



INFORMATION REGARDING THE RIGHTS OF CRIME VICTIMS IN THE SOUTH AUSTRALIAN CRIMINAL JUSTICE SYSTEM *

(incorporating the Declaration of Principles Governing the Treatment of Victims)

These principles are not enforceable in criminal or civil proceedings; do not give rise to any right to damages for breach; and do not affect the conduct of criminal proceedings. However, public agencies and officials are authorised and required to acknowledge, and to give effect, to the principles so far as is practicable to do so having regard to the other obligations binding on them.

- A victim should be treated with courtesy, respect and sympathy; and with regard to any special needs that arise because of the victim's age; sex; race or ethnicity; or cultural or linguistic background.
- A victim has the right to be informed, upon request, about the following (unless providing the information may jeopardise the case):
 - the progress of investigations;
 - the outcome of bail proceedings, particularly in relation to any conditions imposed to protect the victim from the alleged offender;
 - details of any charges laid (and the name of the alleged offender);
 - details about court proceedings;
 - information / consultation in relation to plea bargains, amended charges or a decision to not proceed with a charge;
 - details of any sentence (imprisonment / community service / supervision order / bond) imposed on the offender;
 - details of any appeal from the proceedings and the results of such an appeal.
- A victim has the right to be informed of investigations into the alleged offender's mental competence to commit a crime or mental fitness to stand trial.
- A victim who is required to give evidence at the trial should be informed by the prosecution about the trial process and the rights and responsibilities of a witness (including the right to obtain independent advice and arrange independent support).
- A victim is entitled to be present in the courtroom during proceedings, unless the court orders otherwise.
- A victim has the right to have the impact of the crime, including injury, loss or damage suffered, considered by the sentencing court (Victim Impact Statement).
- A victim has the right to make written submissions to the Parole Board and also has the right to be informed of the outcome of parole proceedings (particularly in relation to any conditions imposed to protect the victim from the alleged offender). The date of the release of an offender should also be provided, upon request, to the victim.
- A victim who is dissatisfied with a determination in relation to criminal proceedings may request the prosecution to consider making an appeal (in instances where the prosecution is allowed, by law, to make such an appeal).
- A victim should be informed about accessing health and welfare services that may be available to help alleviate the impact of the crime.

- A victim should have access to information about how to obtain compensation or restitution for harm suffered as a result of the crime, either as part of criminal proceedings or through the Victims of Crime Compensation Fund.
(See VSS Fact Sheet 3.1 'Compensation' and the 'Victims of Crime Compensation' brochure for further information)
- If a victim's property is taken for investigation or for use as evidence, the property should be returned to the victim as soon as practicable.
- A victim has the right to the protection of his/her privacy – in particular a victim's residential address should not be disclosed unless necessary for proceedings.
- A victim has the right to be protected during proceedings (as far as practicable) from unnecessary contact with the alleged offender and defence witnesses and should only be asked to attend proceedings if it is genuinely necessary.
- A victim should be informed, on request, about procedures that may be available to deal with a grievance relating to non-recognition or inadequate recognition of rights under this Declaration.

VICTIM IMPACT STATEMENTS

A victim of a serious offence has the right to provide the court with a personal statement, known as a Victim Impact Statement (VIS), outlining the impact of the crime (including injury, loss or damage) on that person and his/her family.

(See VSS Fact Sheet 18 'Victim Impact Statements' for further information)

COMMUNITY IMPACT STATEMENTS

Any person can make a written statement about:

- the effect of the offence, or offences of the same kind on people living or working in the location in which the offence was committed (Neighbourhood Impact Statement)
- the effect of the offence, or offences of the same kind on the community generally or on any particular sections of the community (Social Impact Statement).

Information for possible inclusion in a Community Impact Statement can be submitted to the Commissioner for Victims' Rights

RIGHTS THROUGH AN APPROPRIATE REPRESENTATIVE

Rights granted to a victim of crime (including the right to request information; the right to make a claim for compensation; the right to provide a Victim Impact Statement) may be exercised on their behalf by an appropriate representative chosen by the victim for that purpose.

VULNERABLE WITNESS PROVISIONS

In some circumstances special arrangements can be requested for protecting witnesses giving evidence in criminal proceedings.

Special provisions may include: closed circuit television, audio-visual recording, a one-way screen, a court companion or closed court.

For further details on any of the information contained in this Fact Sheet contact:

Victim Support Service 1800 VICTIM [1800 842 846] www.victimsa.org

The Commissioner for Victims' Rights (08) 8204 9635 www.voc.sa.gov.au

* information taken from the 'Victims of Crime Act 2001' the 'Criminal Law (Sentencing) Act 1988' and the 'Statutes Amendment (Evidence & Procedure) Act 2008'