



The ACT Human Rights Commission acknowledges Aboriginal and Torres Strait Islander peoples as First Australians and recognise their culture, history, diversity and their deep connection to the land.

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CHARTER OF RIGHTS FOR VICTIMS OF CRIME

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1. Introduction

This booklet is written for you, the victim of crime, and your friends and family who may also have been affected by the crime.

Having a crime committed against you can be traumatic. People are affected in different ways, and there is no right or wrong response. It is common to go through responses that change from day to day.

If you choose to report the crime to police, the criminal justice system can be complicated and distressing but you don't have to deal with it alone. Help is available.

This booklet explains what happens:

- > when you report a crime to police
- > when police investigate the crime
- > when police **charge** a person
- > during a **court** case
- > after a court case

In the ACT, there is a Charter of Rights for Victims of Crime to protect and promote your rights in the criminal justice system. These rights are contained in the *Victims of Crime Act 1994* (ACT) ('the Act') and commenced in January 2021. This booklet explains your rights in the blue boxes marked 'Important'. There may be some exceptions to these rights depending on individual circumstances that are not discussed in this booklet. You can find the relevant sections of the Act in brackets in each blue box. If you want more information about the rights, you can look at the Act or contact Victim Support ACT.

As a victim of crime, you also have human rights. The *Human Rights Act 2004* (ACT) protects your human rights when you engage with government organisations, including **justice agencies**. The justice agencies mentioned in this booklet must act consistently with your human rights and give proper consideration to your human rights when making decisions. The core values of human rights, such as equality, dignity, autonomy and respect, are reflected in and reinforced by the rights in the Charter of Rights. You can find more information about your human rights on the ACT Human Rights Commission website.

Victim Support ACT acknowledges the important contribution of victims of crime who report to police to keep the community safe and ensure **offenders** are held accountable. We are here to work with you to help you access your rights and entitlements and assist with your recovery. We provide a range of services that are free and confidential. You do not need to have reported the crime to police to access our services.

As you read this booklet, you may come across legal words you have not heard before. Legal words which are in bold the first time they appear in the booklet are defined in a dictionary at the back. A list of public agencies considered to be justice agencies is also provided in the dictionary. Contact details of justice agencies, support services and complaints bodies are provided at the back of the booklet.

The information contained in this booklet is for victims of crimes committed in the ACT. If you are a victim of a crime committed outside the ACT, there are other victim support services that can help. You can contact Victim Support ACT to be referred to an appropriate service.



Important A justice agency must engage with you respectfully and take into account your personal situation, needs, concerns, rights and dignity. (Section 14C)



Important If you are a child or young person under 18 years, a justice agency must consider your views, wishes and circumstances before engaging with your parent or carer and engage with you in a way that is appropriate for your age. (Section 14D)



Important A justice agency must not share personal information about you or your family member unless the information is allowed to be shared in a court case, by law or with your agreement. (Section 14F)

Victim Support ACT and the ACT Human Rights Commission provide our clients with a safe, nurturing and positive environment where Aboriginal and Torres Strait Islander peoples are respected. Cultural rights and spiritual values accepted by Aboriginal and Torres Strait Islander peoples are supported by our values, processes and policies to ensure culturally safe services.

2. Reporting a crime to police

There are a number of ways you can report a crime to police:

- > in an emergency, you can call Triple Zero (000)
- > if you are not in immediate danger you can:
 - » call the Police Assistance Line on 131 444; or
 - » go to your local police station and speak to a police officer there. You can find the phone number, location and opening times of your local police station on the ACT Police website.
- > if you want to report a crime anonymously, you can call Crime Stoppers on 1800 333 000.



Important If you ask, the police must give you written confirmation of your report, including the name and contact details of the police officer who took your report and another phone number you can call about your report. (Section 16)



Important The police must refer you to a suitable support service unless you say you do not want to be referred. (Section 15)



Important If you ask, the police must give you information about the criminal justice process that will occur after you have made your report. (Section 15D)

3. Police investigation

If you report a crime to the police and they believe there is enough evidence, they may start an investigation into the crime.

If the police start an investigation, they can ask you to provide a **statement**. This is a written document that explains what happened to you and it is signed and dated by you. The police can also record or make a video recording of a conversation between you and the police about what happened.

You do not have to make a statement or participate in a recording or video recording if you do not want to, however the police may not be able to investigate if you choose not to participate.

The police can also take statements from other **witnesses** and collect other evidence related to the crime, such as clothing, property, medical evidence or electronic evidence, for example Closed Circuit Television (CCTV) footage.

The police officer handling the case will keep you informed about the progress of the investigation. The police also have Victim Liaison Officers who can offer support through the investigation stage.



Important If you ask, the police must update you about the progress of the investigation:

- > at least every 6 weeks; and
- > if a person has been charged with the offence or a warrant is issued for the arrest of a person accused of the offence. (Section 16A)



Important If your property is held by police for the purpose of a police investigation or criminal proceedings, it must be handled and stored in a lawful, respectful and secure manner and returned to you after it is no longer needed. (Section 14G)

4. Charging a person with a crime

Once police have completed the investigation, they will decide whether or not to charge a person with a crime.

Sometimes police might close the investigation without charging anyone. If police close an investigation, it does not mean they don't believe you. If an investigation is closed without charging anyone, it is usually because police could not find enough evidence.

If police charge a person, this is an allegation by police that the person has committed the crime. It means that criminal proceedings will commence against the person charged and they will need to attend court where they will be known as the **defendant** or the **accused**.

