

Charter of Victims Rights

Victims Rights and Support Act 2013

The Charter of Victims Rights sets out how victims of crime are to be treated and assisted in NSW. If you are a victim of crime, you have the following rights under the Charter.

1. Respect

You will be treated with courtesy, compassion, cultural sensitivity and respect for your rights and dignity.

For victims of forensic patients: A victim will be treated with respect and compassion, having regard to the fact that proceedings may touch on painful or tragic events in the victim's life and cause the victim to experience further grief and distress.

A victim making a submission before the Mental Health Review Tribunal should be listened to respectfully and in a way that is cognisant of the effects of the victim's experience and the benefit of expressing views about its impact.

2. Information about services and remedies

You will be told as soon as possible about the different services that can help you, including counselling and legal services.

3. Access to services

If you need medical, counselling, and legal help you will be able to get it if it is available.

4. Information about investigation of the crime

If you ask, you will be told about how the police investigation is going. But in some cases there may be some things the police can't tell you.

5. Information about prosecution of accused

Prosecution is about taking the accused to court for the crime. This is done by the police or, in serious cases, the Director of Public Prosecutions.

As a victim, you will be told:

- what the charges are or why the accused has not been charged
- any decision of the prosecution to change or drop charges
- the date and place of the court hearing; the final court result, including any appeal or sentence given.

If the prosecution is thinking about changing or dropping the charges they will have a talk to you about this if the crime:

- was a serious sex crime, or
- caused you physical harm, psychological or psychiatric harm.

But the prosecution don't have to talk to you if you don't want to talk about it, or they can't find you.

6. Information about trial process and role as witness

If you have to give evidence as a witness in a trial you will be told about how the trial works and what you have to do.

7. Protection from contact with accused

While your case is in court you will be protected from contact with the accused and the defence witnesses.

8. Protection of identity of victim

You can keep your address and phone number private unless the court says different.

9. Attendance at preliminary hearings

You do not have to go to any committal hearing (like a mini trial) or other court business before the trial unless the court says you must.

10. Return of property held by State

If the police or prosecution took any of your goods as evidence you have the right to get it back as soon as possible.

11. Protection from accused

If you need protection tell the police or prosecution when the accused applies for bail.

12. Information about special bail conditions

You will be told about any special bail conditions the accused is given, which are meant to protect you or your family, like a condition which says the accused must not contact you.

13. Information about outcome of bail application

If you were the victim of sexual assault or other serious assault you will be told if the accused gets bail or not.

14. Victim impact statement

In some cases you may be able to tell the court about how the crime has affected you and you will be given help and support to do this. This is called giving a 'victim impact statement.'

15. Information about impending release, escape or eligibility for absence from custody

If the offender is in gaol you can be told if the offender is going to be released from gaol soon, has escaped gaol or is on day release.

16. Submissions on parole and eligibility for absence from custody of serious offenders

You can have a say if the offender applies for parole.

17. Financial assistance for victims of personal violence

If you have been injured as a result of serious personal violence, you may be eligible for financial assistance under the Victims Support Scheme.

18. Information about complaint procedure where Charter is breached

You can make a complaint if you think your rights under the Charter have not been met. You can ask for information about how to do this.

For victims of forensic patients: Information about reviews of and other proceedings relating to forensic patients

A victim will be informed in a timely manner of any matter before the Mental Health Review Tribunal, or the release of or granting of leave to a forensic patient or any other matter, that the victim is required to be informed of under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

If you are a victim of crime, you have rights

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 is contained in the *Victims Rights and Support Act 2013*.

The Charter states how you should be treated and assisted if you are a victim of crime.

Who is a victim of crime?

In the *Victims Rights and Support Act 2013*, a victim of crime is a person who suffers harm as a direct result of a criminal offence or modern slavery offence in NSW.

Who is covered by the Charter?

The Charter rights cover:

- any person who suffers harm as a direct result of an act committed by another person in the course of a criminal offence or modern slavery offence in NSW. This includes children and young people who have been harmed as a result of a criminal offence.
- a member of the immediate family of someone who has died as a result of an act committed by another person in the course of a criminal offence or modern slavery offence in NSW.

Who must uphold the Charter?

The Charter applies to all NSW government departments. This means everyone working in NSW government departments must uphold the rights outlined in the Charter.

It also applies to any non-government agency or person funded by the State to provide support to victims.

What can I do if I think my rights under the Charter are not being met?

- 1 You should talk to the person or someone within the organisation that you are dealing with about the problem. Often, the problem can be resolved that way.
- 2 If this does not fix the problem and you are still not satisfied, you have the right to ask the person to tell you how to make a complaint to their agency. The agency should be able to arrange interpreters or other assistance if you need it. You can get a support person to help you make the complaint, such as a friend or support worker.
- 3 If you are still not satisfied after the complaint has been looked at by the agency, you can contact Victims Services, at the Department of Communities and Justice. Victims Services can help you with your complaint and tell you what can be done about it.

Contact Victims Services for more information

For information and support about your Charter rights, you can contact Victims Services:

Call: Victims Access Line on **1800 633 063** or the Aboriginal Contact Line on **1800 019 123**

Email: vs@dcj.nsw.gov.au

Write to: Commissioner of Victims Rights
Victims Services
Department of Communities and Justice
Locked Bag 5118
Parramatta NSW 2124

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✉ **Email** vs@dcj.nsw.gov.au

🌐 **Visit** victimsservices.justice.nsw.gov.au

If you have a hearing or speech impairment, call the National Relay Service on **13 36 77** (TTY) or **1300 555 727** (Speak and Listen).

If you need an interpreter, call the Translating and Interpreting Service on **13 14 50**.