

# Victims' rights

The 'Declaration of Principles Governing the Treatment of Victims' is specified in the *Victims of Crime Act 2001 (SA)* and governs how agencies and officials respond to victims of crime. These principles are not enforceable in criminal or civil proceedings, they do not give rise to any right to damages for breach, and they 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 it is practicable to do so.

**Further information can be obtained by contacting the VSS Helpdesk on 1800 VICTIM (1800 842846).**

**You have the right to be treated with courtesy, respect and sympathy.**

You have the right to be treated with courtesy, respect and sympathy; and with regard to any special needs that arise because of your age; sex; race or ethnicity; or cultural or linguistic background.

**You have the right to information.**

You should be informed about accessing health and welfare services that may be available to help alleviate the impact of the crime.

You have 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 imposed on the offender (e.g. imprisonment, bond, community service, supervision order)

- details of any appeal from the proceedings and the results of such an appeal.

You have the right to be informed of investigations into the alleged offender's mental competence to commit a crime or mental fitness to stand trial.

**You have the right to attend and understand court proceedings.**

You are entitled to be present in the courtroom during proceedings, unless the court orders otherwise.

If you are 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).

**You have the right to be protected from contact with the alleged offender and defence witnesses.**

You have 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.



**1800 VICTIM  
(1800 842846)  
victimsa.org**

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.

**You have the right to tell the court about the impact the crime had on you.**

If you are a victim of a serious offence, you have 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.

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.

**You have the right for your concerns about your safety to be considered in bail proceedings.**

If you feel a need for protection from the alleged offender, South Australia Police or the Crown must bring that concern to the attention of the bail authority. In addition, reasonable efforts must be made to inform you of the outcome of the bail proceedings and conditions to protect you from the alleged offender.

**You have the right to tell the Parole Board about how you feel about the person who harmed you leaving prison.**

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You have the right to make written submissions to the Parole Board and also to be informed of the outcome of parole proceedings (particularly in relation to any conditions imposed to protect you from the alleged offender). The date of the release of an offender should also be provided to you upon request.

**You have the right to be consulted and ask for an appeal when the law allows for this.**

If you are a victim of a serious offence, you have the right to be consulted before a decision is made to charge an offender, amend or not proceed with a charge or to examine the alleged offender's mental competence.

If you are dissatisfied with the outcome of criminal proceedings, you may request the prosecution to consider making an appeal (in instances where the prosecution is allowed, by law, to make such an appeal).

**You have the right to information about how to apply for compensation.**

You 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.

**You have the right to get your property back from the police.**

If your property is taken for investigation or for use as evidence, the property should be returned to you as soon as practicable.

**You have the right to complain if you are not happy with how you've been treated.**

You should be informed, on request, about procedures available to deal with a grievance relating to these rights.

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**FURTHER INFORMATION**

If you would like more information, please contact the VSS Helpdesk on

**1800 VICTIM (1800 842846)**  
or view our website at [victimsa.org](http://victimsa.org)

Commissioner for Victims' Rights [voc.sa.gov.au](http://voc.sa.gov.au)