The defendant, once charged, will either be released on **bail** to appear before the court at a later date or held in **custody** to be taken to court as soon as possible.

Where the police believe that a person has committed an offence but do not believe it is necessary to **arrest** the person, the court will generally issue a **summons** which is a document telling the defendant to go to the court at a date and time.

A defendant held in custody can apply for bail at any time before the case goes to court, and if they do not get bail they can apply again later. Even if the defendant has confessed to the police that they committed the crime, they can still be released on bail. This is because the law says that people are innocent until they are proven **guilty** at court.

If a defendant is on bail, it is likely they will have to follow **bail conditions** made by the court, which may include conditions to help keep you safe. If the defendant on bail does not follow the bail conditions, their bail might be cancelled and they can be taken back into custody.



Important If a court is considering whether to grant bail or review a bail decision, the police or the ACT Office of the Director of Public Prosecutions ('the DPP') must ask you whether you have any concerns about the need for protection from violence or harassment by the defendant. If you express such concerns, the police or the DPP must tell the court about them. (Section 17)



Important If you tell the police or prosecutor that you need to be protected from violence or harassment by the defendant, the police or prosecutor must tell you if the court makes or reviews a decision about bail or if there is a condition of bail to protect you or your family member. (Section 16C)

If the defendant does not get bail, they will be held in custody before the **trial** or **hearing**. This is called being on **remand**. A defendant may be on remand if they are refused bail by the court, do not apply for bail or if they cannot provide a financial deposit or **surety** that they will follow the bail conditions.

If the defendant is later **convicted** of the crime at trial or hearing, the time spent on remand may count towards their **sentence**.



5. Prosecution

Once the police charge a person, they prepare a **brief of evidence** which contains all the **witness** statements, evidence and any other material relating to the charge or charges. The police give the brief of evidence to the **prosecutor** at the **ACT Office of the Director of Public Prosecutions ('the DPP')** and to the defendant's lawyer. The prosecutor applies the DPP Prosecution Policy to determine firstly whether there are reasonable prospects of conviction, and secondly whether it is in the public interest to proceed with the prosecution.

It is important to understand that the prosecutor is not your lawyer and does not represent you in court. If the case proceeds, the prosecutor and the defendant will be the **parties** to the court case and you will be a witness.

Sometimes the prosecutor may decide to discontinue or stop a prosecution or to accept a guilty **plea** for a less serious charge. If this happens, the prosecutor will explain this to you.



Important If you ask, the prosecutor must seek and consider your views if they are considering substantially modifying the case, for example, by discontinuing the prosecution or accepting a guilty plea for a lesser charge. (Section 16B)

Decisions by a prosecutor to discontinue the prosecution can sometimes be reviewed by a more senior prosecutor at the DPP. Depending on the circumstances, the decision may be automatically reviewed or you may be able to request a review. You can look at the DPP website or ask the prosecutor for more information about reviewing the DPP's decisions.



Important The prosecutor must tell you which of their decisions will automatically be reviewed. If there is no automatic review and the prosecutor decides to discontinue with all of the charges in relation to you, the prosecutor must tell you how you can request a review of that decision. (Section 15G)

Sometimes, the prosecutor may apply to the **ACT Civil and Administrative Tribunal ('the ACAT')** for an **assessment order** in relation to the defendant. This may happen if the prosecutor believes that it may not be appropriate to prosecute the defendant considering the nature and circumstances of the offence and the defendant's possible mental disorder or mental illness.



Important If you ask, the prosecutor must seek and consider your views if they are considering applying to the ACAT for an assessment order in relation to the defendant. (Section 16B)



6. Going to court

The police or prosecutor will tell you if you are required to appear in court as a witness. You will be given a court notice called a **subpoena**. The subpoena will tell you the date that you must attend court and which court to go to. If you receive a subpoena, you must attend court as directed.

You can watch a video about going to court on the DPP website. You can also speak to the **Witness Assistance Service** at the DPP about taking a familiarisation tour of the court before you give evidence.



Important If you are required to attend court as a witness, the prosecutor must tell you about the hearing or trial process and the role, rights and responsibilities of witnesses, or tell you where to find information about this. (Section 15E)

Most criminal cases in the ACT are heard in the **Magistrates Court**. The **Supreme Court** hears the most serious cases and the Children's Court normally hears cases where the defendant was under 18 years old at the time of the offence. While a matter may start in the Magistrates Court, it may later move to a different court for trial or sentencing.

Criminal cases generally happen in a step by step process, with each step often referred to as an **appearance**. Court processes will differ depending on the court in which the case is heard, the seriousness of the crime and whether there are special circumstances for you or the defendant.

In the Magistrates Court, the first appearance for the defendant is called a **mention**. Here, the defendant can enter a plea of guilty or **not guilty** or they can request an **adjournment** to allow them time to seek legal advice. They may also apply for bail, and if it is granted, bail conditions may be imposed. You do not need to attend court at this time unless you want to.

If the defendant pleads guilty in the Magistrates Court, they may be sentenced immediately, or the matter may be adjourned for reports to be prepared for sentencing. If the defendant pleads not guilty there might be a **committal hearing** where the **magistrate** decides whether there is enough evidence for the case to proceed to trial.

In the Supreme Court, the first appearance is called a **directions hearing**. A directions hearing is held before a **registrar** who makes orders about what should happen next. If the defendant pleads guilty, a date for sentencing will be set. If they plead not guilty, the Supreme Court may list the case for another directions hearing to make sure that it is ready to go to trial.

