



**Government of South Australia**

Commissioner for Victims' Rights



## **Information for victims of crime**

Treatment, impact and access to the justice system



## Foreword

Despite the fall in reported crime, the statistics still show too many people become victims of crime. The effects of crime can be devastating. Victims often suffer a range of psychological and social injuries long after their physical wounds have healed or their property has been replaced or repaired. It is important that those victims who want help, get it. It is also important that victims know their rights.

This booklet provides information about victims' rights, coping with the effects of crime, and the criminal justice system for adult and young offenders. It also includes information about state-funded victim compensation and a directory of services to help victims deal with the effects of crime.

It was once cliché to call victims of crime 'the forgotten people' in our criminal justice system. Thankfully that is no longer true. Victims of crime have a critical role to play in our criminal justice system. Without their willingness to report crime, to co-operate with investigators and prosecutors and to testify in court, it is likely that our criminal justice system would crumble.

Whether you are a victim or a person assisting a victim, this booklet answers some of the most common questions I hear from victims, their families and friends. It would be impractical to answer all your questions in one booklet, so I urge you to ask the police, the prosecutor or other public official who can follow-up on questions of particular interest to you.

Should you feel the trauma is overwhelming you might seek professional assistance. Organisations such as the Victim Support Service, Road Trauma Support Team and Rape and Sexual Assault Services can support you. There are also specialist services such as the Child Protection Services and various domestic violence services, as well as self-help groups, for example, the Homicide Victims Support Group.

If you are reading this booklet as a victim of crime, I regret that you have become a victim. I cannot undo the crime but I hope this booklet helps as you come to terms with what has happened and that you will once again feel safe, secure and supported.



**John Rau**  
Deputy Premier  
Attorney-General

# Contents

Declaration of principles governing treatment of victims of crime	1
The impact of crime	7
How you feel	
Ways of coping	
Particular circumstances	9
Children as victims of crime	
Note for carers	
Crime in the workplace	
Dealing with the media	12
The legal process	15
When you report a crime	
Investigating a crime	
Recording the effects of the crime	
Laying the charge	
Bail	
The decision to prosecute	
The court process	
Trial	
Guilty plea and sentence	
Mentally impaired defendants	
Appeals	
The juvenile justice system	

<b>Assistance</b>	<b>32</b>
Assistance for witnesses	
Court companions	
Victim Impact Statements	
The Victim Register	
The Parole Board of SA	
Forensic Mental Health	
<b>Compensation</b>	<b>44</b>
Compensation directly from the offender	
Suing the offender	
Victims compensation	
How much can be claimed	
Household insurance	
Workers rehabilitation and compensation	
Motor accident compensation	
<b>Who can help?</b>	<b>50</b>
<b>Giving feedback or lodging complaints</b>	<b>62</b>
<b>List of legal terms</b>	<b>67</b>
<b>Notes</b>	<b>71</b>
<b>Common contacts for victims of crime</b>	<b>72</b>

## Help with using this book

If you find this booklet difficult to read, help is available. A family or community member may be able to explain difficult passages.

If English is your second language, the Telephone Interpreter Service (phone 1300 655 082) may be useful. The police or courts can book an interpreter if they know you will need one. Interpreters are available for community languages, some Aboriginal languages, Deaf Sign and Deaf Oral A.

A plain English version of the Declaration Governing Treatment of Victims is available on request from police or the Commissioner for Victims' Rights (phone: 8204 9635 or email: [voc@agd.sa.gov.au](mailto:voc@agd.sa.gov.au)), or it can be downloaded at [www.voc.sa.gov.au](http://www.voc.sa.gov.au).

## Introduction

If you have been the victim of a crime, you may find the information in this booklet useful. You may wish to refer to parts of it now, during the legal process, or after it is all over.

The booklet tells you about your rights to fair treatment in the justice system. It provides a simple introduction to the legal process. It also lists services that may be able to give you support when you need it.

Words written in *bold italics*, such as *prosecutor*, are explained in the list of legal terms on page 67.

If you want more information, please contact one of the services mentioned on pages 50 to 61, or refer to the community and government pages in the front of the phone book. The police, the *prosecutor* and the Victim Support Service are amongst the services that can provide information, or refer you to a service.

Not every reader of this booklet will be a victim of crime. You might have suffered a wrong, but not every wrong is a crime. For example, someone could have misused their power or betrayed a trust.

If you have been wronged, but no crime has been committed, you should seek legal advice about your rights. As well as doing this, browse through this booklet. You could find the list of services, and some of the other information, useful.

Family, friends and carers will have their own reactions to the crime and the events that follow it. Each person will have different reactions and different support and information needs. This booklet addresses the individual who was directly affected by the crime, and not others

who were also affected. However, some of the information they need may be found in this booklet, or through some of the services listed on pages 50 to 61.

A summary of this booklet is also available – in Albanian, Arabic, Bosnian, Chinese, Croatian, Dinka, Greek, Italian, Khmer, Persian, Polish, Serbian, Somali, Spanish and Vietnamese as well as Aboriginal English and English – at the Commissioner for Victims' Rights website ([www.voc.sa.gov.au](http://www.voc.sa.gov.au) (under 'Publications')). Print copies of these summaries are also available.

An audio version of the summary and a Braille version of the booklet can be borrowed by contacting either a Police Victim Contact Officer (see Police in the White Pages) or the Commissioner for Victims' Rights (phone 8204 9635).

I welcome feedback on this booklet, including suggestions to improve it. You should write to me, Commissioner for Victims' Rights, GPO Box 464, Adelaide SA 5000 or email [voc@agd.sa.gov.au](mailto:voc@agd.sa.gov.au)



**Michael O'Connell**

Commissioner for Victims' Rights



## Declaration of principles governing treatment of victims of crime

The Parliament for South Australia passed a declaration of principles to govern the way public agencies and officials deal with victims of crime. The principles are not enforceable in criminal or civil proceedings; and do not give rise to any right to damages for breach; and do not affect the conduct of criminal proceedings. Public agencies and officials, however, are authorised and required to have regard, and to give effect, to the principles so far as it is practicable to do so having regard to the other obligations binding on them.

1. A victim should be treated:
  - (a) with courtesy, respect and sympathy; and
  - (b) with due regard to any special need that arises –
    - (i) because of the victim's –
      - age
      - sex
      - race or ethnicity
      - cultural or linguistic background; or
      - physical or intellectual ability; or
    - (ii) for any other reason.
2. A victim should be informed about health and welfare services that may be available to alleviate the consequences of injury suffered as a result of the offence.
3. A victim should be informed, on request, about:
  - (a) the progress of investigations into the offence
  - (b) the charge laid and details of the place and date of proceedings on the charge; and

- (c) if a person has been charged with the offence – the name of the alleged offender<sup>1</sup>.
4. A victim should be informed, on request, if an application for bail is made by the alleged offender – the outcome of the application.
- If a police officer or a person representing the Crown in bail proceedings is made aware that the victim feels a need for protection from the alleged offender –
- (a) the police officer or other person must ensure that the perceived need for protection is brought to the attention of the bail authority<sup>2</sup>; and
  - (b) reasonable efforts must be made to notify the victim of the outcome of the bail proceedings and, in particular, any condition imposed to protect the victim from the alleged offender (unless the victim indicates that he or she does not wish to be so informed).
5. A victim should be informed, on request, if the prosecutor decides not to proceed with the charge, to amend the charge, or to accept a plea to a lesser charge or agrees with the defendant to make or support a recommendation for leniency – the reasons for the prosecutor’s decision.

A victim of a serious offence should be consulted before any decision is made –

- (a) to charge the alleged offender with a particular offence; or
- (b) to amend a charge; or

---

<sup>1</sup>Section 64 of the *Young Offenders Act 1993* provides a mechanism for exercising this right in relation to a young offender.

<sup>2</sup>Section 10(4) of the *Bail Act 1985* requires that where there is a victim of an offence, the bail authority must, in determining whether an applicant for bail should be released on bail, give primary consideration to the need that the victim may have, or perceive, for physical protection from the applicant.

- (c) to not proceed with a charge; or
  - (d) to apply for an investigation into the alleged offender's mental competence to commit an offence or mental fitness to stand trial.
6. A victim of an offence is entitled to be present in the courtroom during proceedings for the offence unless the court, in accordance with some other Act or law, orders otherwise<sup>3</sup>.
  7. A victim should only be asked to attend proceedings related to the offence if the victim's attendance is genuinely necessary.
  8. A victim who is to be a witness for the prosecution at the trial of the offence should be informed by the prosecution about the trial process and the victim's rights and responsibilities as a witness for the prosecution.

The information should be given (if practicable) so as to allow the victim sufficient time to obtain independent advice, and arrange independent support, in relation to the exercise of those rights or the discharge of those responsibilities.

9. A victim should be protected as far as practicable from unnecessary contact with the alleged offender and defence witnesses during the course of the trial and in court proceedings<sup>4</sup>.

---

<sup>3</sup>See also section 29A of the *Evidence Act 1929* (which requires that, where a victim of an offence is a witness in the proceedings, the court can only order the victim to leave the courtroom until required to give evidence if the court considers it appropriate to do so) and section 24 of the *Youth Court Act 1993* (which allows a victim and a person chosen by the victim to provide support for the victim to be present during Youth Court proceedings for the relevant offence).

<sup>4</sup>Section 13 of the *Evidence Act 1929* contains special provisions for the protection of a person who is a "vulnerable witness" within the meaning of that section.

10. There should be no unnecessary intrusion on a victim's privacy. In particular, a victim's residential address should not be disclosed unless it is material to the prosecution or defence.
11. If a victim's property is taken for investigation or for use as evidence, the property should, if practicable, be returned to the victim as soon as it appears that it is no longer required for the purposes for which it was taken.
12. A victim is entitled to have any injury, loss or damage suffered as a result of the offence considered by the sentencing court before it passes sentence<sup>5</sup>.
13. A victim should have access to information about how to obtain compensation or restitution for harm suffered as a result of the offence.

If the prosecutor is empowered to make an application for restitution or compensation on behalf of a victim in criminal proceedings –

- (a) the prosecutor should bring that fact to the attention of the victim; and
  - (b) the prosecutor should, if asked to do so by the victim –
    - (i) make the application on the victim's behalf; and
    - (ii) bring to the attention of the court any relevant information provided by the victim in connection with the application.
14. A victim should be informed, on request, about:
    - (a) the outcome of the proceedings based on the charge and of any appeal from those proceedings
    - (b) details of any sentence imposed on the offender for the offence.

---

<sup>5</sup>Sections 7 and 7A of the *Criminal Law (Sentencing) Act 1988* provide ways for exercising this right. See also part 8A *Criminal Law Consolidation Act 1935*.

15. A victim who is dissatisfied with a determination (for example the sentence) made in relation to the relevant criminal proceedings (being a determination against which the prosecution is entitled to appeal) may request the prosecution to consider an appeal against the determination. A victim must make this request within 10 days after the making of the determination. The prosecution must then give due consideration to that request.
16. A victim should be informed, on request:
- (a) if the release of the offender into the community is imminent – details of when the offender is to be released
  - (b) if the offender was ordered to undertake community service – whether the offender completed the community service; and
  - (c) if the offender was subject to a bond – whether the conditions of the bond were complied with.
17. A victim of an offence is entitled to make written submissions to the Parole Board on questions affecting the parole of a person imprisoned for the offence<sup>6</sup>.
18. A victim should be informed, on request:
- (a) if the offender is sentenced to imprisonment and later makes an application for release on parole – the outcome of the proceedings and, in particular, any condition imposed to protect the victim from the offender.

---

<sup>6</sup>See section 77(2)(ba) of the *Correctional Services Act 1982*.

(b) if the offender is subject to a supervision order under Part 8A of the *Criminal Law Consolidation Act 1935* (which applies to mentally incompetent offenders) and the offender, or any other person, later makes an application for variation or revocation of the 20 order or an application for review of the supervision order is made – the outcome of the proceedings and, in particular, if the offender is released on licence, any conditions imposed on the licence.

