be given clear, timely and consistent information about your rights and entitlements and, if appropriate, be referred to victims and legal support services
3. be told about the police investigation at key stages - in some cases, the police may not be able to give you all the details if it would jeopardise an investigation, in which case you should be informed accordingly
4. be told about the prosecution, including charges laid and any substantial changes to charges, details of court dates and times when you are required as a witness or have indicated a wish to attend, court outcomes and any appeals lodged
5. be told (if you request it) about the outcome of any bail application and any special conditions of bail which are intended to protect you - your safety can also be taken into account when considering a bail application
6. have the court process explained to you, including your role as a witness
7. as far as practicable, be protected from unnecessary contact with, and intimidation by, the accused and their family and supporters, as well as defence witnesses while you are at court
8. prepare a Victim Impact Statement which may be considered by the court in sentencing the offender, and have access to the assistance you require to prepare a Victim Impact Statement
9. have your personal information, including residential address and telephone number, not disclosed to anybody except in accordance with the *Information Privacy Act 2000*
10. have your property that is held for investigation or evidence stored and handled in a lawful, respectful and secure manner and, in consultation with you, returned as soon as practicable

11. if you are the victim of a violent crime, request that the court order the offender to pay you compensation. You may also apply for financial assistance from the government for harm resulting from a violent crime
12. apply to be included on the Victims Register if an adult offender is sentenced to prison for a violent crime against you, receive specific information regarding the release of the offender, and have your views taken into account by a Parole Board when any decision about parole of the offender is being considered.

The consultation

In 2005, the Victims Support Agency conducted consultations across Victoria to explore the need for a Victims' Charter for Victoria.

The consultation was conducted with victims of crime, agencies providing support to victims of crime and the general community. The Victorian Government also received written submissions from individuals and organisations.

The consultation paper was developed in conjunction with a reference group of senior representatives from across the justice portfolio. It provided the basis for consultations, and included a draft a set of principles of justice for victims of crime as well as examples of models adopted in other Australian states and territories and overseas.

The document sought community views on key questions which covered:

- the need for a charter
- the contents of a charter
- an implementation process for a charter
- monitoring and compliance.

In June 2006, in response to the community consultation process, the Attorney-General announced that Parliament would consider creating a Victims' Charter Act, which would spell out, in legislation, victims' entitlements to information and support.

The *Victims' Charter Act 2006* was passed by parliament on 29 August 2006 and became law on 1 November 2006.