It is important to note that the defendant may change their plea from not guilty to guilty at any stage during the proceedings.

People in the courtroom

Judge	The judge is in charge of the courtroom and will decide the sentence. The judge is addressed as Your Honour and wears a robe.
Judge's associate	The judge's associate helps the judge. The associate wears a black robe and sits in front of the judge.
Defence lawyers	<p>The defendant is usually represented by a barrister and a solicitor.</p> <p>A barrister will speak on behalf of the defendant and wears a robe and a wig. The solicitor gives instructions to the barrister.</p>
Defendant or accused	The person who is accused of committing the offence.
The public	The public and media are able to sit in the public gallery to watch the events unless it is a closed court.
Witness	The prosecution or defence call witnesses to give evidence. Both the prosecutor and the defence lawyer will ask the witness questions. The witnesses are not present in court until they give their evidence.
Jury	A jury is made up of 12 people selected from the community. They must make a unanimous decision as to whether the defendant is guilty or not guilty.
Prosecutor	A prosecutor is a barrister or solicitor who works at the DPP.

ACT Magistrates Court



ACT Supreme Court



7. Trial

The trial or hearing is when all witnesses give evidence to the court so that the court can decide whether or not the defendant is guilty **beyond reasonable doubt**.

To give evidence, you normally sit in the witness box at the front of the court room. In some circumstances, you may be able to give evidence from a remote witness room. Before giving evidence, you have to promise the court that you will tell the truth. You can do this by taking an **oath**, which is a religious promise, or making an **affirmation**, which is a non-religious promise.

It is important that you do not discuss your evidence with other witnesses before or during the trial because this could affect the outcome of the case.

The prosecutor will ask you questions about what happened to you. This is called **evidence-in-chief**. Sometimes, your evidence-in-chief might be pre-recorded in a different location or your interview with the police might be played as part of your evidence.

After the evidence-in-chief, the defence lawyer will ask you questions. This is called **cross-examination**. It provides the defence lawyer with an opportunity to challenge or test your evidence. While cross-examination may sometimes feel intimidating or hostile, it is important to remember that it is a normal part of our legal process and is not meant as a personal attack on you. In some cases, if the defendant does not have a lawyer, they may ask you the cross-examination questions themselves. This will not be allowed if the charges relate to sexual offences or family violence or some violent offences. In those cases, a registrar may ask you the cross-examination questions.

The prosecutor may then ask you some further questions regarding any matters that need clarification. This is called **re-examination**.

At any stage in the trial, you may also be asked questions by the **judge** or magistrate. It is important to remember that if you do not understand a question, or you do not hear it properly, you can ask for it to be repeated.

Once the re-examination is finished, you will be excused from the court and you are free to leave if you wish. If you prefer, you can stay to watch the rest of the trial from the public seating area of the court.

If you have concerns for your safety while giving evidence, you should talk to the prosecutor or Witness Assistance Service as soon as possible about how you can stay safe.



Important If a person has been charged with an offence and a court has set a hearing date, the prosecutor must tell you the date, time and place of the hearing. (Section 16D)



Important If you have told the prosecutor or a court administrator that you may need protection from violence or harassment by the defendant, a defence witness or a family member or support person of the defendant, the prosecutor or court administrator must minimise your exposure to that person while in the court building. (Section 14I)



Important You may be present in the court during a proceeding for the offence unless the court directs otherwise. (Section 17C)

In some circumstances, you may be able to give your evidence from a remote witness room that is located away from the courtroom. There is a television, camera and microphone in the remote witness rooms. You will be able to see and hear the judge or magistrate, the prosecutor and the defence lawyer in the courtroom, but you will not be able to see or hear the defendant. Everyone in the courtroom will be able to see and hear you, including the defendant.

Remote witness room



8. Supports when giving evidence

You can take a friend or support person with you when giving evidence as long as they are not also giving evidence in the trial. You can also speak to Victim Support ACT or the Witness Assistance Service to ask them to arrange support for when you go to court.

If you are a child or a person with communication difficulties or a disability, you can ask the police or prosecutor for an **intermediary** to help you to communicate. An intermediary is an independent officer of the court. The intermediary can assess your communication needs and advise justice agencies of the best way for you to communicate so that you can provide your best evidence.

If you find it difficult to speak or understand English, you can ask for an interpreter. If your case is in the Supreme Court, you can ask the DPP for an interpreter. If your case is in the Magistrates Court, you can ask the police for an interpreter.



Important A justice agency must ensure you are able to access any assistance, such as an interpreter or intermediary, reasonably necessary for you to participate in the criminal justice system. (Section 15A)

If you incur expenses or lose income because you have to attend court to give evidence, you may be able to be reimbursed. You can speak to the Witness Assistance Service about this.



Important If you are required to attend court to give evidence as a witness, you may be able to claim reimbursement of expenses incurred or income lost in attending court. (Subsection 15C(1))

9. Court outcomes

After hearing all the evidence, the court will decide if the defendant is guilty beyond reasonable doubt.

If the case is heard at the Magistrates Court or the Children's Court, the magistrate will decide whether the defendant is found guilty. If the case is heard at the Supreme Court, a **jury** or a judge will make this decision.

If a magistrate or a judge makes the decision, they may reserve their decision and hand it down on another day. If there is a jury, the judge will explain the evidence to the jury who may take a few hours or a few days to make their decision. If the case is decided by a jury, their decision must be unanimous. This means that all jury members must agree on the verdict of guilty or not guilty. Sometimes a jury may not be able to unanimously agree. This is known as a **hung jury**.