19. A victim should be informed, on request:

- (a) if the alleged offender absconds before trial – the fact that he or she has absconded
- (b) if the offender escapes from custody – the fact that he or she has escaped; or
- (c) if the offender, having escaped from custody, is returned to custody – the fact that he or she has been returned to custody.

20. A victim should be informed, on request, about procedures that may be available to deal with a grievance the victim may have for non-recognition or inadequate recognition of the victim's rights under this Declaration.

Please note that a victim is not entitled to information that might jeopardise the investigation of an offence.

# The impact of crime

## How you feel

Crime affects different people in different ways. The way a person feels can differ from day to day. Some days you may cope, others you may not be able to get on with your day-to-day activities. A memory, sight, sound, smell or event could start the bad feelings. It is important to remember that you are reacting normally to an abnormal situation. It may take time and support to get back to feeling settled.

You may be aware of what happened but feel numb. This is a common initial reaction. You may feel that what happened is remote and nothing to do with you. You may or may not feel the impact immediately, or later (for example, this may be during the events that follow the crime, when replacing stolen goods, or on an anniversary or other special day).

Over time you could suffer physical symptoms such as: lack of appetite, high blood pressure, fatigue and problems sleeping. Depending on your situation, you may experience a mix of emotions, and these will not occur in any particular order. Some emotions will go away and come back later. These emotions could include:

- emptiness or numbness
- fear or anxiety
- sadness or depression
- guilt, shame or dirtiness
- anger or irritability
- grief
- loss of privacy and control
- panic and confusion.

You may feel helpless and deserted, and that no-one understands what you are going through.

These symptoms or feelings usually go away after some time, but they do create problems for some people. They could affect your ongoing health or relationships. It is important to look after yourself, and to get any support and treatment that you need.

## Ways of coping

Every person has his or her own ways of coping with trauma. Some tips that may help you in the early stages are given below:

- structure your life as much as possible
- defer major life decisions
- bad feelings usually do go away
- allow yourself good days and bad days
- do nice things for yourself
- eat regularly and nutritiously
- increase your physical exercise
- limit the use of alcohol and drugs
- keeping a journal may be useful
- talk about your feelings.

It can be surprising how useful a helpful listener or a little information can be. Family members and friends can offer some support, but may also need to deal with their own reactions to the crime, as well as other issues in their lives. Sometimes they are not able to provide the help or support you need when you need it. Some victims of crime prefer to talk to a person who has not been affected by the crime, and who was previously unknown to them.

If you would like further information or support contact the Victim Support Service (phone 1800 VICTIM (1800 842846)) or one of the other agencies listed on pages 50 to 61.

## Particular circumstances

### Children as victims of crime

Like anyone else, *children* can be victims of crime. Like adults, they have both physical and emotional reactions. They can not always express these in words in the way that many adults can. Young *children* often experience feelings of guilt, and find it difficult to tell anyone about the crime. If they do tell, and are not believed or not supported, they may carry the hurt through to adult life.

Young *children* who suffer trauma may:

- have nightmares or problems sleeping
- wet the bed
- behave badly
- eat too much or too little
- cling to adults
- become withdrawn or fear being alone
- suffer headaches
- fight with friends
- lose concentration
- start doing badly in school.

*Children* often need specialised professional help to recover after a crime. The police can arrange this help when the crime is first reported. There are other places you can go for information on services for *children*. These include the Child and Youth Health parents helpline, the Department for Families and Communities (including your local Families SA office), the Women's and Children's Hospital (Child Protection Services phone 8161 7346), Flinders Medical Centre (Child Protection Services 8204 5485), or the Child and Adolescent Mental Health Service and the Kids Helpline. These are listed in the White Pages of the phone book. See also pages 50 to 61.

It may help if you can make an appointment with your child's teacher to ask if the school can provide some extra support. You don't have to tell anyone at school what happened but you might tell the teacher that things have happened which might affect your child's behaviour. The school counsellor may also be a good source of support for you and your child.

Interviewing children needs special skills. If a *child* is a victim of crime, police will try to involve one of these specialists. They will also tell parents or carers what help is available. They may mention such services as Family and Youth Services, Child and Adolescent Mental Health Services, the Women's and Children's Hospital and Flinders Medical Centre.

Schools have access to social workers. They can work with teachers to help children through trauma.

Some support services for children are listed on pages 50 to 61. Others are listed in the White Pages of the phone book.

The Office of the Director of Public Prosecutions will provide a Child Witness Assistance Officer to inform and support *child witnesses*.

## Information for carers

If you are caring for a person with a disability who is a victim of crime, you may feel many of the same emotions. You may feel overwhelmed, out of your depth and unappreciated. It may be useful to check what support the person you care for expects of you at each stage of the process. Let your local carer support service know that you may need some extra help, including respite.

More information is available through the Carers Association of SA or any of the services listed under "Carers Support" in the White Pages of the phone book.

## Crime in the workplace

If a crime or suspected crime has occurred in your workplace, you should report it as soon as possible to your employer or supervisor as well as to the police. If you do not feel comfortable with this, you should see the health and safety officer or your elected health and safety representative (if applicable) or a union official.

In some circumstances you may even prefer to discuss the situation with your doctor. You may have to provide information for a written critical incident report. However, if you need to claim workers' compensation for a criminal injury at work you will need to report the injury to your employer promptly (see page 49 for contact details for Return to Work). If you don't do this, but report to someone else instead, you may not be able to claim workers' compensation.

Your employer may offer to arrange some form of debriefing or counselling for you, or you may request it if you feel it is necessary. Some workplaces have personnel counsellors whose job it is to help employees who experience a crisis.

Persons who believe they have been discriminated, harassed or victimised in the workplace can also consider lodging a complaint with the Equal Opportunity Commission (see page 65).

## Dealing with the media

This can be a difficult issue. Some victims want to tell their story and welcome the publicity. Others prefer to maintain their privacy. If you are thinking of giving any information to the media<sup>1</sup> about what has happened, bear in mind the following:

First, you should not speak to the media about the case if someone has been arrested or if there are any legal proceedings in progress. It could affect the case. Also, if police are still investigating, media publicity could affect their enquiries and you should discuss this with police before speaking to the media. If in doubt about the legal position, check first before giving any information to the media.

Second, the media report may be different from what you expect. The media will gather information from many sources. Your case may be presented in a way you do not agree with, and this can be upsetting.

Third, once the matter becomes public through the media, you or your family may encounter unwanted attention. Be aware, for example, that media publicity might mean that your children are the subject of comment or gossip at school.

Remember that you do not have to speak to the media, even if they are very persistent. Your first contact with the media might occur while you are feeling confused and disoriented, common reactions after a crime.

---

<sup>1</sup>This refers to staff (usually reporters) from news gathering services. They may work for newspapers, television, radio or internet publishers. They should be able to present a press card.

You are entitled to:

- say “no” to an interview
- require anyone who visits your home uninvited to leave, and call the police if they refuse to do so
- refuse an interview with a specific reporter even though you may have granted interviews to other reporters
- say “no” to an interview even though you have previously granted interviews
- choose the time and place for interviews
- exclude children from interviews
- not answer any question you do not wish to answer
- speak with one reporter at a time
- request a correction if a report is inaccurate
- ask that offensive photographs or visuals not be used
- set conditions to protect your privacy or safety. For instance, you could give an interview on condition that your face be obscured, your name not used or your voice altered, or you could stipulate no photographs in a newspaper interview.

If you choose to speak with the media, consider whether you wish to give an interview, read out a statement, or simply release a written statement. Consider also whether you wish to deal with the media yourself, or use someone else, perhaps someone experienced in dealing with the media, as a go-between.

If you do decide on an interview, decide in advance what you want to say and what you do not wish to comment on. Be cautious about what is recorded or filmed. Once an interview is recorded, a photograph is taken or an event filmed, you have little control over how it is used.

If you are not happy with the way a person from the media treats you or any of your family, you can complain to:

- the media organisation concerned, ie the newspaper or television station
- the Australian Press Council (for print media)
- the Australian Communications and Media Authority (for broadcasting-related inquiries).

Keep your complaint specific.

### Contact details

Check the White Pages of the phone book for specific publishers or broadcasters.

The Australian Press Council, phone: (02) 9261 1930 or 1800 025 712, or on-line [www.presscouncil.org.au](http://www.presscouncil.org.au)

The Australian Communications and Media Authority, phone: 1800 226 667, or on-line [www.acma.gov.au](http://www.acma.gov.au)

## The legal process

### When you report a crime

You may wonder whether you should report the crime to the police. There could be many things to consider before you do so. For example, there may be family issues, you may be frightened of pay back or you could be concerned about a loss of privacy. Sometimes these issues can be addressed, but you may need to discuss them, or get information before you report the crime. The police can sometimes help with these issues, as can the agencies listed on pages 50 to 61 of this booklet. Steps can be taken to protect witnesses and it is only if crimes are reported that action can be taken to stop the offender. Also, remember that a claim for victims compensation can face difficulties if you did not report the offence promptly and co-operate with police enquiries.

A report needs to be made as soon as reasonably practicable after the crime occurs. This enables the police to investigate the crime before valuable evidence is lost or destroyed. Early reporting also enables police to protect you and others who may be in danger. The report will also help to identify any pattern of crime in the area, which can help in crime prevention.

Reporting a crime protects your present and future rights, as well as those of the general community. Timely reporting and cooperating in the police investigation process are important factors if you are likely to pursue a claim for victims compensation.

If you are worried about reporting a crime to police, you can contact one of the agencies listed at the end of this booklet to discuss your concerns.

Alternatively, police can arrange for a Police Victim Contact Officer to provide you with assistance and information regarding the reporting and investigation of crimes.

Police officers specially trained in the fields of family violence and sexual assault are available on request to assist you.

## Investigating a crime

The police conduct the investigation into alleged crimes. They need to gather sufficient evidence to be in a position to *charge* an offender.

A police officer will be assigned to be in charge of the investigation. You should be given this police officer's name and a contact phone number.

Among other matters, the police will want to take a detailed statement from you, covering all aspects of the offending. Sometimes the questions that police must ask will be difficult or embarrassing to answer. You are not legally required to answer police questions but police will only be able to lay charges if they are fully informed.

After you have provided your statement to police, you may remember something you forgot to mention. Alternatively, you may discover something new that is relevant to the crime. It is important in these circumstances that you contact the Investigating police officer to let him/her know any additional information concerning the crime.

If you have been assaulted, the police may ask you to see a doctor who will examine you and document your injuries.

Police may need to take away some items of property that belong to you or others that were involved in some way in the offending. This may be necessary in terms of evidence at the trial. If this happens, ask police for a receipt when the items are taken.

It may be that some of the items can be returned to you before trial. However, if the items are necessary as evidence to be used at trial, you may not be able to have them returned until after the completion of the trial.

Police may need to take photographs of the crime scene or check for fingerprints. They may ask you to leave certain things untouched until this is done.

If the identity of the offender is in question, police may ask you to look at photographs or attend an identification parade to try to identify the offender.

## Recording the effects of the crime

It is important that you make a record of the injuries and losses that you experience as a result of the crime. Write down as much detail as possible about your injuries, losses or feelings, or ask someone to help you do this.

You may have photographs that could be useful.

The police can help you, as can the Victim Support Service and the Witness Assistance Service (Office of the Director of Public Prosecutions). This is the first step in preparing a *Victim Impact Statement* (see page 34). If your case goes to court and the accused is found guilty, your *Victim Impact Statement* is a way of telling the court what you experienced as a result of the crime.

## Laying the charge

The police are responsible initially for charging the person with an offence. In more serious matters, the police may obtain advice from the Office of the Director of Public Prosecutions (*DPP*) before laying the initial *charge*. In all cases, the charge may be reviewed subsequently by the police *prosecutor*, in the case of less serious offences, or the *DPP* in the case of more serious offences.

