



2018-19 Annual Report

Commissioner for Victims' Rights

Level 4, 45 Pirie Street ADELAIDE SA 5000
GPO Box 464 ADELAIDE SA 5001

Web voc.sa.gov.au

Phone 8204 9635

Email victimsofcrime@sa.gov.au

30 September 2019 presented to Attorney-General



Government of South Australia

Commissioner for Victims' Rights

To:

Hon Vickie Chapman MP

Deputy Premier
Attorney-General

This annual report will be presented to Parliament to meet the statutory reporting requirements of *section 16F of the Victims of Crime Act 2001* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Commissioner for Victims' Rights by:

Bronwyn Killmier

Commissioner for Victims' Rights

Date

30/9/19

Signature

BKillmier

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Overview: about the agency

Our strategic focus

Our purpose

The Commissioner for Victims' Rights is an independent statutory office with responsibilities under the *Victims of Crime Act 2001*. The Commissioner helps victims of crime in South Australia in their dealings with the criminal justice system, and ensures victims are treated fairly and respectfully with their rights acknowledged and observed by public agencies and officials.

The Commissioner provides information, advice and support to South Australians who are harmed, and their families and friends, to deal with the physical, emotional and financial impact of crime. The Commissioner also participates in certain criminal proceedings and consults on victims' grievances.

The Commissioner for Victims' Rights monitors laws and policy for the safety, fairness and justice of victims of crime in South Australia.

Our vision

Victims in South Australia are treated fairly and respectfully with their rights acknowledged and observed by public agencies and officials.

Our values

The Commissioner for Victims' Rights services are responsive, inclusive and collaborative.

Our functions, objectives and deliverables

- to give statutory recognition to victims of crime and the harm that they suffer from criminal offending
- to establish principles governing how victims of crime are to be treated by public agencies and officials
- to help victims of crime recover from the effects of criminal offending and to advance their welfare in other ways
- to marshal available government resources so they can be applied for the benefit of victims in the most efficient and effective way
- to assist victims in their dealings with prosecution authorities and other government agencies
- to monitor and review the effect of the law and of court practices and procedures on victims
- to carry out any other functions assigned to the Commissioner under the *Victims of Crime Act 2001*, or under other Act.

Our organisational structure

- Commissioner for Victims' Rights
- Assistant Commissioner for Victims' Rights
- Project Support Officer (Corporate)
- Project Support Officer - 2 x 0.5FTE

Legislation monitored by the agency

Victims of Crime Act 2001

The agency's objectives and performance

Agency objectives	Indicators	Performance
<p>Identify gaps in service delivery, legislation, rights or access to justice and marshal available government and non-government resources so that they can be applied for the benefit of victims in the most efficient and effective way</p>	<p>Identify service gaps</p>	<p>This is being addressed through the work of the Commissioner for Victims' Rights Consultative Committee, and is ongoing.</p>
<p>Develop an engagement plan in collaboration with others to enhance awareness of victims' rights</p>	<ul style="list-style-type: none"> • Develop engagement plan • Implement engagement plan 	<ul style="list-style-type: none"> • Engagement plan developed • Engagement plan implementation – ongoing • Website update – ongoing

<p>Streamline efficient and effective storage and distribution of publications and information to other agencies and the community</p>	<ul style="list-style-type: none"> • Publications updated and re-written in plain English • Publications accessible and produced in multiple formats for different victims and agencies • Website updated and ease of access for the community 	<ul style="list-style-type: none"> • Social media implementation – ongoing. • The ‘Information for Victims of Crime’ Booklet was revised and rewritten in Plain English to ensure greater accessibility. This booklet continues to be provided to South Australia Police (SAPOL) to provide to all victims when they report a crime. It was also uploaded onto the Commissioner for Victims’ Right’s website • The ‘Fighting Fraud, Cybercrime and Scams’ Booklet was revised in conjunction with SAPOL to ensure content was current. The booklet was reprinted and supplied to SAPOL and other agencies and was also uploaded to the Commissioner for Victims’ Right’s website • The ‘Information for People Bereaved by Suicide’ Booklet was updated and reprinted. This booklet continues to be provided to broad range of agencies working in the suicide prevention and postvention space, including the Premier’s Suicide Prevention Council. The revised booklet was uploaded to the Commissioner for Victims’ Right’s website • All public and private primary and secondary schools were supplied with books outlining information about children going to court and suicide booklets were supplied to school counsellors/teachers
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		<ul style="list-style-type: none"> • Website content design is ongoing • Making information more accessible is ongoing.
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NOTE: For the following four agency objectives, there have been changes to counting rules from the 2017-18 annual reporting period. New procedures for data collection have been developed and implemented in the Commissioner for Victims' Rights office midway through the 2018-19 reporting period, which allows for increased accuracy in data capture. The new systems for data collection were implemented in February 2019.