If the defendant pleads or is found guilty then they are convicted of the charges. They are no longer referred to as the defendant and instead can be referred to as the offender.

It is important to remember that if the defendant is found not guilty, it does not mean that the court did not believe you. It means that the prosecutor could not prove the defendant committed the crime beyond a reasonable doubt. Proving a crime beyond a reasonable doubt can be very difficult and sometimes, despite everybody's best efforts, there is just not enough evidence to meet this strict legal test.

If the defendant has a mental impairment, they may sometimes be found unfit to plead or not guilty by way of mental impairment. If this happens, the court will refer the matter to the ACAT.



10. Sentencing

After a person pleads or is found guilty, the court must decide what penalty to impose on the offender and the court will hold a sentence hearing.

The court can impose a range of penalties on the offender depending on the crime, the offender's circumstances and the impact of the crime on you. Penalties may include imprisonment, good behaviour orders, **intensive correction orders** and fines. The court may find an offender guilty but decide not to record a conviction. This means that the offence is not recorded on the offender's criminal record.

To help the court decide the offender's sentence, the court may order ACT Corrective Services to prepare a **pre-sentence report** or an intensive correction assessment to provide the court with information about the offender, for example information about the offender's psychological or medical history or use of drugs or alcohol.



Important If you ask ACT Corrective Services to contact you about protection from violence or harassment by the offender, ACT Corrective Services must seek and consider your concerns about the need for protection in preparing a pre-sentence report or intensive correction assessment. (Section 17B)

You may choose to make a **victim impact statement** to the court at the sentence hearing. A victim impact statement tells the court about how the crime affected you and the harm you have suffered as a result of the crime. You can read your victim impact statement out in court or ask someone else to read it for you or have your written statement given to the judge to read. Sometimes, your close family members or a carer can also make a victim impact statement.

The court will take your victim impact statement into account when deciding the offender's sentence. Your victim impact statement is evidence and a copy of it will be given to the offender beforehand. In some instances, you can be cross-examined about what you say in your statement.

The DPP website has further information about victim impact statements including a template. You can ask the Witness Assistance Service or Victim Support ACT for assistance in preparing your victim impact statement.



Important The police or the prosecutor must tell you:

- > who can make a victim impact statement
- > what a victim impact statement should include
- > that a victim impact statement can be made orally or in writing
- > about how a victim impact statement can be used, including that a copy of it will be given to the offender, that you can be cross-examined on its contents and that the court must consider it in deciding how the offender should be sentenced. (Section 15F)



Important The prosecutor must ensure that only you decide whether or not to make a victim impact statement. (Section 17A)

At sentencing, if you have suffered loss as a direct result of the offence, the court can order that a **reparation order** be made. A reparation order can require the offender to make reparation either by paying money to you or in another way, for example by having property returned to you.

If you want the court to make a reparation order, you should talk to the prosecutor about this well before the sentence hearing. You should give the prosecutor any documents that relate to your loss, such as medical bills related to the crime.



Important If an offender is convicted or found guilty, but the court has not yet sentenced or made a non-conviction order for the offender, the prosecutor must tell you that a court may make a reparation order against the offender. (Section 16E)



Important If you have suffered loss or incurred expenses as a direct result of the crime or had property stolen you may ask the prosecutor to apply for a reparation order. (Subsection 15C(3))





Important If the prosecutor decides not to apply for a reparation order, the prosecutor must tell you of this decision and the reason for it, unless it is considered this would prejudice the prosecution of an offence. (Section 16E)



Important If you ask, the prosecutor must tell you about the outcome of a trial or appeal, including any sentence imposed on the offender. (Subsection 16F(1)(a))

11. Appeals

Sometimes, one of the parties to a criminal case, that is either the prosecutor or the offender, will **appeal** against a decision or sentence made by the court. A party can only appeal a decision if there is new evidence or they believe that the magistrate or judge made an **error of law** that affected the outcome of the case.



Important If you ask, the prosecutor must tell you if the offender appeals a court decision and about the nature and outcome of the appeal.
(Subsection 16F(1)(b))



12. Victims Register

After an offender has been sentenced, you may want to be kept informed about the administration of the offender's sentence, such as when the offender may be released from prison, if the offender is transferred to another prison or other information that is important for your safety.

If you want to be kept informed in this way, you must apply to the **Victims Register**. The kind of information that the Victims Register can give you will depend on whether the offender was an adult or under the age of 18 years at the time the offence was committed.



Important The Victims Register must tell you about how you can become registered on the Victims Register, the rights of registered victims to information about sentenced offenders and the role of registered victims in relation to the release of offenders from imprisonment under a parole order or on licence. (Section 15H)



Important If you are registered, the Victims Register must tell you about the actions you may take to prevent contact from the offender. (Section 14J)



Important If you are registered, the Victims Register may tell you information about the offender if you ask and the Victims Register considers it appropriate in the circumstances. (Section 16I)



Important If you are registered and the offender is to be transferred or released from imprisonment or detention or escapes, the Victims Register must tell you of the transfer, release or escape including of any condition of the release that may affect your safety if appropriate in the circumstances. (Section 16J)



Important If you are registered and an offender is subject to an intensive correction order, the Victims Register must inform you about the following, if this information is likely to affect your safety, or you've expressed concern about your safety:

- > if the offender has breached the order's obligations; or
- > the Sentence Administration Board has decided to suspend, cancel, amend, or discharge the order, or reinstate a previously cancelled order. (Section 16K)

The ACT also has an **Affected Persons Register**. This Register is used when the defendant or offender is considered to be a forensic patient and the court requires the person to go to the ACAT or be reviewed by the ACAT. This may be because the defendant or offender did not have the mental competence or ability to commit the offence or stand trial. The DPP will inform you if this occurs and you can talk with Victim Support ACT for more information about the Affected Persons Register.