## Bail

When a person is arrested and charged with an offence, he or she is eligible to apply for **bail**.

If granted **bail**, the person has to promise to appear in court when required. The person may also be required to abide by a number of other conditions such as:

- reporting to police
- residing at a particular location
- abiding by home detention conditions
- not approaching or contacting witnesses
- providing one or more guarantors.

In deciding whether to grant **bail**, a number of factors are taken into account including:

- the seriousness of the offending
- the likelihood of the accused absconding, re-offending or interfering with evidence and/or witnesses
- the safety of the victim
- any previous occasions on which the accused may have breached a bail agreement
- any other relevant factors.

## The decision to prosecute

After a person has been charged with an offence, the conduct of the prosecution is passed to either a police **prosecutor** or a **prosecutor** from the **DPP** depending on the alleged offence. It is the responsibility of the prosecutor to decide whether to continue with the prosecution.

In criminal cases, the prosecution must prove beyond reasonable doubt that the **accused** person committed the crime with which he or she is charged.

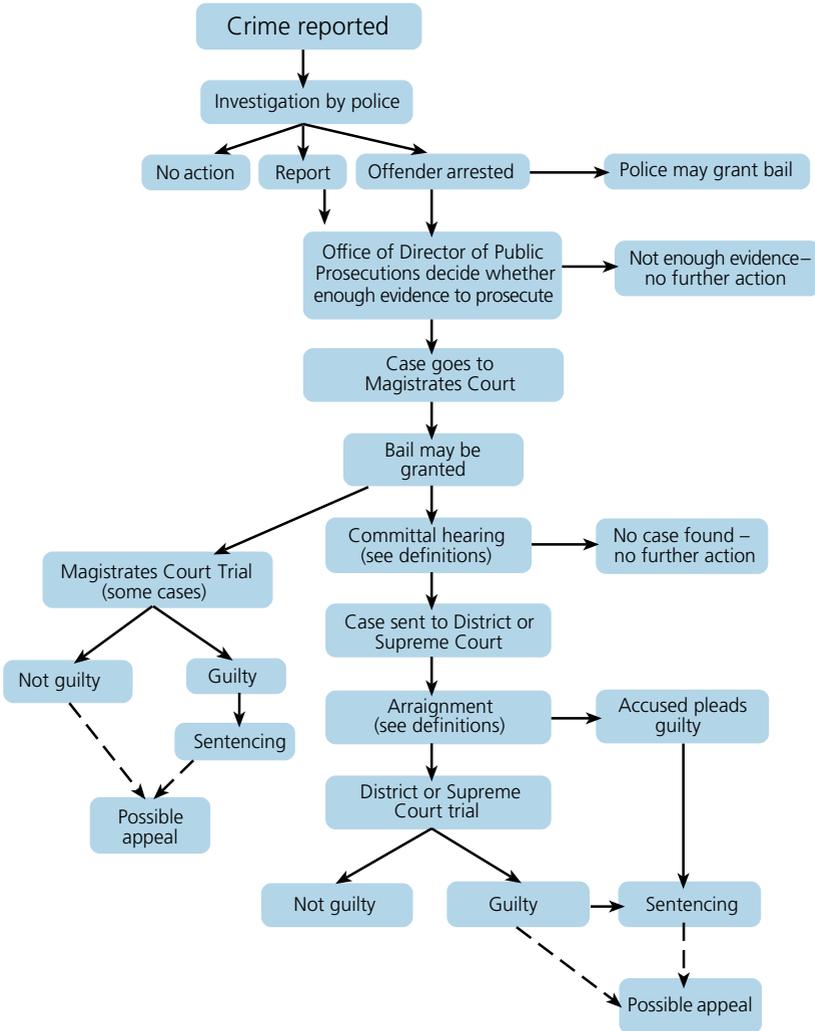
The decision to prosecute is based on an assessment as to whether there is a reasonable prospect of conviction. This involves deciding how strong the case is likely to be when presented in court. There must be admissible, substantial and reliable evidence that the criminal offence has been committed by the **accused**. In making this decision, in addition to assessing the strength of the evidence, the prosecutor will consider the following factors:

- your wishes and concerns
- the public interest in bringing a prosecution.

Less serious offences are prosecuted by the Police Criminal Justice Sections. These offences are prosecuted by police **prosecutors** in the Magistrates Court, or where the accused is a youth, in the Youth Court (see the Juvenile Justice System, page 29).

Serious offences are prosecuted by the **DPP**, which is an independent prosecution authority. Offences prosecuted by the **DPP** can sometimes be dealt with in the Magistrates Court, but will usually only start in the Magistrates Court, and be finalised in the District Court or the Supreme Court.

## The criminal justice system for adult offenders



## The court process

### Less serious offences

If the *charge* is a less serious one that can be handled by police, the Police Criminal Justice Sections handle the conduct of the case in the Magistrates Court. The police *prosecutor* is responsible for assessing whether or not there is enough evidence in support of the charge and may suggest some further investigations be carried out.

The prosecutor is responsible for deciding:

- whether to proceed to trial
- whether to charge the accused with a different offence
- whether to accept a plea to a lesser offence from the accused
- whether to drop the case.

There may be several appearances in the Magistrates Court.

For a diagram showing the layout of a Magistrates Court see page 43.

Once it is clear that there is sufficient evidence against the *accused* to proceed and he or she is not going to plead guilty, the matter will be given a date for trial – usually several months away.

As a victim, you should be kept informed of the progress of your matter by the *prosecutor* (or another police officer) and the reasons for any important decision.

### More serious offences

If the *charge* is classified as more serious, the prosecution is handled by the *DPP*. Initially, the *DPP* handles the prosecution at Magistrates Court level through its Committal Unit.

The *DPP* has a Witness Assistance Service which provides information, assistance and counselling to witnesses, both adults and children.

If you are a victim of a sexual assault, you will usually be asked to attend a proofing session with a prosecutor from the Committal Unit of the *DPP*. This is a meeting at which you provide a detailed statement. (This is necessary, even though you may have earlier given a full statement to the police.) The session will usually be conducted in the presence of a police officer. You can also have someone from the Witness Assistance Service or one of the other agencies listed at the end of this booklet present.

### **Committal**

In serious cases, there is a *committal* (ie a preliminary examination) in the Magistrates Court. The prosecution is required to provide all witness statements to both the lawyer representing the *accused* and to the court. The court decides on the basis of the written evidence whether the case should go to trial.

This process may involve several Magistrates Court appearances by the *accused*. You may attend court if you wish to, but you are not normally required to.

Occasionally, the lawyer for the *accused* is successful in gaining the court's permission to ask witnesses questions orally in the Magistrates Court. If this is the case, you will be warned in advance by the prosecution.

If the Magistrate finds a case to answer, the *accused* is committed for *trial* to the District Court or Supreme Court (see page 43).

A different *prosecutor* from the *DPP* is assigned to handle the matter from here on, except in the case of homicide. The *prosecutor* from the *DPP* will reassess the evidence and may suggest further investigations be undertaken by police.

The **DPP prosecutor** is responsible for deciding:

- whether to proceed to trial with the prosecution
- whether to charge the accused with a different offence
- whether to accept a plea to a lesser offence from the accused
- whether to drop the case.

You will be consulted by the **DPP** before any important decisions are made.

There may be several appearances in the District Court or Supreme Court (see page 43). Unless the **accused** pleads guilty, the matter will be given a date for trial – usually several months away.

You will be informed of the trial date.

## Trial

Where the **accused** is charged with a less serious offence, the trial will take place before a Magistrate in the Magistrates Court. Where the **accused** is charged with a more serious offence, the trial will take place before a judge and jury or, if the **accused** so decides, before a judge alone.

The purpose of the **trial** is to have all relevant and admissible evidence put before the court. It is then for the Magistrate to decide, in less serious matters, whether the **accused** is guilty or not guilty. Or, in more serious matters, for the jury to decide, after being directed by the Judge, whether the **accused** is guilty or not guilty.

You will usually need to give oral evidence before the court. This will involve telling the court what happened in response to questions from the **prosecutor**. The lawyer for the **accused** will then be given an opportunity to ask further questions of you.

The prosecutor will speak to you before the trial to go through your written statement with you and discuss giving evidence in court.

Prior to trial, if the matter is being dealt with by the *DPP*, a Witness Assistance Officer is available to discuss the court process with you and to take you on a guided court tour if you wish. A Child Witness Assistance Officer, from the *DPP*, is also available to inform and support *child* witnesses.

### **Special arrangements for witnesses**

Special arrangements may be made for witnesses giving evidence. In particular, the laws of evidence provide for the way in which evidence is taken from vulnerable witnesses, including children and victims of serious offences, the way witnesses may be questioned and the manner in which judges warn or direct juries about the evidence of children. It also restricts access to sensitive material that is to be used as evidence in proceedings.

The law does not permit an order for special arrangements to be made if this would relieve a witness from the obligation to give sworn evidence or to submit to cross-examination, or to prevent a judge or jury from seeing or hearing the witness while giving evidence. The law does however, state that such sight or hearing of a witness giving evidence may be indirect – for example, by live television transmission or replay of a recording of the witness's voice and image – so long as the indirect method of transmission also shows any person who may be accompanying the witness to provide the witness with emotional support. It states further that a special arrangement must not be made if it would prevent a defendant from seeing or hearing the witness while giving evidence.

An example of a special arrangement is the taking of an electronic recording of a witness's evidence outside the courtroom to be replayed in the courtroom. Another example is allowing disabled witnesses to give evidence by unconventional means if that would facilitate the taking of that evidence or minimise the witness's embarrassment or distress.

### **Vulnerable witnesses**

Special provisions are made for certain witnesses, often called vulnerable witnesses. If you are under the age of 16 years, suffer from an intellectual disability, the victim of a sexual offence and other serious offences (such as abduction, blackmail, stalking, unlawful threats to kill or endanger life, causing serious harm, and attempted murder or attempted manslaughter), or a person at a special disadvantage:

- you may not be cross-examined in person by an unrepresented *defendant* in criminal or civil proceedings
- a criminal court may take an audio visual record of your evidence and, must do so, if you are a child of 16 years or less and have not already had that evidence pre-recorded
- a criminal or civil court may admit an official audio visual or written record of your evidence given in an earlier criminal proceeding and relieve you of the obligation to give oral evidence in the current proceedings.

The court may also make one or more orders that:

- your evidence be given outside the trial court and transmitted to the trial court by means of closed circuit television
- your evidence be taken outside the trial court;

- an audio visual record of your evidence be made and replayed in the trial court
- a screen, partition or one-way glass be placed to obscure the view of a party to whom the evidence relates or some other person
- the defendant be excluded from the place where your evidence is taken, or otherwise be prevented from directly seeing and hearing you while giving evidence
- you be accompanied by a relative or friend for the purpose of providing emotional support, or a court companion.

The court may also order that the court be closed to the public.

You can ask the witness assistance officer or the **prosecutor** about the special arrangements and provisions for vulnerable witnesses. The prosecutor can apply on your behalf, for an order but it is up to the **judge** or **magistrate** what order, if any, is made.

Even if you are not in any of these categories, you can ask to use these measures, but it is up to the court to decide.

## Guilty plea and sentence

The **accused** is able, at any stage, to change his or her plea from not guilty to guilty, even on the morning of the trial. If the accused decides to plead guilty before trial, you will not be required to give evidence in court.

If the **accused** pleads guilty or is found guilty after trial, he or she then needs to be sentenced by the court. The defendant will receive some discount in his or her sentence for pleading guilty to the offence, as opposed to being found guilty at trial.

