

# Charter of Victims Rights

## Victims Rights Act 1996



Victims Services  
Attorney General & Justice

### 1 Courtesy, compassion and respect

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

### 2 Information about services and remedies

A victim will 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 will 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 will, 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 will be informed accordingly.

### 5 Information about prosecution of accused

(1) A victim will 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 will 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 will 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 will 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 will not be disclosed unless a court otherwise directs.

### 9 Attendance at preliminary hearings

A victim will 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 will be minimised and the property returned promptly.

### 11 Protection from accused

A victim's need or perceived need for protection will be put before a bail authority by the prosecutor in any bail application by the accused.

### 12 Information about special bail conditions

A victim will 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 will 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 will 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 will, 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 will, 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 is entitled to make a claim under a statutory scheme for victims compensation.

### 18 Information about complaint procedure where Charter is breached

A victim may make a complaint about a breach of the Charter and will, on request, be provided with information on the procedure for making such a complaint.

# Charter of Victims Rights

## *Victims Rights Act 1996*



Victims Services  
Attorney General & Justice

In New South Wales there is a Charter of Victims Rights to protect and promote your rights if you are a victim of crime. The Charter applies to all NSW government departments. It also applies to any non-government agencies and contractors (excluding private legal officers and medical practitioners), funded by the State who provide support to victims. The Charter states how you should be treated and assisted if you are a victim of crime. The Charter is contained in the *Victims Rights Act 1996*.

### **Who is a victim of crime?**

In the *Victims Rights Act 1996*, a victim is a person who suffers 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. You should 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 have the right to ask the person to tell you how to make a complaint to their department. The department should be able to arrange interpreters or other assistance if required. You can get a support person to help you make the complaint. This can be a friend or worker.
3. If you are still not satisfied after the complaint has been looked at by the department you can contact the Victims Services. Their job is to help you with your complaint and tell you what can be done about it.

### **Victims Services**

Freecall: 1800 633 063 • Phone: (02) 8688 5511 • Fax: (02) 8688 9631 • Email: [vs@agd.nsw.gov.au](mailto:vs@agd.nsw.gov.au)

Website: [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) • Postal Address: Locked Bag 5118, Parramatta NSW 2124

You can call our Aboriginal contact person directly. They will give you information about Victims Services and refer you to the best person to help you.

### **Aboriginal Contact Line (8.30am to 5.00pm, Monday to Friday)**

Freecall: 1800 019 123

© State of New South Wales through Victims Services, Department of Justice and Attorney General June 2003 (REV 04/2011). This work may be freely reproduced for personal, educational and government purposes. Permission must be received from the Department for all other uses.

Alternative formats of this information are available.

This document has been prepared by the Victims Services for general information purposes. While every care has been taken in relation to its accuracy, no warranty is given or implied. Further, recipients should obtain their own independent advice before making any decisions that rely on this information.

(FS10 • 04/2011)