



# Charter of Victims Rights

## *Victims Rights Act 1996*

### 1. Courtesy, compassion and respect

A victim should be treated with courtesy, compassion, cultural sensitivity 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 (b) above is taken if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm or psychological or psychiatric harm 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 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*

In New South Wales there is a Charter of Victims Rights to protect and promote your rights if you are a victim of crime. The Charter is about how government departments should treat and assist you if you are a victim of crime. The Charter is contained in the *Victims Rights Act 1996*.

### Who is a victim?

In the *Victims Rights Act 1996*, a victim is a person who suffers harm as a direct result of a criminal offence.

### What can I do if I think my rights under the Charter are not being met?

1. You should talk to the person you are dealing with about the problem. Usually the problem can be fixed that way.
2. If you are still not satisfied, you can ask the person to tell you how to make a complaint to their department. The department should be able to arrange interpreters or other assistance if required. You can get a support person to help you make the complaint. This can be a friend or worker.
3. If you are still not satisfied after the complaint has been looked at by the department you can contact the Victims of Crime Bureau. Their job is to help you with your complaint and tell you what can be done about it.

### Victims of Crime Bureau

Phone: (02) 8688 5511

Freecall: 1800 633 063

Fax: (02) 8688 9631

A person who is hearing impaired and is using a TTY machine may call: TTY (02) 8688 5575

Email: [vcb@agd.nsw.gov.au](mailto:vcb@agd.nsw.gov.au)

Website: [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

Postal Address: Locked Bag 5118, Parramatta NSW 2124

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