Important If you ask, the DPP must inform you about certain court requirements and orders relating to the offender's mental health, such as when an offender is required to submit to the ACAT's jurisdiction or when the Magistrates Court orders an offender be taken to a mental health facility without being required to submit to the ACAT's jurisdiction. (Section 16L)



13. Parole and release on licence

Offenders serving a sentence in prison can sometimes apply for **parole**. Parole is when an offender is released from prison and serves the rest of their sentence in the community under supervision.

If an offender wants to be released on parole, they must apply to the **Sentence Administration Board ('the Board')**. If the Board accepts an application for parole, the Board must conduct an inquiry into the application. The Board will invite submissions from relevant people, including registered victims, and request reports and information about the offender, such as an ACT Corrective Services report and medical records. The Board usually has key court records, including victim impact statements, from the court proceedings.

The Board may grant the offender parole after the inquiry. It may impose any parole conditions on the offender it considers appropriate for the offender to meet, including conditions to protect you from violence or harassment by the offender.

If an offender is serving a sentence of life imprisonment and has served at least ten years of their sentence, the Attorney-General may ask the Board to recommend whether an offender should be released from prison on licence. This called a **release on licence** and the Board must conduct an inquiry into any request by the Attorney-General.



Important The Board or Victims Register must inform you of:

- > an inquiry into an application for parole or release on licence;
- > how you can make a submission to the Board or raise a concern you may have in relation to the inquiry;
- > how you can ask the Board not to give your submission or concern to the offender or another person; and

provide you with information about the offender and assistance available to help you to make a submission or raise a concern. (Section 16G).



Important You may make a submission to the Board about the likely effect on you or your family if parole or a release on licence were granted. You can also tell the Board about your need to be protected from violence or harassment by the offender.

If you ask the Board not to give your submission to a person, and the Board considers that doing so would endanger you or anyone else, the Board must ensure that your submission is not given to that person. If the Board still intends to give your submission to the person, for example if they are legally required to, they must tell you about this. (Section 17D)



Important If you are on the Victim's Register, or have made a submission or raised a concern to the Board, the Board must take steps to inform you about:

- > the Board's decision to make or not make a parole order;
- > if parole is granted, about the offender's parole release date and the offender's parole obligations;
- > the Executive's decision to grant or not grant a release on licence;
- > if a release on licence is granted, about the offender's licence release date and the offender's release on licence obligations. (Section 16H)

14. Restorative justice

Restorative justice is a voluntary process which allows you to communicate with the offender in a safe and structured environment, either face to face or by other means. Opportunities to participate in restorative justice can happen at different stages throughout the criminal justice proceedings depending on the type of crime.

Restorative justice can provide you with an opportunity to:

- > hear the offender take responsibility for the crime
- > tell the offender how you and the people close to you have been affected by the crime
- > tell the offender what, if anything, they can do to make things better.

Restorative justice is facilitated by a person called a convenor from the ACT Restorative Justice Unit. The convenor helps to prepare everyone for restorative justice and to communicate with one another safely. The convenor will ensure that you have the central voice in the restorative justice process and that you are supported. As restorative justice is voluntary you can withdraw from or stop the process at any stage.

You can find out more information about restorative justice by contacting the ACT Restorative Justice Unit. A convenor will talk with you about the potential benefits and risks of restorative justice in your matter.



Important You can ask a justice agency at any time during criminal justice proceedings whether the offence against you can be referred for restorative justice and if so ask the justice agency to refer the offence for restorative justice. (Section 15B)

15. Victim Support ACT

Victim Support ACT provides a range of services to people affected by a crime committed in the ACT. Our services include:

- > confidential information if you are deciding whether to report to police, or would like help making a report
- > free counselling with trained counsellors, psychologists and social workers
- > a Court Support Program delivered by trained, highly skilled volunteers who can provide you with support in both the criminal justice system or when applying for a family violence order or personal protection order
- > help working through other problems that relate to the crime, such as making sure your house is safe, getting access to medical help or sorting out issues at work or at school
- > an Aboriginal and Torres Strait Islander Program to provide culturally responsive services for Aboriginal and Torres Strait Islander people who have been affected by crime.

If you have suffered a physical or mental injury as a result of the crime, you may also be eligible for the Victim Support ACT Financial Assistance Scheme ('the Scheme'). The Scheme may be able to pay for the things you need to help you to recover from the crime, such as:

- > doctors or dentists
- > making your home safe, for example by changing locks
- > moving expenses
- > clothes or other things that were damaged by the crime.

Sometimes the Scheme can make a recognition payment, which is a payment to acknowledge the harm you have suffered from the crime.

Normally, you will need to have reported the crime to police to receive financial assistance.



Important You can apply to Victim Support ACT for financial assistance. (Subsection 15C(2))

16. Raising complaints or concerns about justice agencies

If you believe that a justice agency has not complied with your victim rights as outlined in this booklet, you have a number of options. You can:

1. Make a complaint to the justice agency directly

If you make a complaint to the justice agency directly, the justice agency will do their best to work with you to resolve your complaint. The justice agency will give you information about the process they will use to resolve your complaint and take all reasonable steps to resolve your complaint in a timely way.