The **prosecutor** will provide the sentencing judge, in the case of more serious offences, with the following to assist the court in deciding on sentence:

- all written *Victim Impact Statements* (see page 34) prepared by the victim, and the victim's family and friends
- in some cases, you or someone for you can read your *Victim Impact Statement* to the court; and
- the Antecedent Report – this is the record (if any) of the *accused's* previous offences and sentences.

After hearing submissions from both the *defence counsel* and the *prosecutor*, the judge will then sentence the accused. See the Commissioner for Victims' Rights website [www.voc.sa.gov.au](http://www.voc.sa.gov.au) and the Courts website [www.courts.sa.gov.au](http://www.courts.sa.gov.au) for more information on sentencing.

## Mentally impaired defendants

The law aims to protect the rights of persons with a *mental impairment* as well as the safety of victims and the community in general.

If the *defendant* was suffering from a mental illness or cognitive impairment at the time of the offence one issue that may be raised is whether the *defendant* was *mentally incompetent* to commit the offence or is mentally unfit to stand trial. If this is established, then:

- the *defendant* may be released unconditionally
- the *defendant* may be released on licence, for a period of time decided by the court. The court can impose conditions as to treatment, place of residence, or the non-use of and testing for illicit drugs and alcohol; or
- the *defendant* may be committed to a psychiatric institution for a period of treatment.

The period of time set for any conditions imposed on a *defendant* will be similar to the sentence they would have received for the offence had they not been *mentally impaired*.

In deciding what order to make, the court will consider:

- the nature of the *defendant's mental impairment*
- whether the *defendant* is, or would if released be, likely to endanger another person, or other persons generally
- whether there are adequate resources available for the treatment and support for the *defendant* in the community
- whether the *defendant* is likely to comply with the conditions of a licence
- any other matters that the court thinks relevant.

The court considers psychiatric evidence and also the views of the victims, as well as the *accused's* family.

**Information on the attitudes of victims is usually prepared by staff from the Forensic Mental Health Service, Court Assessment Service.**

You can read and download more information about your rights and mentally impaired *defendants* on the website of the Commissioner for Victims' Rights [www.voc.sa.gov.au](http://www.voc.sa.gov.au). The rights outlined on pages 1 - 6 in this booklet apply to you as a victim of a mentally impaired *defendant*.

## Appeals

In certain circumstances the *accused* is able to appeal against either his or her conviction or his or her sentence. The *DPP* has a right to appeal in certain circumstances. This right will always be exercised with restraint and only where there is a reasonable prospect of success.

You may write to the *DPP* asking that an appeal be considered. You must do this within 10 days of the court's determination.

## The youth justice system

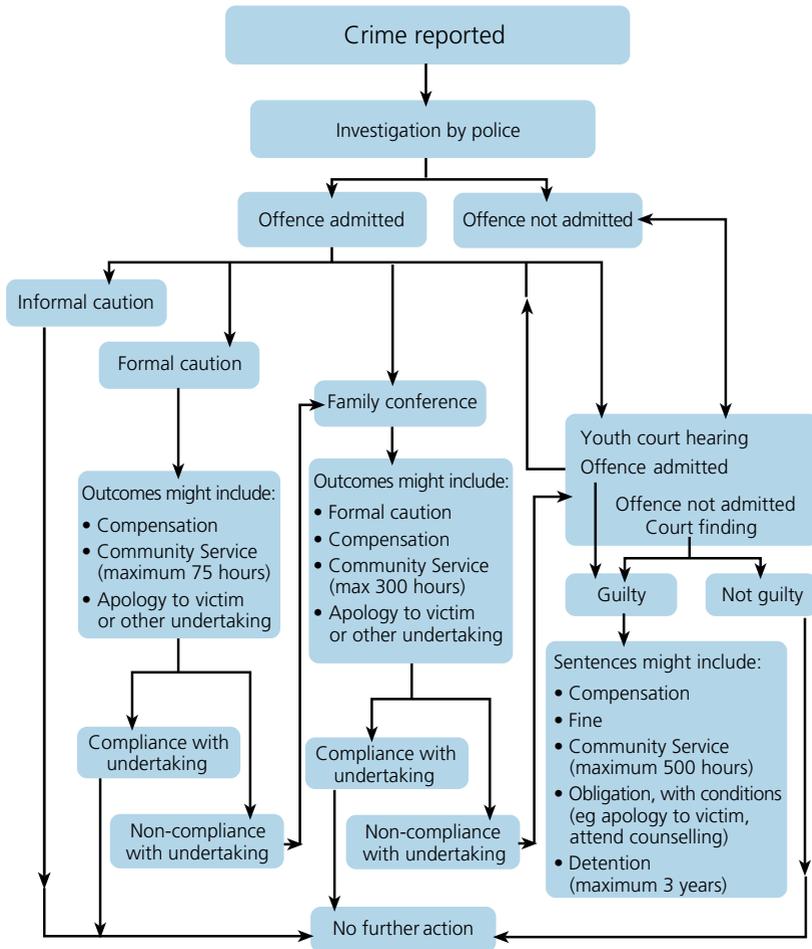
If the person who is accused of committing the crime was less than 18 years old at the time of the *offence*, he or she will usually be dealt with through the youth justice system. This system recognises that some young people do hurt other people and their property, and should do something to make up for this. However, they do not have the full legal responsibilities of an adult, and may still be in the process of learning about these responsibilities and how to exercise them. In South Australia, youths who abide by the law, but made mistakes in growing up, are encouraged to start life without being limited by youthful errors.

However, the principle of restoration is an important one. This can be demonstrated through the Formal Caution and the Family Conference system (see diagram page 30).

Under the *Young Offenders Act 1993*, Family Conferences are held, in certain circumstances, as a way of diverting young offenders from court where the offence is minor.

Family Conferences provide an opportunity for the young person, the victim of the *offence*, family, supporters and a police officer to discuss what has happened, how it has affected each person and how the *offence* will be dealt with. The conference is chaired by a Youth Justice Coordinator who encourages all participants to arrive, by consensus, at an appropriate outcome.

## The Youth Justice System



An outcome may include agreement by the youth to pay compensation, apologise either in person or in writing, perform community service, participate in various programs or anything else that is considered appropriate under the circumstances. Victims are encouraged to contribute to discussion regarding suitable restitution for the harm caused, or how the harm should be made good.

Compliance with undertakings is monitored by the Youth Justice Coordinator, and you will be informed of the outcome at the conclusion of the case.

Having you present at a conference can significantly affect a young person's understanding of the consequences of his or her offending behaviour. The process therefore encourages a young offender to take responsibility for that behaviour and participate in a process that is both restorative and healing for all participants.

Young offenders are also prosecuted in the Youth Court. Although the Youth Court deals with serious offences, there is no jury. It operates under similar law to other criminal courts but is required to act in ways to secure for youths who offend against the criminal law the care, correction and guidance necessary for their development into responsible and useful members of the community and the proper realisation of their potential.

The Youth Court is also a closed court - which means it is not open to the public – however, an exception is made for the victims of crime. The range of sentences that the Youth Court might impose are shown in the diagram on the Youth Justice System.

As a victim of crime allegedly committed by a young person, you should be treated in accordance with the declaration that governs treatment of victims (see pages 1-6) and you should receive the rights to which you are entitled.

## Assistance

### Assistance for witnesses

If you have to give evidence in court, you can usually expect to be in the same room as the *defendant*. Because this can be embarrassing or threatening for some people, some ways have been developed to make it easier to give evidence.

The Police Victim Contact Officer, the Witness Assistance Service (attached to the Office of the Director of Public Prosecutions) (see page 53) and the (non-government) Victim Support Service (see page 53) can help you. If you are over 16 years of age, and a recent victim of rape or sexual assault, Yarrow Place Rape and Sexual Assault Service (see page 53) can provide extensive information, counselling and support. You will find the phone numbers for these agencies listed in the help section of this booklet (see pages 50 to 61). If you are under 16, and have been raped or sexually abused, you should contact Families SA or the police. The Child Abuse Report Line (phone 13 14 78) is listed on page 55. Victims of domestic, or family, violence will also find support services listed on page 51.

Either the Witness Assistance Service (Office of the Director of Public Prosecutions), or the Victim Support Service (Court Companion Service), can take you to the court. They can show you a courtroom, and talk to you and your family about who will be where in the courtroom when the court sits, and what will happen. They can tell you about your rights, or help you get the services you need. They can help you prepare a *Victim Impact Statement* (see page 34).

The Witness Assistance Officer can also provide information specially prepared for child witnesses. They will be offered information and support by a Child Witness Assistance Officer.

Both the Witness Assistance Service (Office of the Director of Public Prosecutions) and the Victim Support Service can refer you to appropriate agencies for ongoing counselling. Yarrow Place can offer short-term and ongoing counselling, and provides free seminars on the justice system, including information on giving evidence.

If you need assistance or you have concerns when you attend the court, you can speak to the Sheriff's Officer in the court. Sheriff's Officers are trained to assist persons attending the courts, and can help with the special needs of victims and witnesses.

Some courts have a special waiting room for witnesses who may feel vulnerable when waiting to go into the courtroom. The Sheriff's Officer can assist you to access the room, or, if it is not available, find you a safe place to wait.

The court may allow some witnesses to give their evidence by closed circuit television or videoconferencing from outside the courtroom in some circumstances. Alternatively, a screen can be put between the accused and the witness in the courtroom. Tell the *prosecutor* if you want him or her to make an application to the court for either of these arrangements to be made.

The *magistrate* or *judge* will make a decision on what special protection arrangements can be made. You will be told the decision as soon as it is made. If you want information about this, you can ask the *prosecutor*, Witness Assistance Officer or Sheriff's Officer.

## Court companions

If you want you can have someone come to court and be with you (as a court companion) when you give evidence. You can arrange this through the Witness Assistance Service (Office of the Director of Public Prosecutions) or the (non-government) Victim Support Service. You can also arrange for a friend to do this by talking to the *prosecutor* or the Sheriff's Officer. (A person who is going to give evidence in the case cannot normally be a court companion).

Volunteer court companions are trained by the Victim Support Service to offer information and support to crime victims, their families and friends and to prosecution witnesses. Contact the Victim Support Service if you require a volunteer court companion (see page 53).

If you do not have a companion, you may ask for the Sheriff's Officer to sit near you when you are giving evidence. Tell the Sheriff's Officer before court starts if this is what you want.

## Victim Impact Statement

A **Victim Impact Statement** (VIS) is an important document. It gives you an opportunity to tell the defendant and the court how the crime has affected (or is affecting) you. The court can take this information into account when sentencing the convicted person. It can also take into account your personal circumstances. The court may order the defendant to pay you compensation. If you want the court to consider ordering compensation directly from the defendant you should complete a VIS (see section on compensation page 44).

You do not have to provide a VIS if you do not want to. It is entirely your choice. You can change your mind at any time before submissions on sentence begin. If you choose to make a VIS, you should discuss this with the police investigating officer or prosecutor. If you have been dealing with a Witness Assistance Officer (DPP) you should talk with that person.

You can fill out the **Victim Impact Statement** form or ask the police or another person to do this for you. You can also decide not to fill it out, or ask a victim support service or the Witness Assistance Service to help you with it. The form is available from the police, other justice agencies, victim support organisations or see [www.voc.sa.gov.au](http://www.voc.sa.gov.au).

If you believe it is relevant, you can provide any of the following details:

- Details of the full effects of the crime including financial, social, emotional, psychological and physical harm done or suffered by you or your family.

- Where the crime has resulted in death, you may wish to write about your loved one who was killed – who that person was to you, the life they led, your relationship, and how your life has now changed. You may also include a photograph of the loved one and their date and place of birth.
- If you were injured, a description of those injuries and details of any physical effects the crime has had on you and your family.
- You may wish to comment about changes in lifestyle. For instance, how have your social commitments changed? How has the crime affected your employment/education? Have you had any changes in accommodation?
- You may wish to include details of the financial or economic impact of the crime, for example, lost wages, medical or other treatment expenses and transport costs.
- In the case of property damage, the cost of repairs/replacement.
- Outline any request for compensation directly from the defendant that you wish the judge or magistrate to consider (see section on compensation).
- Any other important information related to the offence that you would like the judge or magistrate to consider during sentencing.

