

Charter of Victims Rights

Victims Rights Act 1996



Victims Services
Attorney General's
department of nsw

1 Courtesy, compassion and respect

A victim should be treated with courtesy, compassion and respect for the victim's rights and dignity.

2 Information about services and remedies

A victim should be informed at the earliest practical opportunity, by relevant agencies and officials, of the services and remedies available to the victim.

3 Access to services

A victim should have access where necessary to available welfare, health, counselling and legal assistance responsive to the victim's needs.

4 Information about investigation of the crime

A victim should, on request, be informed of the progress of the investigation of the crime, unless the disclosure might jeopardise the investigation. In that case, the victim should be informed accordingly.

5 Information about prosecution of accused

- 1 A victim should be informed in a timely manner of the following:
 - (a) the charges laid against the accused or the reasons for not laying charges,
 - (b) any decision of the prosecution to modify or not to proceed with charges laid against the accused, including any decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge with respect to the other charges,
 - (c) the date and place of hearing of any charge laid against the accused,
 - (d) the outcome of the criminal proceedings against the accused (including proceedings on appeal) and the sentence (if any) imposed.
- 2 A victim should be consulted before a decision referred to in paragraph (1) (b) is taken if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm, mental illness or nervous shock to the victim, unless:
 - (a) the victim has indicated that he or she does not wish to be so consulted, or
 - (b) the whereabouts of the victim cannot be ascertained after reasonable inquiry.

6 Information about trial process and role as witness

A victim who is a witness in the trial for the crime should be informed about the trial process and the role of the victim as a witness in the prosecution of the accused.

7 Protection from contact with accused

A victim should be protected from unnecessary contact with the accused and the defence witnesses during the course of court proceedings.

8 Protection of identity of victim

A victim's residential address and telephone number should not be disclosed unless a court otherwise directs.

9 Attendance at preliminary hearings

A victim should be relieved from appearing at preliminary hearings or committal hearings unless the court otherwise directs.

10 Return of property of victim held by State

If any property of a victim is held by the State for the purpose of investigation or evidence, the inconvenience to the victim should be minimised and the property returned promptly.

11 Protection from accused

A victim's need or perceived need for protection should be put before a bail authority by the prosecutor in any bail application by the accused.

12 Information about special bail conditions

A victim should be informed about any special bail conditions imposed on the accused that are designed to protect the victim or the victim's family.

13 Information about outcome of bail application

A victim should be informed of the outcome of a bail application if the accused has been charged with sexual assault or other serious personal violence.

14 Victim impact statement

A relevant victim should have access to information and assistance for the preparation of any victim impact statement authorised by law to ensure that the full effect of the crime on the victim is placed before the court.

15 Information about impending release, escape or eligibility for absence from custody

A victim should, on request, be kept informed of the offender's impending release or escape from custody, or of any change in security classification that results in the offender being eligible for unescorted absence from custody.

16 Submissions on parole and eligibility for absence from custody of serious offenders

A victim should, on request, be provided with the opportunity to make submissions concerning the granting of parole to a serious offender or any change in security classification that would result in a serious offender being eligible for unescorted absence from custody.

17 Compensation for victims of personal violence

A victim of a crime involving sexual or other serious personal violence should be entitled to make a claim under a statutory scheme for victims compensation.

Charter of Victims Rights

Victims Rights Act 1996

Victims of crime in New South Wales have a Charter of Victims Rights to protect and promote their rights. The Charter, set out in the Victims Rights Act 1996, establishes standards for the appropriate treatment of victims of crime by government

agencies and those funded by government. This includes police, health, welfare, prosecution and correctional services. The Charter is monitored by the Victims of Crime Bureau, Victims Services, NSW Attorney General's Department.

Why do we need a Charter?

Consider, for a moment, what assistance you might need if you, or someone close to you, became a victim of crime.

It's likely you would want:

- Respect and compassion;
- Information about, and access to, services and remedies;
- Information about: the crime investigation, prosecution, trial process, bail, parole and any absence from custody;
- Protection;
- Privacy;
- Rights to:
 - > be consulted about decisions to modify/drop charges (serious crimes),
 - > be heard by making a written/verbal Victim Impact Statement to the court;
 - > make submissions concerning offenders in custody, and
 - > apply for compensation.

You may want some or all of these things. You may want some of them at different times. The Charter allows this.

So the Charter, enshrined in legislation, gives victims rights.

The Charter helps victims (including witnesses to the crime) to have important needs met.

The Charter can be instrumental in helping victims to recover and regain their physical, psychological and emotional well-being.

Who is a victim?

Under the Charter, a victim is a person who, as a direct result of a criminal offence, suffers physical, psychological or emotional harm, or loss of, or damage to, property. If the victim dies as a consequence, the Charter includes a member of that person's immediate family as a victim. They may nominate a representative if there is more than one of them.

What can victims do if they believe the Charter is being ignored?

Firstly, if you can, inform the person you are dealing with of your concerns.

If you are still not satisfied, your options are:

- Have a support person to assist you;
- Ask for an interpreter/sign language interpreter/telephone typewriter;
- Contact the agency's official complaints unit or complaints officer who must follow a complaints procedure and inform you of it;
- If still dissatisfied, you can contact the Victims of Crime Bureau for information and support. It may liaise with the agency to resolve the issue.

VICTIM SUPPORT LINE

Support, information and referral
(24 hours, 7 days a week, including public holidays)

Phone: (02) 9374 3000

Freecall: 1800 633 063.

VICTIMS OF CRIME BUREAU

Phone: (02) 9374 3005

Fax: (02) 9374 3020

Website: www.lawlink.nsw.gov.au/vcb

Email address: vcb@agd.nsw.gov.au

Address: Locked Bag A5010,
Sydney South NSW 1235