You should give the justice agency any document or information which will help to resolve your complaint.

You can raise a complaint with the justice agency orally or in writing. Contact details for justice agencies can be found at the back of the booklet.



Important If you make a complaint to a justice agency, the agency must inform you of your options for the complaint, which include raising a concern with the Victims of Crime Commissioner, making a complaint to the Disability and Community Services Commissioner in the ACT Human Rights Commission and sometimes making a complaint to another complaints entity. (Section 15)

2. Raise a concern with the Victims of Crime Commissioner

You can raise a concern about a justice agency with the Victims of Crime Commissioner. The Commissioner or the Commissioner's staff will give you information about the process that will be used to resolve your concern and take all reasonable steps to resolve your concern in a timely way.

With your agreement, the Commissioner or the Commissioner's staff can talk to the justice agency involved on your behalf or ask them to provide documents or information that will help to resolve your concern. With your agreement, your concern can also be referred to the Disability and Community Services Commissioner or another relevant complaints body.

To raise a concern with the Victims of Crime Commissioner:

- > if you are already in contact with Victim Support ACT you can raise your concern with the staff member that works with you
- > you can fill out the Charter of Victims Rights concern form at www.victimsupport.act.gov.au/victims-rights
- > you can send an email outlining your concern to VictimSupportIntake@act.gov.au or a letter to GPO Box 158 Canberra ACT 2601
- > you can speak to staff at Victim Support ACT on 02 6205 2066.

3. Make a complaint to the Disability and Community Services Commissioner

If you make a complaint to the Disability and Community Services Commissioner, the Commissioner or the Commissioner's staff will give you information about the complaints process and explain the options available to you.

With your agreement the Commissioner or the Commissioner's staff can talk to both you and the justice agency involved to understand what has happened and take steps to try and resolve your complaint. This may involve asking the justice agency for specific information or to provide you with a formal response to your complaint.

In some cases, the Commissioner or the Commissioner's staff may also talk to you about trying to resolve your complaint by conciliation. Conciliation is a voluntary process which allows you to communicate with the justice agency in a safe and structured environment. It provides you with an opportunity to tell the justice agency what has happened and to try and agree on an outcome to resolve your complaint.

It is important to note that the ACT Human Rights Commission is an independent agency and staff who manage complaints cannot be advocates for either you or the justice agency.

To inquire about making a complaint to the Disability and Community Services Commissioner you can:

- > fill out a complaint form at www.hrc.act.gov.au/complaints
- > send an email outlining your complaint to HRCIntake@act.gov.au
- > speak to staff on 02 6205 2222.

4. Make a complaint to another relevant complaints body

Depending on which justice agency your complaint is about, you may also make a complaint to other relevant complaints bodies, for example the Commonwealth Ombudsman or the ACT Integrity Commission. Contact details for these complaints bodies are located in Contact Details.

17. Contact details

Aboriginal Legal Service (ACT Office)

Phone: 02 6120 8800

Address: Level 3 CML Building, 17-21 University Avenue, Canberra ACT 2601

Email: canberra@alsnswact.org.au

Web: www.alsnswact.org.au/als_canberra

ACT Civil and Administrative Tribunal (ACAT)

Phone: 02 6207 1740

Address: Level 4, 1 Moore St, Canberra ACT 2601

Email: tribunal@act.gov.au

Web: www.acat.act.gov.au

ACT Corrective Services

Phone: 02 6207 0888

Postal: ACT Corrective Services, GPO Box 158, Canberra ACT 2601

Web: www.cs.act.gov.au

ACT Human Rights Commission

Phone: 02 6205 2222

Postal: GPO Box 158, Canberra ACT 2601

Web: www.hrc.act.gov.au

ACT Integrity Commission

Phone: 02 6205 9899

Postal: GPO Box 1949 Canberra ACT 2601

Email: info@integrity.act.gov.au

Web: www.integrity.act.gov.au

ACT Magistrates Court

Phone: 02 6205 0000

Address: 4-6 Knowles Place, Canberra ACT 2601

Web: www.courts.act.gov.au/magistrates

ACT Office of the Director of Public Prosecutions (DPP) including Witness Assistance Scheme

Phone: 02 6207 5399

Address: Reserve Bank Building, 20-22 London Circuit, Canberra ACT 2601

Web: www.dpp.act.gov.au

ACT Policing

Phone: Police, Fire, Ambulance in an emergency 000
Police Assistance Line for non-urgent police assistance 131 444
Crime Stoppers report crime anonymously 1800 333 000
Police Victim Liaison Officers 02 5126 9113
Web: www.police.act.gov.au

ACT Restorative Justice Unit

Phone: 02 6207 3992
Postal: GPO Box 158, Canberra ACT 2601
Email: restorativejustice@act.gov.au
Web: www.justice.act.gov.au/justice-programs-and-initiatives/restorative-justice

ACT Supreme Court

Phone: 02 6205 0000
Address: 4-6 Knowles Place, Canberra ACT 2601
Web: www.courts.act.gov.au/supreme

Canberra Rape Crisis Centre

Phone: 02 6247 2525 between 7am and 11pm
Text Only: 0488 586 518
Web: www.crcc.org.au
Nguru Program: www.crcc.org.au/support-services/the-nguru-program.aspx
Service Assisting Male Survivors of Sexual Assault: www.crcc.org.au/support-services/SAMSSA.aspx

