

YOUR RIGHTS AS A VICTIM OF CRIME

1



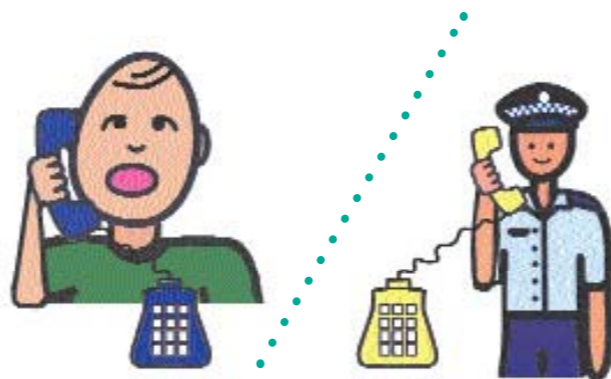
You can tell people at the police station, hospital or a government department what happened to you. They will listen to you and try to help you in a way that is understanding of your culture.

2



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



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



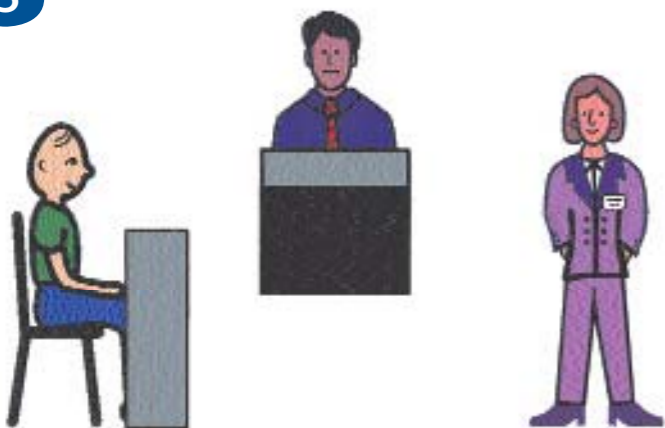
If the police find the person who hurt you and they have enough information to take them to court.

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.

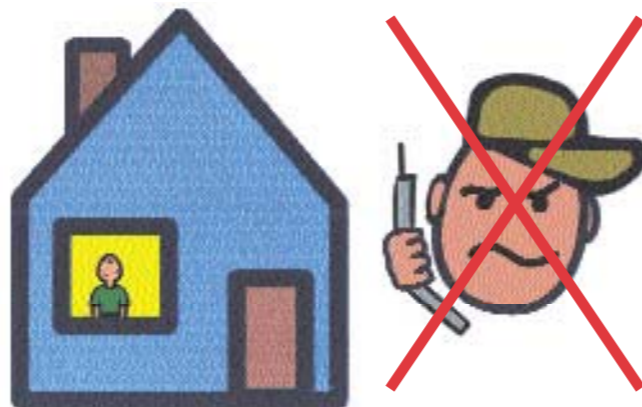
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You may be asked to be a witness in the courtroom. You will be asked to tell the court what happened to you. This is called giving evidence.

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

6



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

7



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

8



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

9



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



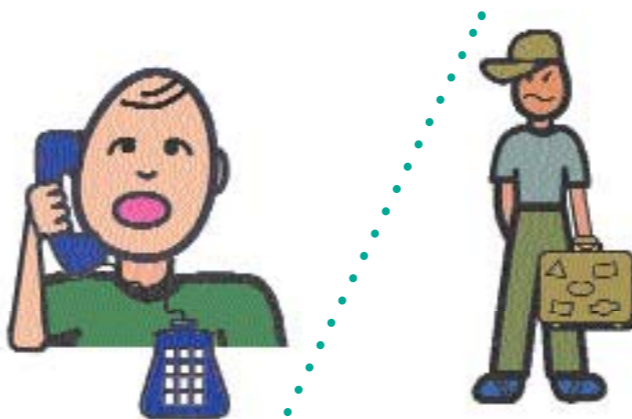
You can tell the court:

- 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 Victims Support Line.

11



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.

12



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.



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:

- the charges laid against the accused or the reasons for not laying charges,
- 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,
- the date and place of hearing of any charge laid against the accused,
- 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:

- the victim has indicated that he or she does not wish to be so consulted, or
- 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 who 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.

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?

- Talk to the person you are dealing with about the problem. Usually the problem can be fixed that way.
- 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.
- If you are still not satisfied after the complaint has been looked at, you can contact the Victims of Crime Bureau. Their job is to help you with your complaint and tell you what they can do about it.

CONTACT DETAILS

Victims of Crime Bureau (VSL)

Phone..... (02) 8688 5400 or 1800 633 063 (Freecall)

Fax..... (02) 8688 9631

TTY (for hearing impaired)..... (02) 8688 5575

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

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

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

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CHARTER OF VICTIMS RIGHTS