For the **five month** period of February to June 2019 there have been a total of **633** enquiries from victims seeking assistance. **93%** of those matters are completed.

<p>Assist victims in their dealings with prosecution authorities and other government agencies</p>	<ul style="list-style-type: none"> • Number of grievances received • Number of grievances resolved • Number of grievances pending • Type of grievance - victim right • agency grievance refers to • Number of apologies made under section 16(A)(2) • Agency recommended to give apology under section 16(A)(4) 	<p>Some people have a complaint about how they have been treated or supported as a victim of crime. If the victim is not satisfied an agency has resolved their complaint, they can contact the Commissioner for Victims' Rights, who assists victims dealing with public authorities and the justice system, and consults regarding the treatment of victims to ensure that the Declaration of Principles Governing Treatment of Victims has not been violated.</p> <p>In 2018-19 the Commissioner for Victims' Rights received 116 grievances from victims against other agencies.</p> <p>93 matters have been resolved and 23 are pending.</p> <p>Most grievance matters relate to victims not being treated with respect, not being kept informed and not being consulted if charges are downgraded or dismissed.</p> <p>The Commissioner for Victims' Rights has liaised with many</p>
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		<p>agencies to resolve victim grievances including SAPOL, Office of the Director of Public Prosecutions, Crown Solicitors Office, Department for Correctional Services, Courts, Minister for Police and some media agencies.</p> <p>No apologies have been made in 2018-19 under sections 16(A)(2) and 16(A)(4).</p>
<p>Consult with agencies or officials to further the interests of victims in general or a particular victim or class of victim.</p>	<ul style="list-style-type: none"> • Number of victims seeking advocacy • Number resolved • Number pending 	<p>Some victims require assistance in navigating the criminal justice system, and interacting with other agencies. The Commissioner for Victims' Rights can advocate on their behalf.</p> <p>In 2018-19 the Commissioner for Victims' Rights received 104 requests from victims seeking advocacy.</p> <p>96 matters have been resolved and 8 are pending.</p>
<p>Provide discretionary funding to victims when required</p>	<ul style="list-style-type: none"> • Number of discretionary payments made • Number of discretionary payments refused • Reason for discretionary payment 	<p>Each discretionary payment application is assessed before a determination is made by the Commissioner, and includes consultation with SAPOL and other agencies.</p> <p>Of those applications that were approved, below is a snapshot of some of the types of assistance provided to victims:</p> <ul style="list-style-type: none"> ○ Relocation to enable domestic violence victims to stay safe ○ Payment for some emergency medical costs

		<ul style="list-style-type: none"> ○ Additional security to increase the safety of victims of crime in their homes ○ Payment of funerals for victims who have died as a result of murder. <p>The counting rules relating to discretionary payment data collection have been developed, and implemented since February 2019.</p> <p>For the five month period of February to June 2019, there have been 176 applications to the Commissioner for Victims' Rights for discretionary payments, of which 91 applications were approved. The remaining applications were either not approved, or were not eligible.</p>
<p>Assist victims in making submissions to the parole board</p>	<ul style="list-style-type: none"> ● Number of submissions made to the Parole Board regarding life sentenced prisoners ● Number of victims contacted ● Number of other parole board submissions (manslaughter) 	<p>When a life-sentenced prisoner lodges an application for release on parole, the Commissioner for Victims' Rights makes a submission to the Parole Board representing the co-victims or those affected.</p> <p>The Commissioner takes all reasonable steps to contact any co-victims to obtain their views so that their comments can be collated into the submission.</p> <p>All submissions must meet strict timelines to be considered by the Parole Board. Following the Parole Board determination, all co-victims must be contacted and advised of the outcome and any conditions imposed.</p>