Commonwealth Ombudsman

Phone: 1300 362 072
Web: www.ombudsman.gov.au

Disability and Community Services Commissioner

Phone: 02 6205 2222
Postal: GPO Box 158 Canberra ACT 2601
Email: human.rights@act.gov.au
Web: www.hrc.act.gov.au/disability

Domestic Violence Crisis Service (DVCS)

Phone: 24/7 crisis intervention line 02 6280 0900
Text Only: 0421 268 492
Email: crisis@dvcs.org.au
Web: www.dvcs.org.au

Forensic and Medical Sexual Assault Care

Forensic and Medical Sexual Assault Care (FAMSAC) provides a 24 hour, 365 day a year on-call service. Access to the on-call doctor is through: Canberra Rape Crisis Centre available 24 hours on 02 6247 2525; Canberra Sexual Health Centre available business hours on 02 6244 2184; or Canberra Hospital switch board available 24 hours on 02 5124 0000.

Phone: 02 5124 2185

Address: Level 1, Building 5, Yamba Drive, Garran ACT 2605

Email: cfms@act.gov.au

Web: www.health.act.gov.au/services-and-programs/sexual-health/sexual-assault-care

Legal Aid ACT

Phone: 02 6243 3411

Helpline 1300 654 314

Domestic Violence and Personal Protection Order Unit 02 6207 1874

Youth Law Centre 02 6173 5410

Address: 2 Allsop Street, Canberra ACT 2601

Email: legalaid@legalaidact.org.au

Web: www.legalaidact.org.au

Sentence Administration Board

Phone: 02 6207 1563

Postal: GPO Box 158, Canberra ACT 2601

Email: sab.secretariat@act.gov.au

Web: www.justice.act.gov.au/safer-communities/sentence-administration-board

Victim Support ACT

Phone: 02 6205 2066 or 1800 822 272

Postal: GPO Box 158, Canberra ACT 2601

Email: victimsupportintake@act.gov.au

Web: www.victimsupport.act.gov.au

If you need an interpreter, you can call the Translating and Interpreting Service (TIS) on 131 450.

If you are deaf or have a hearing impairment or speech impairment, you can contact the National Relay Service at www.relayservice.gov.au.

18. Dictionary

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
ACT Civil and Administrative Tribunal (the ACAT)	The ACAT is an independent body that hears civil and administrative cases, including mental health treatment and care, civil disputes and rental property disputes. The ACAT cannot hear criminal cases or applications for family violence orders or personal protection orders.
ACT Office of the Director of Public Prosecutions (the DPP)	The DPP has responsibility for prosecuting cases of all alleged criminal offences in the courts. Prosecutors from the DPP conduct the prosecution.
Adjournment (during the trial or hearing)	To delay a court hearing. The delay can be until later in the day, to a specified day or indefinitely.
Affected Persons Register	The Affected Persons Register is used when the defendant or offender is considered to be a forensic patient and the court requires the person to submit to the jurisdiction of the ACAT or be subject to a review by the ACAT.
Affirmation	A promise to tell the truth in court.
Appeal	To take a case to a higher court to challenge a decision on a legal basis.
Appearance	Criminal cases generally proceed in a step by step process, with each step often referred to as an appearance.
Arrest	The procedure where a person is taken into police custody to be charged with a criminal offence or to be brought before a court. The person must remain in police custody until granted bail or until a court deals with their charges.
Assessment order	An assessment order is an order made by the ACAT which generally requires the defendant to be assessed at an approved mental health facility.
Bail	Bail is the legal release of a person from prison after they have been charged with an offence.

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
Bail conditions	A set of conditions ordered by the court for a person who is on bail to follow.
Barrister	A lawyer who specialises in appearing at court.
Bench	The seat at the front of the court where the judge or magistrate sits.
Beyond reasonable doubt	The test (or standard of proof) used by a jury, judge or magistrate to decide if the accused or defendant is guilty or not guilty.
Breach	To not comply with a court order.
Brief of evidence	Includes statements from witnesses, expert reports, medical reports, photographs and charge sheets that the police give to the prosecutors after they have finished their investigation.
Charge	The allegation that a person has committed a crime. Once the police have charged a person with committing an offence, the offence is also referred to as the charge.
Committal hearing	A hearing of all the evidence in the lower court by a magistrate who then decides if there is enough evidence for the case to go to trial.
Complainant	A term used in court to refer to a victim.
Convicted	An accused is convicted of an offence by pleading guilty or being found guilty by a jury, judge or magistrate.
Counsel	A barrister acting for the defence or the prosecution.
Court	The building where the case is heard.
Court officer	A person who assists with the running of the court.
Cross-examination	When a witness for one party is asked questions by the lawyer for the other party.
Custody	An accused or offender is in custody when they are in a remand centre awaiting a hearing or in prison and serving out a sentence.

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
Defence counsel	A barrister who presents the accused or defendant’s case in court.
Defendant	In the Magistrates Court, a person charged with committing a criminal offence. Other words for defendant are “accused” and “alleged offender”.
Directions hearing	A short court appearance where orders are made about what should happen next in a case.
Error of law	Where a principle of law has been misinterpreted or misapplied or an inappropriate principle of law has been applied.
Evidence-in-chief/ Examination-in-chief	When the prosecutor asks the witness questions so that they can tell the court what happened.
Guilty	When a defendant enters a plea of guilty they accept legal responsibility for the offence. When a defendant pleads not guilty in the Magistrates Court, a magistrate will determine the guilt of the defendant. When a defendant pleads not guilty in the Supreme Court a jury or judge will determine the guilt of the defendant.
Hearing	When evidence is presented to the court after the accused or defendant has plead not guilty.
Hung jury	When a jury is not able to unanimously agree on a verdict of guilty or not guilty.
Indictable offence	A serious criminal offence where the accused has a right to be tried by a judge and jury.
Intensive correction order	A court sentence of up two years that the court decides can be served in the community subject to supervision.
Intermediary	An intermediary is an independent officer of the court. They can assess your communication needs and advise justice agencies of the best way for you to communicate so that you can provide your best evidence.

