

# VICTIMS RIGHTS GUIDELINES

## CHARTER OF RIGHTS FOR VICTIMS OF CRIME

The Charter of Rights for Victims of Crime (the Charter) protects and promotes the rights of victims of crime when they engage with justice agencies in the criminal justice system. The Charter acknowledges the central role of victims of crime in the criminal justice system and legislates their rights to safety, privacy, dignity and participation. The Charter commenced in January 2021 and is contained in the *Victims of Crime Act 1994* (ACT) (the Act).

The Charter includes specific rights for victims of crime in the following areas:

- Respectful engagement and protections related to safety and privacy
- Access to support services and other forms of assistance
- Provision of information about general administration of justice processes
- Provision of information in regards to investigations, proceedings and decisions
- Participation in proceedings

Victims of crime also have human rights under the *Human Rights Act 2004* (ACT) when they engage with government organisations, including justice agencies. Government organisations must act consistently with human rights and give proper consideration to human rights when making decisions in relation to victims of crime.

The justice agencies that must uphold the Charter of Rights for Victims of Crime include Victim Support ACT, ACT Policing, the ACT Office of the Director of Public Prosecutions, ACT Corrective Services, ACT Courts and Tribunals when acting in an administrative capacity, the Sentence Administration Board and the Restorative Justice Unit.

Victims of crime who believe a justice agency has not complied with their rights under the Charter can:

- Make a complaint to the justice agency directly
- Raise a concern with the Victims of Crime Commissioner
- Make a complaint to the Disability and Community Services Commissioner
- Make a complaint to any other relevant body, for example the Ombudsman

More information about the Charter of Rights for Victims of Crime is available on the Victim Support ACT website and in the [Charter of Rights for Victims of Crime booklet](#).

## VICTIMS RIGHTS UPHELD BY VICTIM SUPPORT ACT

All Victim Support ACT staff receive regular and ongoing training about the Charter and the victim rights that staff must uphold.

*Victim Support ACT must engage with victims of crime in a respectful manner and have regard to their personal situation, concerns, rights and dignity and their needs, including age, disability, gender identity, race, religion, sex, sexuality and parental, family, carer or kinship responsibilities. (s14C of the Act)*

Staff receive diversity training to support the needs of different community members, for example, Aboriginal and Torres Strait Islander Inclusion, Disability Inclusion, LGBTIQ+ Inclusion and Culturally and Linguistically Diverse Inclusion training. Victim Support ACT has an Aboriginal and Torres Strait Islander Program to assist Aboriginal and Torres Strait Islander clients access services in a culturally appropriate way, a Multicultural Outreach Program to assist meet the needs of clients from diverse cultural backgrounds and a Disability Outreach Project to improve visibility and access to services for people who live with disability.

*Where the primary victim is a child, Victim Support ACT must consider the child's views, wishes and circumstances before engaging with their parents or carers and engage with the child in a way that is appropriate for the child's age. (s14D of the Act)*

Training about the Charter and victim rights includes guidance about engaging with children and young people in a way that is consistent with the Charter. Victim Support ACT staff also work closely with the Children and Young People Commissioner and her team where complex children and young people's matters arise.

*Victim Support ACT must not disclose their personal information about a victim or a family members of the victim unless the information is disclosed during a court or tribunal matter, under a law, and/or with the victim's consent. (s14F of the Act)*

Victim Support ACT has strict privacy protocols in place with records stored in secure and password protected locations. Staff and volunteers are trained in client confidentiality and to maintain records in accordance with the Victims of Crime Regulation 2000, the *Territory Records Act 2002* and the *Health Records (Privacy & Access) Act 1997*.

*Victim Support ACT must ensure victims of crime are provided with, or able to access, special requirements they are entitled under the Evidence (Miscellaneous Provisions) Act 1991, part 4.2 and any aids or adjustments reasonably necessary to enable the victim to fully participate in the administration of justice unless a court directs otherwise. (s15A of the Act)*

Staff work closely with the Court's administration team, the Office of the DPP Witness Assistance Service, Translating and Interpreting Service and the Intermediary Program to ensure that victims of crime have access to supports required to enable participation in the justice system. Staff receive training about victim rights to aids and adjustments and where appropriate receive support from the Multicultural Outreach Program and Disability Liaison Officer.

## **VICTIMS RIGHTS COMPLAINT PROCESS**

If a victim of crime believes that Victim Support ACT has not upheld their victims rights or if they are dissatisfied with Victim Support ACT's services in relation to victims rights they may make a victims rights complaint directly to Victim Support ACT.

Where a victim of crime or their representative makes a victims right complaint to Victim Support ACT staff will:

- Acknowledge and seek to understand the complaint.
- Provide information about how the victim of crime can make a complaint to Victim Support ACT and the actions that staff will take to try and resolve the complaint.
- Provide information about other options for making a complaint about Victim Support ACT, such as raising a concern with the Victims of Crime Commissioner or making a complaint to the

Disability and Community Service Commissioner or any other relevant body, for example the Ombudsman.

- Take all reasonable steps to resolve the complaint as soon as practicable.
- If the complaint cannot be resolved and the victim of crime consents, make referrals to another relevant complaints body.
- Record the complaint, including actions taken to resolve the complaint and any referrals made.

### **CONCERNS RAISED WITH VICTIMS OF CRIME COMMISSIONER ABOUT OTHER JUSTICE AGENCIES**

If a victim of crime believes that another justice agency has not upheld their victims rights or if they are dissatisfied with the justice agency's services in relation to victims rights they may raise a concern with the Victims of Crime Commissioner rather than make a formal complaint.

Where a victim of crime or their representative raises a concern about a justice agency the Commissioner or Victim Support ACT staff will:

- Acknowledge and seek to understand the concern raised.
- Provide information to the victim of crime about the actions staff will take to try and resolve the concern.
- Where appropriate provide information about options for making a complaint to the Disability and Community Service Commissioner or any other relevant body, for example, the Ombudsman.
- Take all reasonable steps to resolve the concern as soon as practicable. Where the victim of crime consents this may include seeking information from the justice agency involved and liaising with the justice agency on behalf of the victim of crime.
- If the concern cannot be resolved and the victim of crime consents, make referrals to relevant complaints bodies.
- Record the complaint, including actions taken to resolve the concern and any referrals made.

For both complaints and concerns VSACT staff will consider human rights under the *Human Rights Act 2004 (ACT)* and seek guidance from the Human Rights Commissioner and her team where appropriate.