



VICTIMS OF CRIME
COMMISSIONER

ACT Human Rights Commission

Commissioners for Victims of Crime

Do we need them?

Carol Benda, Director - Dec 2019

Role of the ACT Victims of Crime Commissioner, Heidi Yates



Independent statutory advocate

- ▶ **Victim Support ACT** (frontline service, approx. 2,000 victims annually)
- ▶ Monitor treatment of Victims by Criminal Justice Agencies (Police, Prosecutors, Courts, Corrections):
- ▶ Community and sector education to raise awareness of victim rights
- ▶ Sector Collaboration to improve service responses to victims
- ▶ Advice to Minister (direct report) on matters relating to Victims.

ACT Human Rights Commission

- Discrimination, Health Services, Disability and Community Services Commissioner, **Karen Toohey**
- Public Advocate and Children and Young People Commissioner, **Jodie Griffiths-Cook**
- President and Human Rights Commissioner, **Dr Helen Watchirs**
- Victims of Crime Commissioner, **Heidi Yates.**



ACT HUMAN RIGHTS
COMMISSION

Australian Capital Territory

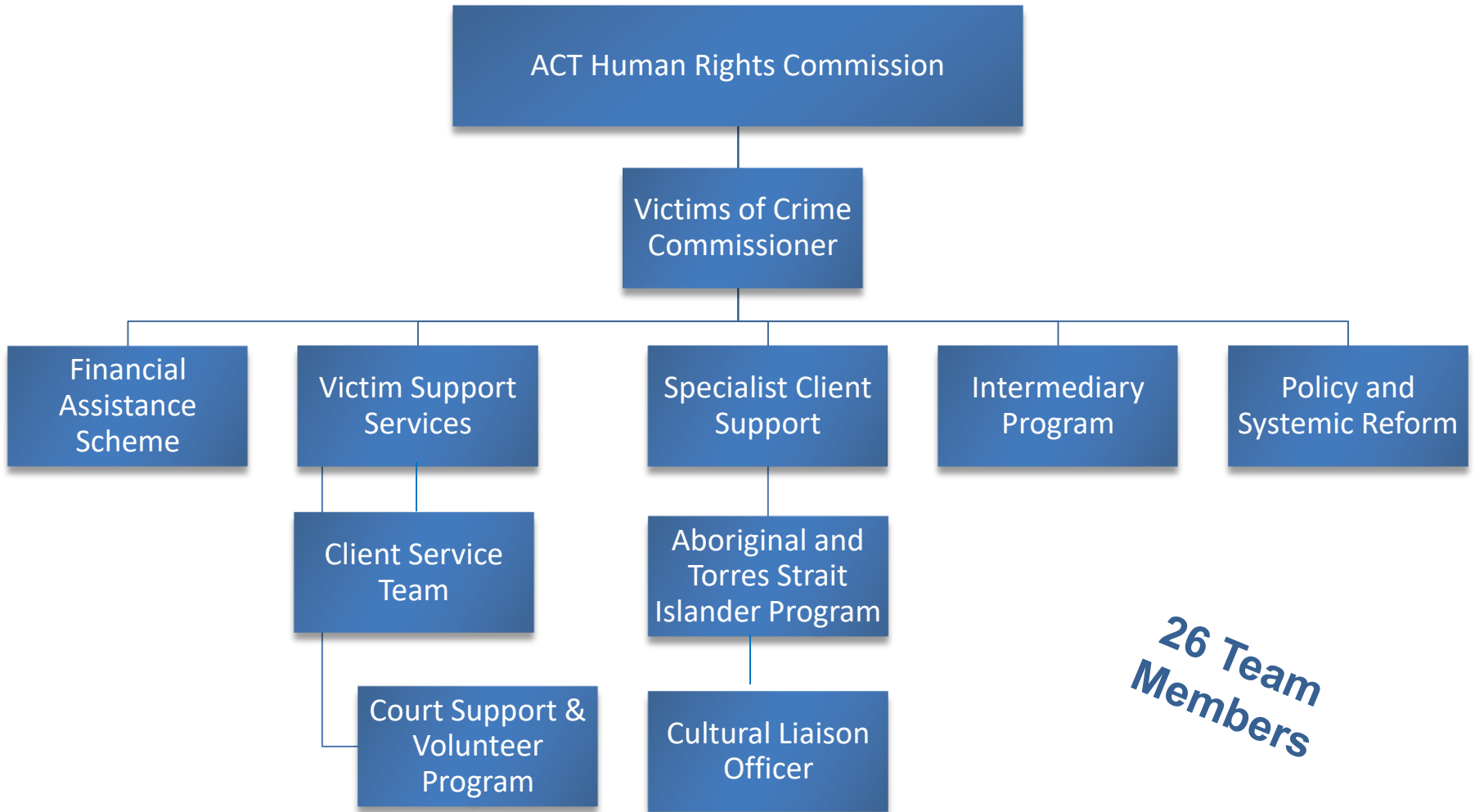


VICTIM SUPPORT
ACT Human Rights Commission

ACT Victims of Crime Commissioner: a quick history

- ▶ **1994**: first ACT Victims of Crime **Coordinator** appointed (team of 3)
 - ▶ Information gathering powers to investigate victim concerns about treatment by criminal justice agencies
 - ▶ Systemic Advocacy: law and policy reform
 - ▶ Sector collaboration to improve victim services
 - ▶ Community Education.
- ▶ **2007**: Frontline therapeutic services and case coordination:
‘Victim Support ACT’ brought under VOCC
- ▶ **2011**: Victims of Crime ‘Coordinator’ becomes ‘Commissioner’
- ▶ **2016**: Victims Financial Assistance Scheme brought under VOCC
- ▶ **2016**: Victims of Crime Commissioner becomes part of the ACT Human Rights Commission.

Organisational Chart



**26 Team
Members**

Ensuring Victims are treated fairly

- ▶ Monitoring the governing principles for the treatment of victims
- ▶ Handling individual 'concerns' about breach of the principles



The Governing Principles



- ▶ a victim should be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to his or her personal situation, rights and dignity;