Importantly, you should not use the *Victim Impact Statement* to describe the crime or to abuse the offender (or anyone else).

If a matter takes some time to reach the sentencing stage you may be asked to update your VIS and provide more recent information about the effects of the crime on you. You should keep a copy of your VIS for future reference and to assist you should any updates be required. You must check your statement to make sure it is accurate.

The prosecution, defence counsel, the *defendant* and the judge or magistrate need to see your VIS before it can be presented to the court. The *defendant* is entitled to know about the contents and read it, but is rarely given a copy to keep.

You might be asked questions about the content of your statement by the judge, magistrate or the lawyer representing the convicted person, however this is uncommon. The prosecutor involved will advise you in advance if this is required.

The prosecutor will give your written VIS to the court, or they might speak about your statement when making submissions on the sentence. Unless you are told to come to the court, you do not have to attend court for your VIS to be presented and taken into account by the court. As a victim of crime, you have a right to be present in the court, unless a law prohibits you or the court makes a closed court order.

If you are a victim of an indictable offence or any other offence that results in the death of a loved one or serious harm, you are allowed to read your VIS to the defendant and the court. If you are the victim of any other offence, you can ask the prosecutor to ask the judge or magistrate to allow you to read your VIS to the court. Alternatively, you can ask that someone else be allowed to read your statement to the court. Sometimes the Commissioner for Victims' Rights will read a victim's statement, especially when the victim has no other person to help.

If you want to know more about reading your statement to a court, please ask the investigating officer, prosecutor or Witness Assistance Officer. You can also talk to someone at the Victim Support Services (see page 52); Yarrow Place (Rape & Sexual Assault Services) (see page 53); or one of the other services listed in the booklet on Victim Impact Statements (see [www.voc.sa.gov.au](http://www.voc.sa.gov.au)).

If your VIS is read out in the court, it can be reported in the media. If you do not want this to happen, you should talk with the prosecutor. If you have a Witness Assistance Officer helping you, you should also talk with that officer. The prosecutor might ask the court to order that information from your VIS not be reported by the media.

If your statement is not read out, your VIS goes on the court's file. Unless the court gives permission, a member of the public (including the media) may not inspect or obtain a copy of your written statement. Even if the court allows someone to inspect or copy all or part of your statement, the court can prohibit the publication or use of your statement.

Sometimes the victim's view on a fair and appropriate sentence is useful, so you might choose to suggest a sentence; however, this is for the court to determine. If you want to make a statement about the sentence you would like to see the court impose on the defendant, you should talk with the prosecutor and/or the Witness Assistance Officer. You might, for example, want the court to order that the defendant not contact you or, as mentioned above, order the defendant to compensate you.

Sometimes the defendant will ask the judge or magistrate to take into account another offence or other offences for which he or she has been charged and admits but has not been convicted. If you are the victim of such an offence, you also have the right to make a victim impact statement.

If you are one of many victims, such as happens when a school is destroyed by an arsonist or when a drug-dealer's activities have impacted on a neighbourhood, you may join those affected to make a neighbourhood impact statement. If you want to know more about a neighbourhood impact statement, you should talk to the investigating police officer, prosecutor or Witness Assistance Officer.

## Information about prisoners and other offenders – the Victim Register

The Victim Service Unit in the Department for Correctional Services maintains a Victim Register. Registered victims are entitled to information about the offender if he or she is in prison, if he or she is serving a Community Service Order or a Bond.

In order to register as a victim of crime and be placed on the Victim Register, you need to show that:

- you are a victim of a criminal offence; and
- the offender you wish to register against is under the supervision of the Department for Correctional Services; or
- the offender you wish to register against is in prison in relation to the offence, or offences, for which that person is a victim.

See below for information on how to register.

### **Offender is serving a Community Service Order or Bond**

If you are the victim of crime and the offender is serving a Community Service Order or Bond, you are eligible to apply for information about the order or bond.

You should be told, on request, if the offender was ordered to undertake community service – whether the offender completed the community service; and, if the offender was subject to a bond – whether the conditions of the bond were complied with.

To register as a victims of crime and receive this information, you must be the victim of the offence for which the offender has received the order or bond.

## Offender is in prison

If the offender is in prison, a registered victim is entitled to the following information:

- the name of the prison in which the offender is currently imprisoned
- sentence details
- security classifications
- details of any transfer of the offender from one prison to another
- date and circumstances under which the offender will be released (for example, on bail, leave of absence, home detention or parole)
- escape from custody and return to custody.

When a prisoner is reclassified to Low Security, he or she will become eligible for certain programs. A prisoner on a leave program could be in the community, either accompanied or unaccompanied, for a limited time, under certain conditions. Leave could be granted for **home detention**, education, employment or other programs in preparation for returning to society.

Before a prisoner is able to participate in any of these pre-release programs, staff from the Department for Correctional Services will contact you. They will tell you what is involved in the proposed program(s). They will also discuss with you any conditions or restrictions that need to be made to the prisoner's leave. Your comments are very important in helping the Department for Correctional Services to decide the conditions under which a prisoner may have leave to go into the community. **However, you do need to be on the Victim Register if you want the opportunity to have this information, and to comment on the Department's plans for the offender.**

Certain emergency leaves may be granted to a prisoner at any security classification. For example, a prisoner may be granted leave under supervision to attend the funeral of a close relative. It may not always be possible to contact persons on the Register before such leave is granted.

### **How to register**

You can have your name placed on the Register by approaching the Victim Services Unit in the Department for Correctional Services (phone 8226 9067). The application form is also downloadable, see: [www.voc.sa.gov.au](http://www.voc.sa.gov.au). Only the Unit and, when appropriate, the Parole Board have access to your details. This ensures confidentiality. The person who committed, or is accused of committing, the offence cannot get hold of your details.

Before you are listed on the Victim Register, the Department will check details of the *offence* and of you with the police.

### **Making a submission to the Parole Board**

If you are listed on the Victim Register, there will be an opportunity for you to make a submission to the Parole Board in writing or, by prior arrangement with the Board, in person before the prisoner is released on *parole*.

There are no hard and fast rules about what can be included in a victim's submission. Your submission could include the following:

- if you have specific areas of concern (such as worry that the prisoner will try to contact you), you might request that certain locations or areas be noted in the conditions as restricted areas for the prisoner
- you might have outstanding issues that you feel should be brought to the Board's attention (for example, copies of Restraining Orders or other Family Court Orders that may be relevant); or

- you might mention continuing issues relating to the impact of the offence on you and your family.

Please note that the Parole Board cannot re-sentence the prisoner. The Parole Board's role is to:

- hear parole applications and decide whether a prisoner is released on parole
- set parole conditions
- monitor the progress of those on parole
- hear breaches of parole conditions and determine what action is to be taken; and
- to undertake Prisoner Reviews.

If you want to make a submission you should write to the Secretary, Parole Board of South Australia, 181 Flinders Street, Adelaide, 5000. **If you want to make a submission in-person, you should also contact the Secretary.**

All submissions to the Parole Board are confidential and prisoners will not have access to them under **any** circumstances. If, however, information from your submission is used to justify the Parole Board's decision and the prisoner asks for an explanation of that decision, the Board will summarise the relevant information in its report to the prisoner.

If the prisoner is paroled, and your name is on the Victim Register, you will be told his or her release date. You will be told of anything the prisoner must, or must not, do concerning you. For example, you will be told if the prisoner has to stay away from you, and what happens if he or she does come near you.

More information on victims' rights and parole is available on the website of the Commissioner for Victims' Rights [www.voc.sa.gov.au](http://www.voc.sa.gov.au).

## Forensic Mental Health – Victim Register

Forensic Mental Health is a specialist area of the mental health system in South Australia that provides services to meet the needs of offenders with mental disorders, including: rehabilitation services; and, mental health services provided within custodial settings as well as mental health services within the community (see page 27).

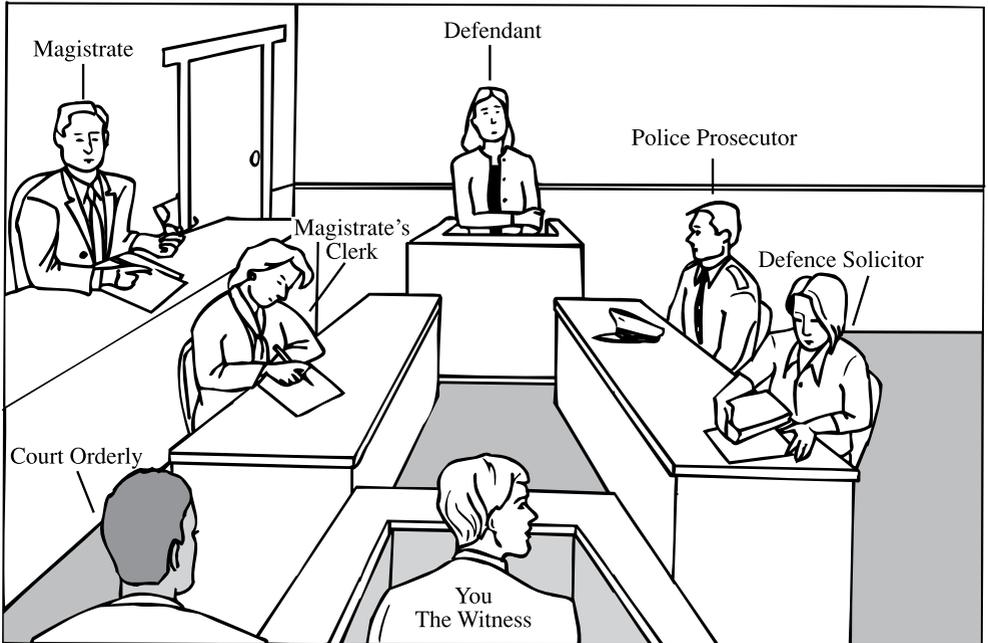
Forensic Mental Health also incorporates the Forensic Court Service, which provides services to the victims of the offenders conduct, including preparing reports for criminal courts on the views of the victim (if any) of the offender's conduct; and if a victim was killed as a result of the offender's conduct—the next of kin of the victim. Forensic Mental Health also help the victim and the victim's next of kin identify and, as necessary access, counselling services.

### **Registered victims**

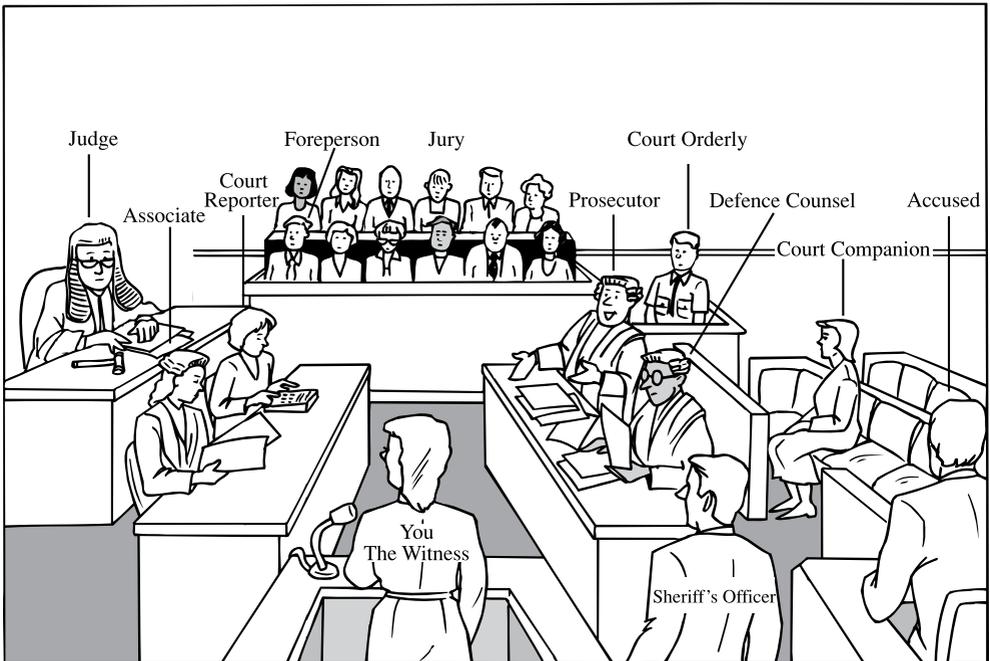
The Victim Register Coordinator is a member of the Forensic Court Service. The Coordinator maintains a Register of victims and victims' next of kin. The Co-ordinator notifies registered victims on key information affecting them, including court decisions relating to forensic offenders, prospective release dates, escapes from detention and re-admissions, as well as when forensic offender's term in detention and/or under supervision ends. Further, the Co-ordinator advises registered victims on their rights such as the right to make submissions concerning the possible release or grant of leave to a forensic offender.