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
Instructing solicitor	A solicitor who helps with the preparation of the case and assists the barrister in court.
Judge	The judge makes sure that proceedings are conducted fairly for both sides. The judge is referred to as “Your Honour” and decides the sentence for offenders.
Judge’s associate	A person who helps the judge.
Jury	A group of usually 12 people who are selected at random from the community and who determine whether the accused is guilty or not guilty.
Justice agencies	Justice agencies include: ACT Corrective Services An ACT court or tribunal when acting in an administrative capacity ACT Office of the Director of Public Prosecutions ACT Policing ACT Restorative Justice Unit The Sentence Administration Board Victim Support ACT
Magistrate	A magistrate sits on a lower court without a jury. The magistrate makes decisions including whether the defendant is found guilty and the sentence for offenders.
Magistrates Court	A lower court which hears less serious matters.
Mention	This is where the case appears in court for a brief time and is not the ‘hearing’ of the matter. This includes setting dates and deciding bail. A witness is not usually required to attend court when the matter is for mention.
Not guilty	A plea made by the accused to a criminal charge which then requires the prosecution to prove the person’s guilt in court.
Oath	A religious promise to tell the truth in court.

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
Objections	When the defence or prosecution believe a question should not be asked, they can object and the magistrate or judge must decide whether to allow the question.
Offender	A person who is found by a court to have done something which is prohibited by law.
Parole	Parole is when an offender is released from prison and serves the rest of their sentence in the community under supervision.
Party	A person or legal entity who is a participant in a court case. In a criminal case the parties are the Crown (represented by the ACT Office of the Director of Public Prosecutions) and the accused or defendant.
Plea	The accused’s formal response to the charges; when the accused tells the court whether they are guilty or not guilty of the charge.
Pre-sentence report	A report to help the magistrate or judge decide what sentence to give a person who is found or pleads guilty to an offence.
Prosecutor	The lawyer prosecuting a criminal case before the court.
Re-examination	A prosecutor may ask further questions when a person is giving evidence in court regarding any matters that need clarification.
Registrar	The registrar is responsible for particular tasks that assist in the running of the court, including maintaining a list of cases before the court and assisting in the case management through the various steps that a matter takes before trial. The registrar can make some decisions in court. The registrar sometimes sits where the judge or magistrate sits.

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
Release on licence	If an offender has been sentenced to a term of life imprisonment and has served at least 10 years of that term, the Attorney-General may ask the Board to recommend whether an offender should be released from prison on licence. Release on licence is when an offender is then released from prison.
Remand	An order that a person who has been charged but not convicted of an offence is detained or imprisoned until that person goes to court for a hearing.
Reparation order	A reparation order can require the offender to make reparation either by paying money or in another way, for example by having property returned.
Restorative justice	Restorative justice is a voluntary process which allows you to communicate with the offender in a safe and structured environment.
Sentence	The penalty imposed on an offender. The range of penalties include imprisonment, community service orders, good behaviour bonds and fines. If the penalty is imprisonment, the magistrate or judge sets a non-parole period.
Sentence Administration Board	The Sentence Administration Board makes decisions about parole orders and breaches, intensive correction orders, breaches and reinstatements and release on licence and breaches.
Statement	A statement is something you tell police, in your own words, about what happened. If the case goes to court, a copy of your statement is given to the accused person’s lawyer.
Subpoena	A court order that says a person must appear in court to give evidence or provide particular documents.
Summary offence	A less serious criminal offence that may be dealt with by the Magistrates Court and not sent for trial before a judge and jury.

Accused	A person charged with committing a criminal offence or offences. Other words for accused are “defendant” and “alleged offender”.
Summons	A summons is a document directing the defendant to go to the court at a date and time.
Supreme Court	A higher court that hears more serious matters such as indictable offences. A judge or judges sit on a Supreme Court matter. There is often a jury.
Surety	A surety is a person who helps a defendant with their bail. The surety promises to pay money to the court when a defendant breaches their bail conditions.
Trial	A hearing in a court where all evidence is heard and a final decision is made. In higher courts a trial is conducted before a judge and jury. In lower courts, a trial is usually called a “hearing” and is heard before a magistrate.
Victim impact statement	A statement written by a victim that may be read or presented to a court after an offender has been found guilty of an offence and before the offender is sentenced.
Victims Register	A victim of an offence can have their name and contact details recorded on the Victims Register in order to receive information about the administration of the offender’s sentence.
Witness	Any person who has to come to court and answer questions in front of a magistrate or judge and jury. A victim of a crime is normally a witness.
Witness Assistance Service	The Witness Assistance Service is part of the DPP and is staffed by witness liaison officers. The Witness Assistance Service helps the prosecutors inform victims and witnesses of their rights and responsibilities in dealing with the DPP and the criminal justice system.

19. Notes



VICTIM SUPPORT
ACT Human Rights Commission



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