- ▶ a victim should be informed at reasonable intervals (generally not exceeding one month) of the progress of police investigations concerning the relevant offence, except where such disclosure might jeopardise the investigation, and, in that case, the victim should be informed accordingly;
- ▶ a victim should be informed of any decision not to proceed with a charge against the accused;
- ▶ a victim should be informed about the trial process and of the rights and responsibilities of witnesses;



The Governing Principles continued

- ▶ a victim should be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- ▶ a victim's residential address should be withheld unless court directs otherwise;
- ▶ a victim should be given an explanation of the outcome of criminal proceedings and of any sentence and its implications;
- ▶ a victim who is known to have expressed a concern about the need for protection from an offender should be informed of the offender's impending release from custody.

Breach of governing principles

VOCC worked with 60 clients during 18/19 to resolve 'concerns'

- ▶ Facilitated access to further information regarding a sentencing decision
- ▶ Assisted a client who was being harassed by a sentenced offender
- ▶ Advocated for Housing options to maximise client safety
- ▶ Advocated for an ex gratia payment where a victim was not able to access financial assistance
- ▶ Liaised with media over a victims privacy
- ▶ Appeared in tribunal matters to communicate the views of victims, where offender was found not guilty of serious violent crime by way of mental impairment.





Education & Systemic Advocacy

- ▶ advocating for reform that addresses victim needs
- ▶ education to promote awareness of victims rights
- ▶ advising Minister's on matters relating to victims



Collaboration

- ▶ ACT Family Violence Intervention Program Coordinating Committee (Chair)
- ▶ Domestic Violence Prevention Council
- ▶ Victims Advisory Board
- ▶ Sexual Assault Reform Program
- ▶ Liquor Advisory Board



Front line services: What can we do for clients?

