

# YOUR RIGHTS AS A VICTIM OF CRIME



A booklet jointly produced by Victims Services and the NSW Trustee & Guardian, NSW Department of Attorney General and Justice.

## Introduction

If you become a victim of crime knowing your rights is very important. These rights are set out in the **Charter of Victims Rights**. The Charter says that all government departments you deal with as a victim, must uphold your rights. You must be treated with courtesy, compassion and respect for your cultural background. You must be given information about services that can help you and you must receive information about how the investigation is progressing. If you need to go to court you must be given information about the trial and things that may happen after the trial.

This booklet has been developed by **Victims Services** and the **NSW Trustee & Guardian** in consultation with a range of other organisations. The booklet is designed to give a better understanding of their rights to people who have a cognitive disability and the workers who support them.

For further information and assistance you can contact **Victims Services** on **1800 633 063** or **(02) 8688 5511**.



**Victims Services**  
Attorney General & Justice



**NSW Trustee & Guardian**  
Justice & Attorney General

## Glossary

**Rights** A legal entitlement for victims of crime.

**Counsellor** Someone you can talk to about how you feel.

**Charged** What the person who hurt you is in trouble for.

**Prosecution** This is when people who break the law have to go to court.

**Court** The place where the decision is made about what will happen to the person who hurt you.

**Judge** This person is the boss of the court.

**Lawyer** A legally qualified person.

**Prosecutor** A lawyer who works for the government.

**Witness** Someone who has information about what happened to you. This information can help the court make a decision.

**Evidence** Information about what happened to you.

**Bail** Court cases can take a long time to get going.  
Sometimes people who have broken the law don't have to stay in jail while they are waiting to go to court. They can go home. This is called bail.

But they may have to pay money and report to the police to make sure they turn up in court.

**Parole** Leaving gaol earlier than the original sentence, but under special conditions.

# Charter of Victims Rights

## *Victims Rights Act 1996*

The **Charter of Victims Rights** is about how government departments should treat you if you are a victim of crime.

You are a victim of crime if you have suffered 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. 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. You can get a friend or worker to help you make the complaint.
3. If you are still not satisfied after the complaint has been looked at, you can contact **Victims Services**. Their job is to help you with your complaint and tell you what they can do about it.

## **Contact details**

### **Victims Services**

Phone..... 1800 633 063

Sydney metropolitan area.....(02) 8688 5511

Fax.....(02) 8688 9631

Email..... vs@agd.nsw.gov.au

Website..... www.lawlink.nsw.gov.au/vs

Postal Address ..... Locked Bag 5118  
Parramatta 2124

# 1. Courtesy, compassion and respect

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

All state government employees who are in contact with victims of crime must abide by the **Charter of Victims Rights**.



You can tell people at the police station, hospital or a government department what happened to you  
They will listen to you and try to help you in a way that is understanding of your culture.

## 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.

Often victims of crime require a range of services to help with their rehabilitation.

### Access to services

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

You may already know of local support services who could help the victim. You can also call **Victims Services** on **1800 633 063** or **(02) 8688 5511**.



If you need more help, these people will tell you where you can get it.  
There are lots of people you can talk to about what happened to you. Talking can help you feel better.

### 3. 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.

The police should give the victim a **police victims card**. This card gives the name and contact details of the police officer and a COPS event number.

On the back of the card there is also additional information about the **Charter of Victims Rights**.



The police will try to find out more about what happened to you and who was involved. This is called an investigation. You can call them and they will tell you any information they have.

## 4. 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.



If the police find the person who hurt you and they have enough information to take them to court. You can ask:

- what happens in the courtroom
- which court they will go to and the day you need to go
- what the person who hurt you is in trouble for (this is called being charged).

If the person who hurt you is not charged you will be told why they were not charged.

Sometimes the police cannot find the person who hurt you and there is no court hearing. You can still get help and support from counsellors and people with special skills to help you with what happened to you.

## 5. 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.

There are a number of agencies who can assist with court preparation and support. For information about these agencies call **Victims Services** on **1800 633 063** or **(02) 8688 5511**.

### 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.

You will need to inform the prosecutor if you have concerns for the victim. Safe rooms may be available in some courts.



You may be asked to be a witness in the courtroom. You will be asked to tell the court what happened to you. This is called giving evidence.

You may see the person who hurt you in the courtroom but you do not have to talk to them.

## 6. Protection of identity of victim

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

You may need to remind any services involved with your client that the principles of confidentiality should be upheld at all times.



The person who hurt you will not be told where you live or given your telephone number.

## 7. Attendance at preliminary hearings

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

Often victims of crime are worried about going to court. Certain serious crimes will have preliminary or committal hearings before the trial. The Charter relieves the victims from the need to attend preliminary hearings in most cases.



You will be told when you need to go to court. You may have to go more than once.

## 8. 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.

The victim may not have their property returned until the court processes are complete and the appeal period has expired.



If anything of yours was needed in court, you will get it back.

## 9. 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.

You will need to inform the prosecutor about the victim's need for protection.

### 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.

You should ask the prosecutor if there are any special bail conditions.

### 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.



If the person who hurt you is charged, you can tell the prosecutor if you think they may hurt you again. This will help the judge (boss of the court) decide if the person should be allowed to go home (this is called bail) or be put in gaol until the next court date.

If the person is allowed to go home, they can be stopped from coming near you. You will be told what the judge decides.

# 10. 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.

This is an opportunity for the victim to tell the court how the crime has affected them. You should contact the **Victims Access Line** on **1800 633 063** or **(02) 8688 5511** if the victim requires assistance with their **Victim Impact Statement**.

The victim can read their statement out themselves or they can ask the court's permission to have someone else read it out for them.



You can tell the court:

- how you felt when you were hurt
- how your life is different now.

You can have this written down so it can be given to the judge. This is called a **Victim Impact Statement**.

There are rules about making a statement. You can get help to do this from a support person or call the **Victims Access Line**.

# 11. 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.

You need to place the victim on the **Victims Register**. To get information about this, call **Victims Services** on **1800 633 063** or **(02) 8688 5511** or visit the website [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

## 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.



You can ask to be told when the person who hurt you is; leaving gaol, if they are allowed to leave gaol early (this is called parole), if they escape or if they are moved to another place. Call **Victims Services** to help you do this.

# 12. 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.

You can download the forms from [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) or contact **Victims Services** on **1800 633 063** or **(02) 8688 5511**.

Lawyer costs for victims compensation applications are paid for by the **Victims Compensation Tribunal**.



If you were hurt very badly you may be able to get some money to help you. You can call **Victims Services** to help you with this. If you want a lawyer can also help you and it will be paid for by **Victims Services**.

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