		<p>The Commissioner also frequently has contact with SAPOL, DCS Victim Services Unit and the Parole Board in relation to the parole submissions.</p> <p><i>The counting rules relating to parole submissions are still being developed.</i> For the reporting period of July 2018 to June 2019, it is estimated there have been 230 contacts to victims by the Commissioner for Victims' Rights office in relation to 23 parole submissions for life-sentenced prisoners during this period.</p>
<p>Assist victims by preparing community impact statements</p>	<p>Number of community impact statements</p>	<p>There were two Community Impact Statements filed by the Commissioner for Victims' Rights in the South Australian courts:</p> <p>Robert Wagner</p> <p>The Commissioner made this statement on behalf of the family and friends affected by the murders perpetrated by Robert Wagner, as well as the community.</p> <p>The crimes and subsequent protracted criminal proceedings committed by Wagner have left an indelible mark on victims, and their lives are forever changed. The setting of a non-parole period was strongly opposed with a non-parole period not granted by the Supreme Court.</p> <p>This was a successful outcome for victims, and the wider community.</p>

		<p>Darryl Kutcher</p> <p>The Commissioner made this statement on behalf of the community of Jerusalem, who want the drug trafficking and associated anti-social behaviours in their community to stop so that they can resume normal daily life.</p> <p>The legal proceedings for this matter are ongoing.</p>
<p>Develop a clear business strategy with victims at the heart of the strategy, and include evaluation</p>	<ul style="list-style-type: none"> • Develop Business Plan • Develop and collect evaluation criteria • Produce Annual report 	<ul style="list-style-type: none"> • Business Plan developed - ongoing • Evaluation criteria developed – ongoing • 2017-18 Annual report produced.
<p>Form a Commissioners committee on victims’ rights with stakeholders and victims for consultation and advice</p>	<p>Form a consultative committee to invigorate and enhance innovative ways of delivering meaningful services</p>	<p>The Consultative Committee was formed in February 2019.</p> <p>Meetings are held every 6 weeks - ongoing.</p>
<p>Collaborate on policy and service delivery within AGD, across government and non-government agencies and with communities</p>	<p>The Commissioner for Victims’ Rights collaborates and liaises across government and non-government agencies and with communities on policy and service delivery</p>	<p>The Commissioner has collaborated and liaised with many agencies, groups and committees in 2018-19, including:</p> <ul style="list-style-type: none"> • National Victims of Crime Working Group • Offender Management Program • Youth Court Stakeholders

		<ul style="list-style-type: none"> • Witness Assistance Scheme (WAS) ODPP • Homicide Victim Support Group • Victim Support Service • Courts Administration Authority • Department for Corrections • South Australia Police • Commissioner for Children and Young People • Road Trauma Support Team • The Compassionate Friends • Women's and Children's Hospital • Forensic Mental Health • Offender Aid and Rehabilitation Services (OARS).
<p>Implement innovative approaches to streamline processes while maintaining integrity and audit standards</p>	<p>Develop, implement and maintain ethical auditable policies and procedures for the office</p>	<p>Significant changes were required, and have been developed and implemented in the office of the Commissioner for Victims' Rights, to enhance the support given to victims of crime in South Australia.</p> <p>Clear policies and procedures have now been developed and are adhered to by staff.</p>
<p>Develop staff and succession planning</p>	<ul style="list-style-type: none"> • Collect meaningful data and undertake an assessment of workload • Determine staffing needs for efficient and effective management of workload, meeting 	<ul style="list-style-type: none"> • Data collection designed and implemented • Workload assessment complete • Staffing needs assessed, and is ongoing.

	customer service benchmarks	
Develop in partnership innovative ways to deliver accessible information and notifications to the community	<ul style="list-style-type: none"> • Work with AGD re innovative method for all agencies to notify and keep victims informed through the criminal justice system. • Marketing and engagement strategy designed with a focus on education 	<ul style="list-style-type: none"> • Commenced • Ongoing.
Develop and implement electronic management of files, towards a paperless office	<ul style="list-style-type: none"> • Implement systems and process changes • Enable workload and trend information to be collected 	<ul style="list-style-type: none"> • Systems and process changes implemented – ongoing • Workload and trend information is able to be collected – ongoing.
Implement a case management system	<ul style="list-style-type: none"> • Case management system scoped out for tender • system chosen • system implemented 	<ul style="list-style-type: none"> • Complete • Ongoing • Ongoing.

All other information is included in the Attorney-General's Department annual report.



Government of South Australia
Commissioner for Victims' Rights