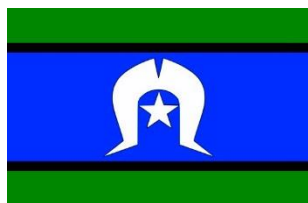
- ▶ **Counselling & other Therapeutic Interventions**
- ▶ **Case Coordination**
- ▶ **Justice Advocacy**
- ▶ **Court Support**
- ▶ **Financial Assistance**



Aboriginal and Torres Strait Islander Victim Liaison Program



- Working with Aboriginal and Torres Strait Islander communities to raise awareness of rights and services
- Building networks and referral pathways to support clients
- Individual client support – including in the prison.



Cultural Liaison Officer

- Ensuring people with no or limited English can access our service
- Individual client support
- Targeting new and emerging communities
- Making connections with Multicultural services
- Organising cultural awareness training for staff.



VICTIM SUPPORT
ACT Human Rights Commission

Financial Assistance Scheme

- ▶ Provides \$ to meet victim's immediate needs
(eg. relocation, change of locks, crime scene clean)
- ▶ Can cover the costs of economic loss
(eg. dental treatment, lost wages)
- ▶ Recognition payments: lump sum amounts that acknowledge the harmful effects of acts of violence.



Volunteer Court Support Program



COURT SUPPORT

WE ASSISTED 97 CLIENTS, MANY OF THEM ON MULTIPLE OCCASIONS AS WE SUPPORTED EACH CLIENT THROUGH THE JUSTICE PROCESS.

We support people through the criminal justice system, making police statements, completing victim impact statements and in court if they had to give evidence. We also support people in applying for family violence and personal protection orders.

- ▶ Volunteers provide support to clients attending court and reporting the crime to police
- ▶ Volunteers assist people with their financial assistance scheme applications and to write Victim Impact Statements



Inter-Agency Collaboration



- ▶ Working with Director of Public Prosecutions
- ▶ Working with Police Victim Liaison Officers
- ▶ Family Violence Intervention Program
- ▶ Case tracking
- ▶ Wraparound



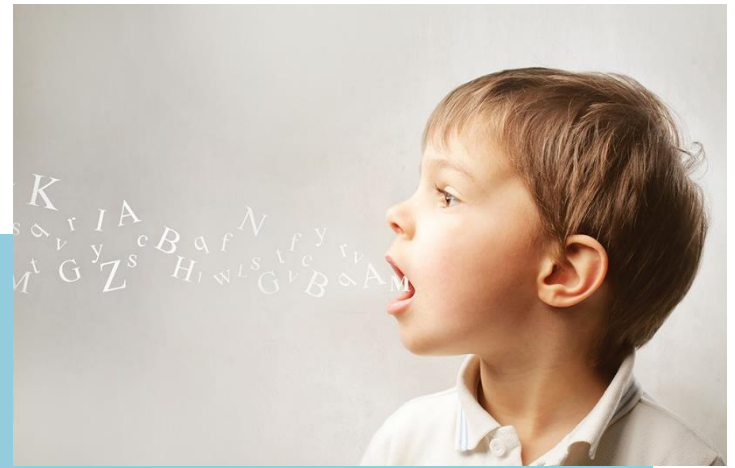
VICTIMS OF CRIME
COMMISSIONER

ACT Human Rights Commission

Current Projects

Witness Intermediaries

Ensuring vulnerable witnesses can give their
'best evidence' in
sexual assault matters.



Current Projects

Introduced by
Mid-2020

Legislative complaints framework



ACT
Government

**CHARTER OF
RIGHTS FOR
VICTIMS OF
CRIME**

Summary of the ACT Model Victims of Crime Commissioner Model

- ▶ Independent Statutory Advocate
- ▶ Within the Human Rights Commission
- ▶ A 'one stop shop': co-locating frontline services, financial assistance, an individual complaints process and systemic advocacy in one office.
- ▶ Commissioner reports to the Minister



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