To register or make an enquiry about the Victim Register telephone (08) 7425 6282.

## Magistrates Court



## District or Supreme Court



## Compensation

You may be able to claim compensation for your injuries or losses. This compensation could come from a number of sources. These are explained below.

A child victim of crime may apply for compensation like any other victim of crime who has suffered an injury.

It is important for you to keep all of the police reports and medical reports and any receipts for expenses that result from the crime. It is also important that you report the offence in a reasonable time, provide the police with any information they need so that they can investigate the crime or prosecute the offender, and cooperate as much as you can with the investigation and prosecution.

Each of the following types of compensation has its own application process. The compensation you may be paid by one source may reduce any compensation payable by another source.

### Compensation directly from the offender (criminal court)

At the time when the offender is *sentenced*, the court may order that he or she compensate you. This compensation can be for injury to your physical or mental wellbeing, or for damage to your property. The *prosecutor* may make an application on your behalf if you choose to seek compensation at this stage, direct from the offender. However, it is up to the court whether or not to make an order for compensation.

The court needs to know all the details of the injuries, and of any loss or damage caused by the offender. The police will usually pass these on to the court. However, if you are attending court, bring the details with you. You may need to discuss them with the *prosecutor*.

If the court does order compensation, you will be told by the court how the offender will pay the compensation as the terms of payment may vary from case to case (for example, it may be paid in instalments). If the offender can't or won't pay, the court may take action. If the offender is not able to pay, the court may order the offender to perform community service instead of paying compensation to you.

You must not try to contact the offender about payments. If you have any questions to ask, you must contact the court in which the offender was *sentenced*. (Details can be found in the White Pages of the phone book under 'Courts [State]').

You will probably not receive compensation by this means unless the offender has enough income or assets to pay you in accordance with the order.

### Suing the offender (civil action)

You may have the right to sue the offender in the civil courts. This is only worthwhile if the offender is able to pay compensation and legal fees. If you wish to take this action, you should see a lawyer or legal aid.

### Victims compensation (state funded)

There are some circumstances in which a victim of crime (or the near relative of someone who died as a result of a crime) can claim money from the Government to go some way towards compensating for injury. **Injury can include mental illness, shock, or pregnancy if they are a result of the crime, but does not include property loss or damage.** For example, it will not cover the cost of replacing a stolen car or items burgled from a home, nor clothing or personal belongings damaged in an assault.

You do not necessarily need to know who the offender was, or wait for the offender to be convicted of the crime, to apply for compensation. However, you do have to make

the claim **within 3 years of the offence, or 1 year if the victim of the offence died. However, for children, the time limits start when they turn 18.**

Compensation is initially paid from public funds, but the Government can require the offender to pay it back, if he or she is able to. You should discuss this in greater detail with your lawyer when asking him or her to make your victims compensation claim.

If you need money urgently, you might be entitled to an interim (or emergency) payment. You can get advice on interim payments from your lawyer. If you are granted an interim payment, this amount will be deducted from any other compensation you receive under the victims compensation scheme.

The victims compensation scheme is there to provide help when you cannot receive it from any other source. If you have other sources of compensation available to you (such as insurance or Return To Work), the victims compensation payable to you may be reduced accordingly.

## How much can be claimed

You can claim compensation for pain and suffering, financial losses such as loss of earnings or reduced ability to earn, and for past and future treatment costs. If your claim is accepted, the amount you will receive will depend on several factors:

- when the offence happened
- how severe the injury was (or is)
- whether you are found to have contributed to the offence or to the injury
- whether you co-operated with the police investigation and prosecution; and,
- for offences after 1 January 2003, whether you have taken reasonable steps to keep your loss to a minimum.

How much compensation is payable depends on the date of the offence and the law on that date. For offences committed:

- Between 1969 and 1974 the maximum payable is \$1,000.
- Between 1975 and 1977 the maximum payable is \$2,000.
- Between 1978 and 31 July 1987 the maximum payable is \$10,000.
- Between 1 August 1987 and 30 August 1990 the maximum payable is \$20,000.
- Between 1 September 1990 and 30 June 2015 the maximum payable is \$50,000.
- Since 1 July 2015 the maximum payable is \$100,000.

The rules about the amount you might be paid as compensation also depend on the date of the offence. For example, for offences committed since 1 September 1990, the amount of compensation for financial loss is calculated as follows:

- For claims up to \$2,000 - that amount.
- For claims exceeding \$2,000 - the sum of \$2,000 plus a fraction (usually  $\frac{3}{4}$  or 75%) of the balance of the claim as assessed.

The amount of compensation for non-financial loss is calculated as follows:

- For offences committed between 1 September 1990 and 30 June 2015, a claim for pain and suffering is assessed on a 0-50 points scale (with 50 points being the most serious possible injury).
- For offences committed since 1 July 2015, a claim for pain and suffering is assessed on a 0-60 point scale (with 60 points being the most serious possible injury).

A claim must be assessed as greater than 2-points on either scale if compensation for such injury is to be paid.

Should you be eligible for compensation the total payable for financial loss and non-financial loss cannot exceed the prescribed maximum.

In homicide cases, a spouse of the deceased victim, a parent of a deceased child (who was under 18 years of age when killed), or a child (under 18 years of age) whose parent is killed might also be eligible for a grief payment. The person who pays for the deceased homicide victim's funeral might be eligible for reimbursement of some or all of the funeral expenses. The sum payable depends on the date of the homicide.

If you believe you might be entitled to compensation, grief and/or funeral expenses, you should consult a lawyer.

The Victim Support Service, the Law Society of South Australia or the Commissioner for Victims' Rights can refer you to a lawyer practising in this area. Inquiries may also be directed to the Attorney-Generals Department, Victims Compensation Section, phone 8207 1687; or the Court Administration Authority, Victims Compensation Applications, phone 8204 0287.

The Legal Services Commission publishes the Law Handbook On-line, which includes information on victims compensation, see: [www.lawhandbook.sa.gov.au](http://www.lawhandbook.sa.gov.au).

A victim who does not suffer an injury, or whose injury is of only a minor or temporary nature, may not be entitled to compensation, but may still be able to apply for some assistance. Payments can be made from the Fund in the Attorney-General's discretion to help victims to recover from the effects of the crime on their daily lives. For example, a victim who is traumatised by a death threat could ask to be assisted with home or personal security measures. The Commissioner for Victims' Rights

(phone 8204 9635) or the Victim Support Service (phone 1800 VICTIM (1800 842846)) can provide more information and help you to apply.

## Household insurance

Contact your insurance company and the police as soon as possible (preferably the same day) in the event of a break in or burglary. Tell them what happened. The insurance company may post a claim form out to you, or they may send out an insurance assessor to work out how much you can claim. They may need details of where and when you reported the crime to the police. If you took too long to report the crime to the police, the insurance company may refuse to pay you.

## Workers rehabilitation and compensation

If you are a victim of crime at work, you should ask about your worker's compensation entitlements as soon as possible after the incident. Your employer (or their claims agent), health and safety officer, your elected health and safety representative (if applicable) or a union official, lawyer or even your doctor should be able to help. If you were injured during the incident, you must report this to your employer.

Return to Work Corporation also can help. You can phone Return to Work on 13 18 55 during office hours.

## Motor vehicle accident compensation

Whenever an injury or death results from a motor vehicle accident, the third party and comprehensive insurers must be notified as soon as possible. Both the owner and the driver are guilty of an offence if this does not happen.

If your injury or loss involved the use of a motor vehicle you should seek further advice from a lawyer, your insurance company, or Allianz Insurance (phone 1300 137 331) in relation to compulsory third party insurance.

## Who can help?

### Support services for victims of crime

#### **Child Protection Services**

Child Protection Services (CPS) see children where there is a suspicion of physical, emotional or sexual abuse or neglect. Referrals come from the police, hospitals, doctors, social workers, courts, parents and relatives.

CPS provides consultation, assessment, medical examinations and therapy.

Phone CPS, Women's and Children's Hospital: 8161 7346  
Flinders Medical Centre: 8204 5511

#### **Commissioner for Victims' Rights**

The Commissioner is an independent statutory officer who helps victims in their dealings with the criminal justice system, public officials and public agencies; as well as, consults public officials and public agencies on their treatment of victims. The Commissioner can recommend public officials and public agencies make a written apology if they have not treated victims properly. If you are unsure of your rights you can contact the Commissioner for Victims' Rights.

Phone: 8204 9635  
Email: [victimsofcrime@sa.gov.au](mailto:victimsofcrime@sa.gov.au)  
Web: [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

#### **Coroner's Court Social Worker**

Phone: 8204 0600 during office hours.  
Email: [coroner@courts.sa.gov.au](mailto:coroner@courts.sa.gov.au)

The Coroner's Court Social Worker provides counselling and support in the time following a person's death. This may include information about helping children cope with death. The social worker also provides information on the Coroners Court and helps with preparations for inquests.

### **Department for Correctional Services Victim Services Unit**

Phone: 8226 9067 or 8226 9704 during office hours.

Email: [dcs@sa.gov.au](mailto:dcs@sa.gov.au)

Web: [www.corrections.sa.gov.au](http://www.corrections.sa.gov.au)

The Victim Services Unit in the Department for Correctional Services recognizes that victims of crime may wish to be informed of the offender/s' progress whilst in custody and supervision of the Department. Registered victims are provided with timely and accurate information.

### **Domestic Violence Helpline**

Phone: 1800 RESPECT (1800 737 732)

24 hours a day, seven days a week.

Web: [www.1800respect.org.au](http://www.1800respect.org.au)

This service provides telephone counselling support to anyone who is experiencing domestic violence and/or sexual assault.

### **Domestic Violence and Aboriginal Family Violence Gateway**

24 hour free call: 1800 800 098

Web: [www.gatewayservices.org.au](http://www.gatewayservices.org.au)

This service can:

- help you with safe accommodation
- provide telephone counselling
- refer you to other services

## **Homicide Victims Support Group**

The Homicide Victims Support Group (HVSG) is a self-help group that meets on the third Wednesday of every month (except January) at 7pm. The group comprises of individuals and families who have suffered the loss of a family member or friend through homicide (murder or manslaughter).

For further information on the HVSG please contact the mobile number 0424 628 300. For after hours assistance contact Lifeline on 13 11 14.

## **Police Victim Contact Officers**

Phone your Police Local Service Area office, listed in the White Pages of the phone book.

Victim contact officers can provide victims with information about their case or compensation, and can link them to the prosecution authorities and other sections of the police force. They help to protect victims' rights and can provide referrals to victim support agencies.

## **Road Trauma Support Team**

RTST helps people affected by vehicle collisions.

Phone: 1800 069 528

Email: [info@roadtraumasupportsa.com.au](mailto:info@roadtraumasupportsa.com.au)

Web: [www.roadtraumasupportsa.com.au](http://www.roadtraumasupportsa.com.au)

## **Victim Support Service**

The Victim Support Service (VSS) provides free and confidential help to adult victims of crime, witnesses, their family, and friends across South Australia. The VSS is a non-government, non-profit organisation that provides many services including counselling, provision of information about victims' rights and victim compensation, court support and referral to other agencies where

appropriate. Help with interpreters can be organised.

The VSS has an office in Adelaide and offices in seven country areas: Mt Gambier, Murray Bridge, Port Augusta, Port Lincoln, Port Pirie, Riverland and Whyalla.

For support call Helpdesk: 1800 VICTIM (1800 842 846)

Email: [helpdesk@victimsa.org](mailto:helpdesk@victimsa.org)

Web: [www.victimsa.org](http://www.victimsa.org)

### **Witness Assistance Service (WAS)**

Office of the Director of Public Prosecutions

Phone: 8207 1529 during office hours.

Toll Free: 1800 505 404

Web: [www.dpp.sa.gov.au](http://www.dpp.sa.gov.au)

The WAS provides information about, and support during the legal process, and referral to relevant services for victims of crime and their close family members or carers. The WAS is only involved where the DPP has involvement in the case.

### **Yarrow Place Rape and Sexual Assault Service**

Metropolitan callers phone 8226 8777 during office hours, and phone 8226 8787 outside of office hours.

Country callers can call 1800 817 421 anytime.

Yarrow Place provides a variety of services for people both women and men who have experienced a rape or sexual assault at the age of 16 years and above. These services include:

- 24 hour crisis response service for recent rape or sexual assault. This can include medical care, forensic medical examinations, counselling and advocacy.
- Follow up medical care.
- Ongoing counselling for recent and past assaults.
- Counselling services in country regions- Whyalla,

Riverland and Mt Gambier.

- Intensive Therapeutic Care Program for young people aged 12-25 under the Guardianship of the Minister.
- Building Community Capacity through training, seminars and community engagement.
- Support for partners, families and friends.
- Group Work Programs for survivors.

**Note: For young people under the age of 16 years who have experienced a rape or sexual assault, contact the Child Protection Services of either the Women's and Children's Hospital or Flinders Medical Centre.**

## Health, welfare and advocacy services

### Aboriginal Health Services

Aboriginal Family Support Services

Phone: 8205 1500

Web: [www.afss.com.au](http://www.afss.com.au)

Nunkuwarn Yunti of South Australia

Phone: 8406 1600

Weena Mooga Aboriginal Women's Group  
(Ceduna) Phone: 8625 2183

Ceduna Koonibba Aboriginal Health Service Inc.  
Phone: 8626 2600

Pika Wiya Health Service Aboriginal Corporation  
(Port Augusta) Phone: 8642 9999

Nganampa Health Council  
(Alice Springs) Phone: 8952 5300

Information on other services can be obtained from the Aboriginal Services Division, Department of Health.  
Phone: 8226 6344.

### Aged Rights Advocacy Service (ARAS)

Metropolitan callers phone 8232 5377 during office hours.  
Country callers only phone 1800 700 600 during office  
hours (not available on mobile phones).

Web: [www.sa.agedrights/asn.au](http://www.sa.agedrights/asn.au)

A service to assist older people who have experienced any form of abuse from family, friends or anyone close to them. ARAS will support the older person to access the help he or she needs to stop further abuse from occurring.

### **Centre for Intellectual Disability Health**

Phone: 8397 8100 during office hours.

The Centre provides medical, nursing and allied health services. A referral from a GP is preferred but other referrals will be accepted.

### **Child Abuse Report Line (CARL)**

Phone: 13 14 78 at any time.

This is a 24 hour number for notifications of child abuse.

Web: [www.families.sa.gov.au/reporting-child-abuse](http://www.families.sa.gov.au/reporting-child-abuse)

### **Compassionate Friends**

Phone: 0456 820 133

The Compassionate Friends is an organisation which offers support to bereaved parents irrespective of the age of the child at death or the manner of death.

### **Crisis Care**

Phone: 13 16 11 outside of office hours.

Crisis Care is an after hours crisis information service. Qualified social workers and trained volunteers handle all calls. The service is available Statewide.

Crisis Care operates from 4pm to 9am on weekdays and for 24 hours on weekends and public holidays.

### **Ethnic Link Services**

Phone: 8241 0201 during office hours.

Freecall: 1800 648 598

Ethnic Link serves people who are from non-English speaking backgrounds. They can help frail elderly people, younger people with disabilities and those who care for them to get the services they need.

### **Gay and Lesbian Counselling Service**

Phone: (metro) 8334 1623 (country) 1800 182 233.

The service is a free and confidential telephone information and support service for gay, lesbian, bisexual and transgender people.

### **Gay Men's Health**

Phone: 8334 1617 or 1800 671 582.

Web: [www.acsa.org.au](http://www.acsa.org.au)

### **Homelessness Gateway**

Freecall: 1800 003 308

Assist anyone who is homeless or at risk of becoming homeless.

### **Lifeline**

Phone: 13 11 14 at any time.

Web: [www.lifeline.org.au](http://www.lifeline.org.au)

Lifeline provides a 24 hour, seven days a week telephone counselling service for people in crisis. It is also able to provide referrals to other agencies.

### **LGBTIQ - Bfriend**

Phone: 8202 5805 OR 8202 5192

Web: [www.unitingcommunities.org/find-a-service/services/bfriend/](http://www.unitingcommunities.org/find-a-service/services/bfriend/)

Uniting Communities' Bfriend program provides social support for people of all ages who are wondering about their sexuality/gender identity and people who are newly identifying as same sex attracted/gay/lesbian/bisexual/transgender/intersex/queer.

This free service offers peer support, facilitating groups with other newly identifying people, workshops, resources, and opportunities for social connection.

### **Mens Line Australia**

Phone: 1300 78 99 78 at anytime

Web: [www.menslineaus.org.au](http://www.menslineaus.org.au)

Mens Line Australia (MLA) is a professional telephone support information and referral service for men.

### **Migrant Resource Centre**

Phone: 8217 9500 (Adelaide office)

Web: [www.amrc.org.au](http://www.amrc.org.au)

The Migrant Resource Centre assists new arrivals to settle into the social, economic and cultural life of South Australia. They provide specialist support for migrants and refugees in crisis.

Please let the staff at the Centre know if you need an interpreter.

### **Migrant Health Service**

Phone: 8237 3900

The Migrant Health Service provides:

- Medical care - assessments and initial primary care for newly arrived refugees
- Specialist medical and allied health assessment and support for refugees and asylum seekers with complex needs

- Nurse-led clinics including well women, immunisation, daily drop in
- Counselling
- Health information – including health education
- Visiting services including paediatric and optometry.

### **Women’s Information Service**

Metropolitan callers phone: 8303 0590

Country callers phone: 1800 188 158

SMS: 0401 989 860

Email: [wis.sa.gov.au](mailto:wis.sa.gov.au)

Web: [www.officeforwomen.sa.gov.au](http://www.officeforwomen.sa.gov.au)

The Women’s Information Service is a free and confidential information and referral service for all women in South Australia. Women seeking information can call any time between 9 AM and 5 PM Monday through Friday. Women can also visit the service in person Monday, Tuesday, Thursday and Friday from 10am to 4pm.

### **Return to WorkSA.**

Phone: 13 18 55 during office hours

Email: [info@rtwsa.com](mailto:info@rtwsa.com)

Return to WorkSA provides injury prevention and safety awareness information for employers and employees. It also provides compensation, rehabilitation, medical costs and return-to-work initiatives for injured workers, subject to an assessment process.

### **Working Women’s Centre of SA Inc.**

Phone: 8410 6499 during office hours.

Freecall: 1800 652 697

Web: [www.wwcsa.org.au](http://www.wwcsa.org.au)

The Centre is open Mondays, Wednesdays, Thursdays and Fridays. On Tuesdays there is an answering service. It is best to phone to discuss your problem with the enquiry officer first.

The Working Women's Centre provides information, advice and advocacy to women who have experienced problems at work, including sexual harassment, workplace bullying, unfair dismissal and workplace safety issues.

## Legal Services

### **Aboriginal Legal Rights Movement**

Phone: 8113 3777 during office hours.

Freecall: 1800 643 222

Web: [www.alrm.org.au](http://www.alrm.org.au)

The Aboriginal Legal Rights Movement (ALRM) provides free legal information, advice and representation to Aboriginal people. Services for victims of crime include Family Law, Civil Law and Victims Compensation.

There are ALRM offices in Adelaide, Ceduna, Coober Pedy, Murray Bridge, Port Augusta, Port Lincoln and Smithfield.

### **Children's and Youth Legal Service of SA**

Phone: 8342 1800 during office hours.

The Children's and Youth Legal Service of SA is a free legal service for children and young people aged 18 years and younger. It is dedicated to promoting the rights of children and young people through the provision of information and appropriate assistance to manage their legal problems. The service is confidential and is operated in a friendly environment working for the client, on the client's instructions. Whatever information is given remains confidential and is not revealed to anyone, including parents and police.

The service operates through the Adelaide Inner Northern Community Legal Service at Sefton Park. Outreaches are provided in the city, and at Salisbury and Warradale.

## **Community Legal Centres**

Phone South Australia Council of Community Legal Services: 8342 1800  
Web: [www.saccls.org.au](http://www.saccls.org.au)

Community Legal Centres provide advice on a range of matters including family law, property settlements and some civil matters to people who are assessed as being unable to secure legal assistance from other sources. Please contact your local centre.

## **Law Society of South Australia**

Phone: 8229 0200 during office hours.  
Web: [www.lawsociety.sa.asn.au](http://www.lawsociety.sa.asn.au)

The Law Society can refer you to a lawyer for advice. You could also write to the Law Society, GPO Box 2066 Adelaide SA 5001.

## **Legal Services Commission (Legal Aid)**

Telephone Advice Line: 1300 366 424, 9am-4.30pm Monday to Friday. TTY (Telephone Typewriter) is available on-line at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

Free and confidential legal advice by telephone and by appointment. Offices located in Adelaide, Elizabeth, Port Adelaide, Holden Hill, Noarlunga and Whyalla. Referrals to other services where appropriate. Interpreters available on request. Please note that legal aid is not available for victims compensation applications.

## **Women's Legal Service**

Phone: 8221 5553  
Country Callers: 1800 816 349  
Web: [www.wlssa.org.au](http://www.wlssa.org.au)

Mon, Tues, Thurs, Fri, & Sat from 1pm-3pm and on Tuesday evenings from 6pm-8pm.

The Women's Legal Service provides free and confidential legal information, advice and assistance. Referrals to other services are offered where appropriate. Interpreter assisted appointments can be arranged.

## Security advice

### **SAPOL Home Assist Program**

The SAPOL Home Assist Program is a Home and Community Care (HACC) program that is funded by the Commonwealth and State Governments. The aim of the program is to improve home security and personal safety of HACC eligible service users to allow them to remain safely in their homes. SAPOL work together with local Councils, health services and other agencies to support HACC service users.

The program is only available for people who are HACC eligible. To meet the criteria you must be:

- 65 years and over; or
- Aboriginal and Torres Strait Islander (50 years and over); or
- Carers of people who meet these criteria.

For more information please contact the SAPOL Home Assist Coordinator on 7322 3211.

### **Police Crime Prevention Section**

The police can provide information and advice on home, personal and business security.

Please contact your nearest police station or visit

Web: [www.police.sa.gov.au](http://www.police.sa.gov.au)

## Giving feedback or lodging complaints

The Declaration of principles governing the treatment of victims of crime applies to all South Australian public agencies and officials.

If you feel that you have been treated appropriately or wish to make suggestions on how to improve the way victims are treated, your comments are welcome. Please direct your comments or suggestions as explained below.

As a victim of crime, you are entitled to complain if you believe that your rights have not been met and/or that you have been treated inappropriately. If you feel that your rights have not been recognised or have been given inadequate recognition there are a number of things you can do. These are explained below.

### Police officers

You should contact the Victim Contact Officer or a supervising officer at your local police station. Telephone your local police station (see the White Pages).

If you are not satisfied with the response that you receive or you have more than a minor grievance you should contact either:

- The Commissioner of Police, GPO Box 1539 Adelaide SA 5001; or
- Police Ombudsman, GPO Box 464 Adelaide SA 5001. Phone: 8226 8677.

Your opinion is important to the South Australia Police.

As part of the South Australia Police service excellence process you are invited to provide general feedback by visiting the South Australia Police website: [www.police.sa.gov.au](http://www.police.sa.gov.au).

## Public prosecutors

You should write to the Director of Public Prosecutions, GPO Box 464 Adelaide SA 5001.

## Judges

Supreme Court of South Australia: you should write to the Honourable Chief Justice, 1 Gouger Street Adelaide SA 5000.

District Court of South Australia: you should write to His Honour the Chief Judge, GPO Box 2465 Adelaide SA 5001.

## Magistrates

Magistrates Courts in South Australia: you should write to the Chief Magistrate, PO Box 6115 Halifax Street Adelaide SA 5000.

## The Ombudsman

The Ombudsman is an independent officer who can:

- investigate most complaints made about government departments and authorities, and local government councils
- review decisions made about the supply of public information under the Freedom of Information Act
- receive information confidentially from a person who wishes to inform about possible improper or illegal actions in State or local government.

The Ombudsman doesn't have power to investigate complaints about judges, magistrates, prosecutors, the police or the Police Ombudsman.

You can contact Ombudsman SA by phone on 08 8226 8699 (or toll free 1800 182 150), by email to [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au), or by writing to PO Box 3651 Rundle Mall SA 5000.

## Health and Community Services Complaints Commissioner

The Health and Community Services  
Complaints Commissioner:

- helps people – service users, carers and service providers – resolve complaints about health and community services, including child protection services, when a direct approach to the service provider is either unreasonable, or has not succeeded
- covers health and community services across the public, private and non-government sectors
- handles complaints confidentially and impartially monitors and reports complaint trends
- makes recommendations to improve safety and quality
- is an independent statutory officer

You can contact the Health and Community Services Complaints Commissioner enquiry service Monday to Friday 9am-5pm. Phone 08 8226 8666, toll free in regional South Australia 1800 232 007, or fax 08 8266 8620.

## Commissioner for Victims' Rights

The Commissioner is an independent statutory officer who helps victims in their dealings with the criminal justice system, public officials and public agencies; as well as, consults public officials and public agencies on their treatment of victims. The Commissioner can recommend

public officials and public agencies make a written apology if they have not treated victims properly. If you are unsure of your rights (see pages 1-6), you can contact the Commissioner for Victims' Rights.

You can contact the Commissioner for Victims' Rights by phone on 8204 9635, in writing to GPO Box 464 Adelaide SA 5001, or email: [victimsofcrime@sa.gov.au](mailto:victimsofcrime@sa.gov.au)

[www.voc.sa.gov.au](http://www.voc.sa.gov.au)

## Equal Opportunity Commissioner

The Equal Opportunity Commissioner:

- helps people resolve complaints about discrimination in public areas of life, such as employment, goods and services, education, housing and clubs/associations
- takes up complaints for discrimination on the grounds include race, age, sex, sexuality, caring responsibilities, disability, marital status, identify of spouse etc. and victimisation for making a complaint
- handles whistleblowing complaints
- provides education and training to the community on discrimination issues
- handles complaints confidentially and impartially
- is an independent statutory officer
- operates a telephone and face-to-face enquiry service

You can contact the Equal Opportunity Commissioner by phone on 08 8207 1977, 1800 188163 (toll free for regional SA) or 8207 1911 (for deaf, hearing and speech impaired). Located on Level 17, 45 Pirie Street, Adelaide.

[www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)

## The Office of the Training Advocate

The Training Advocate helps people with questions or concerns about vocational education and training, apprenticeships and traineeships, international education, higher education and adult community education. The service is free and confidential. We can assist those who are experiencing difficulties which may be impacting on their study by:

- providing information, advice and advocacy
- investigating complaints relating to training
- monitoring the training system
- supporting people in accessing services relevant to their circumstances
- negotiating alternative options to complete training

You can contact The Office of the Training Advocate by phone on 1800 006 488.

[www.trainingadvocate.sa.gov.au](http://www.trainingadvocate.sa.gov.au)

## ICAC and OPI

Independent Commissioner Against Corruption (ICAC) and the Office for Public Integrity (OPI) preserves, safeguards and enhances confidence in the integrity of public administration in South Australia. The Commissioner identifies and investigates corruption in public administration and prevents or minimises misconduct and maladministration in public administration.

Reports and complaints about corruption should be made to the Office of Public Integrity.

You can contact ICAC by phone on 08 8207 1777, or 1300 782 4889 (Country callers).

[www.icac.sa.gov.au](http://www.icac.sa.gov.au)

## List of legal terms

<b>Accused</b>	See <i>defendant</i> .
<b>Acquit</b>	To find the accused person not guilty at a trial.
<b>Affirmation</b>	A statement that something is true which may be made in place of an <i>oath</i> if an oath is contrary to a person's religious belief or if the person has no religious belief.
<b>Appeal</b>	To take a case to a higher court in order to challenge a decision.
<b>Arraignment</b>	The first appearance of the accused in the District or Supreme Court. This is usually brief and there is no need for the victim to appear at this hearing. The accused must indicate his or her plea to the charge(s) and a time is set for a directions hearing. The accused may also at this time nominate to be tried by a Judge alone instead of by Judge and Jury.
<b>Arrest</b>	To apprehend or take into custody a person suspected of having committed a crime.
<b>Bail</b>	An accused person may be granted bail to allow him or her to go free while awaiting a court hearing. Sometimes money must be offered as a security, or the accused may simply promise (known as entering into a recognisance) to appear in court. Failure to appear is an offence.
<b>Barrister</b>	A lawyer who argues cases in court.
<b>Bond</b>	An agreement to be of good behaviour or a deed under seal in which a person promises to do or refrain from doing certain things. This is sometimes referred to as a recognisance.

<b>Burden of proof</b>	The level of proof required. In criminal cases the prosecution bears the burden of proof beyond reasonable doubt.
<b>Charge</b>	In criminal law, the formal allegation that a person has committed an offence.
<b>Child</b>	A person under 18 years of age.
<b>Committal proceedings</b>	Where a magistrate in a lower court hears evidence on an indictable charge and decides whether the accused is required to stand trial in a higher court.
<b>Contempt of Court</b>	The failure to obey a court order or an act which shows disregard for the authority of the court. A person in contempt may face imprisonment.
<b>Corroborative evidence</b>	Independent evidence that implicates the accused person by connecting him or her with the crime.
<b>Defendant</b>	The person accused of committing the crime. Also known as the accused.
<b>Defence Counsel</b>	The lawyer for the accused.
<b>DPP</b>	Office of the Director of Public Prosecutions, which is an independent authority responsible for prosecuting criminal charges.
<b>Exhibit</b>	A document or physical item tendered as evidence in a court hearing or referred to in an affidavit.
<b>Home detention</b>	A program providing for offenders and bailees to be detained in their homes according to an approved set of curfew conditions, and case managed/supervised according to the conditions of release set by a court, Parole Board, or Prisoner Assessment Committee.

<b>Judge or Magistrate</b>	Presides over the court and may be addressed as “Sir” or “Madam” or “Your Honour”.
<b>Mental impairment</b>	A mental illness, an intellectual disability or a disability or impairment of the mind resulting from senility.
<b>Mental incompetence</b>	A person is mentally incompetent to commit an offence if at the time of the offence, because of a mental impairment they did not know the nature and quality of their behaviour, or they did not know that their behaviour was wrong or they were unable to control their behaviour.
<b>Mental unfitness to stand trial</b>	A person is mentally unfit to stand trial if their mental processes are so impaired that they are not able to understand or respond rationally to the charge or the allegations on which the charge is based or they are unable to provide rational instructions to their legal representative or they are not able to understand the nature of the proceedings or follow the evidence during the course of the trial.
<b>Non-parole period</b>	When a judge imposes a <i>sentence</i> of imprisonment, a non-parole period will also be imposed. This is the minimum period the prisoner will serve before he or she is eligible for release. If this period is greater than five years, the release of the prisoner is dependent on the Parole Board.
<b>Oath</b>	A solemn undertaking or promise to tell the truth, usually sworn on the Bible. An <i>affirmation</i> can be made without formally swearing on the Bible.
<b>Offence</b>	A breach of the criminal law – an illegal act. A crime.
<b>Parole</b>	The probationary release of a prisoner on certain conditions before his or her <i>sentence</i> is finished.

<b>Preliminary examination</b>	See committal proceedings.
<b>Prosecutor</b>	Lawyer or police officer conducting a prosecution.
<b>Recognisance</b>	A bond to secure the performance of an act by the person bound by it, for example, to be of good behaviour.
<b>Sentence</b>	The penalty imposed on the accused if he or she is found guilty of an offence.
<b>Subpoena</b>	A court order for the appearance of a person in court or the production of specified documents to the court.
<b>Summary offence</b>	A minor offence heard and decided in a Magistrates Court and not sent for <i>trial</i> before a judge and jury.
<b>Trial</b>	The court case.
<b>Victim Impact Statement</b>	A document which you prepare and which informs the court what effect the crime has had on you, which is a factor the court should have regard to when determining the sentence. In some special instances a community leader or organisation may prepare the Statement on behalf of a number of people.
<b>Warrant</b>	In criminal law, a legal document that gives authority to a police officer to take the action set out in the warrant.
<b>Witness</b>	A person who gives either an eyewitness account of events about your case or expert evidence upon some matter affecting your case.

	<h2>Notes</h2>
--	----------------

## Common contacts for victims of crime

### Criminal justice

#### **South Australia Police**

Police Victim Contact Officers  
Contact local police station (see the White Pages)

#### **Director of Public Prosecutions**

(including Witness Assistance)  
Phone: 8207 1529

#### **Court Administration Authority**

Metropolitan Area Phone: 8204 2444  
Country Area (phone local court)

#### **Department for Correctional Services**

Victim Services Unit Phone: 8226 9067

### Victim support

#### **Crisis Care**

Phone: 13 1611

#### **Domestic Violence Crisis Service**

Phone: 1300 782 200

#### **Victim Support Service**

Phone: 1800 VICTIM (1800 842 846)

#### **Yarrow Place**

(Rape & Sexual Assault Service)  
Metropolitan Area Phone: 8226 8777  
Country Area Phone: 1800 817 421

### Victims compensation

#### **Attorney-General's Department**

Phone: 8207 1687

#### **Commissioner for Victims' Rights**

Phone: 8204 9635  
See also [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

### Telephone interpreter service

Phone: 1300 655 082

## Your police contact number

**Please keep this information.** It will enable you to contact the police should you require information about your case.

For any enquiry please contact: .....

.....

Telephone:.....

Your report number is: .....

Name: .....

Signed: .....

Rank and No: .....

Station: .....

Date: .....

See also the South Australia Police website, [www.police.sa.gov.au](http://www.police.sa.gov.au).

### Track my crime

#### **To track the status of your crime report online:**

- Download South Australia Police's portal app from Google Play Store or Apple App Store by searching for SAPOL. Once installed, select the Track My Crime icon, or
- Go to SAPOL's website [www.police.sa.gov.au](http://www.police.sa.gov.au) and search for Track My Crime. Enter your police report number and report date to see the status of your crime.



**Government of South Australia**  
Commissioner for Victims' Rights

